

House Resources & Conservation Committee

Minutes
2008



MINUTES

HOUSE RESOURCES & CONSERVATION COMMITTEE

DATE: January 9, 2008

TIME: 1:30 P.M.

PLACE: Room 148

MEMBERS PRESENT: Chairman Stevenson, Vice Chairman Wood, Representatives Bell, Barrett, Moyle, Eskridge, Raybould, Andrus, Shepherd (8), Brackett, Wood (27), Vander Woude, Saylor, Pence, Chavez, King, Shively

ABSENT/ EXCUSED: Rep. Bedke

GUESTS: None

The organizational meeting of the Resources & Conservation Committee was called to order at 1:50 p.m. by Chairman Stevenson who welcomed everyone to another Legislative session. He introduced the new Committee Secretary, Sherry McNett as well as Kelsei Moyle (daughter of Rep. Mike Moyle) who will be the Committee Page for the first part of the session.

Chairman Stevenson informed the Committee that it is his desire to start all meetings on time, barring any unforeseen circumstances that may cause a delay. He then reported that the annual Administrative Rules were before the Committee and proceeded to announce the following sub-committee assignments:

Rep. JoAn Wood will chair the Fish & Game Rules
Rep. Bert Brackett will chair the Dept. Of Lands Rules
Rep. Lenore Barrett will chair the Parks & Recreation Rules
Rep. Dell Raybould will chair the Water Resources Rules

These assignments were accepted by those selected to chair them and they will proceed to set up meetings for their prospective sub-committees.

Chairman Stevenson reported that the Idaho Dept. Of Fish & Game is scheduled to present its annual report at the January 15th meeting. He also announced that there will be no Committee meeting on Friday, January 11th.

Chairman Stevenson thanked all those who participated in the meeting. There being no further business, the meeting was adjourned at 2:10 p.m.

Rep. John A. Stevenson, Chairman

Sherry McNett, Secretary

MINUTES

HOUSE RESOURCES & CONSERVATION COMMITTEE

DATE: January 15, 2008

TIME: 1:30 P.M.

PLACE: Room 148

MEMBERS PRESENT: Chairman Stevenson, Vice Chairman Wood, Representatives Bell, Barrett, Moyle, Eskridge, Bedke, Raybould, Andrus, Shepherd (8), Brackett, Wood (27), Vander Woude, Saylor, Pence, Chavez, King, Shively

**ABSENT/
EXCUSED:** None

GUESTS: Please see attached guest list.

The meeting was called to order promptly at 1:30 p.m. by Chairman Stevenson who welcomed all in attendance. The minutes of the previous meeting were read and approved upon a motion by Rep. Raybould.

Chairman Stevenson introduced Cal Groen, the Director the Idaho Fish & Game Dept. (IDFG) and also recognized Cameron Wheeler, a former Representative who is now Chairman of the IDFG Commission. The Chairman then called on Mr. Groen to proceed with presentation of the Fish & Game Annual Report.

Cal Groen Mr. Groen took the podium and stated that the IDFG has unique challenges to deal with such as wolf management, grizzly bear depredation issues, elk harvesting and funding concerns. He then requested that each of the Fish & Game Commission members report on their various regions. Chairman Stevenson was in accordance, and Mr. Groen turned the meeting over to Cameron Wheeler, Chairman of the Idaho Fish & Game Commission.

Cameron Wheeler Mr. Wheeler introduced each member of the Dept.; namely, Fred Trevey of the Clearwater Region; Wayne Wright, Vice-Chairman, from the Magic Valley Region; Bob Barowsky of the Southwest Region, Randall Budge of the Southeast Region, Gary Power of the Salmon Region and Tony McDermott of the Panhandle Region. He then deferred to Fred Trevey to report on issues in the Clearwater Region.

Fred Trevey Mr. Trevey reported that he is new on the Commission, although he has been a life-long outdoorsman. He related that he served for 35 years with the Forest Service before he retired and worked in the private sector for 10 years. Mr. Trevey proceeded to report that elk populations in the Selway and Lolo regions are in trouble due to habitat issues such as invasion of noxious weeds, citing that they are difficult problems to deal with. He described the work done to improve elk herd populations during the last three years.

Mr. Trevey proceeded to discuss the Salmon Fishery and welcomed committee members to come up to northern Idaho to visit. He stated that salmon recovery is an economic advantage to the State and reported that a record number of spring chinook is anticipated this year, based on the number of young males going up river last year.

Cameron Wheeler Mr. Wheeler stood again to report that the Ad Hoc Committee is doing a good job and their interaction with the public has created a “two way street” of communication. He identified numerous factors which can affect acquisition and disposal of land. Sometimes they are able to trade forest land with ranchers, or acquire land through donation, and they have also been dealing with several Indian tribes in Northern Idaho.

Gary Powers Mr. Powers spoke on the wolf issue and provided members of the committee with a map identifying wolf activity areas in the State of Idaho for 2007 as well as Idaho Wolf Statistics. **(Please see handout attached hereto)**. He reported that presently there are approximately 850 wolves in the State of Idaho, forming 80 packs with 42 to 43 pairs. Mr. Powers pointed out that the wolf issue is the most emotional issue which the Dept. has had to face. Further addressing the committee, Mr. Powers reported that delisting of the wolf is scheduled to take place February 28th of this year. The committee discussed the harvest rates, season quotas and the determination thereof. Mr. Powers reported that the primary tool for wolf population management is regulated harvest through standard seasons. Fish & Game sets the seasons and in more livestock populated areas, the takings there would likely be higher than other less populated regions. Mr. Powers again directed the committee to the map on wolf statistics and referred to the graph depicting wolf packs and breeding pairs from 1995-2007 as well as confirmed livestock depredations. When asked if any lawsuits have been filed regarding wolf issues, Mr. Powers reported there are presently about 27 groups lined up to take action.

Tony McDermott Cameron Wheeler took the podium to introduce Mr. McDermott who reported on the controversy surrounding the Farragut Shooting Range which is located at the Southeast end of Lake Pend O’Reille. This controversy involves a group called CARE (Citizens Against Range Expansion) who have filed a lawsuit against the shooting range. Mr. McDermott reported that this group has refused to compromise on the issue and their lawsuit will have a devastating effect on shooting ranges throughout the State. He urged the committee to do all it can to remedy the problem.

**Wayne
Wright**

Mr. Wright reported on the Murphy Complex fire which burned over 650,000 acres of land, creating huge problems to wildlife, as well as the environment. The Governor responded immediately and was very supportive. A restoration project was begun with 1,000 volunteers who helped to collect 3,500 lbs. of sagebrush seed for reseeding which was very helpful.

**Randy
Budge**

Mr. Budge addressed the Mule Deer issue and elaborated on management issues, saying that management is not easy and Mule Deer numbers have been declining, especially in southeast Idaho. He pointed out that improved habitat is the key to this management issue and reported that they have received approval of a ten (10) year management plan. Mr. Budge also referred to a University of Idaho survey which shows that sportsmen want more trophy Mule Deer.

**Bob
Barowsky**

Mr. Barowsky addressed the issue of ATV, 6-wheel, and other motorized vehicles and their impact in wilderness areas. He reported that there are presently around 100,000 ATV's in the State and therefore designation of areas and trails to ride is very important because of potential damage done by the vehicles. He reported the Commission is working to cite and better map designated trail areas for the public. Mr. Barowsky also recognized the need to mark "dead-end" areas on maps so that riders can be better informed and not have to go off road and potentially cause damage to the terrain. He related that some erosion problems have been caused by off road activity. Answering questions, Mr. Barowsky affirmed that there are fines and penalties in place for violations. He also related that there is a joint effort with the Parks and Recreation Department and BLM to formulate and establish trails in areas where they overlap.

**Cameron
Wheeler**

Mr. Wheeler expressed his appreciation to appear before the committee and make this annual report. Chairman Stevenson reminded the committee that the Fish & Game Commission will hold a public meeting Wednesday night at their offices. He thanked all those who participated in the presentation and with no further business, the meeting was adjourned at 3:00 p.m.

Rep. John A. Stevenson, Chairman

Sherry McNett, Secretary

MINUTES

HOUSE RESOURCES & CONSERVATION COMMITTEE

DATE: January 17, 2008

TIME: 1:30 p.m.

PLACE: Room 148

MEMBERS: Chairman Stevenson, Vice Chairman Wood, Representatives Bell, Barrett, Moyle, Eskridge, Bedke, Raybould, Andrus, Shepherd (8), Brackett, Wood (27), Vander Woude, Saylor, Pence, Chavez, King, Shively

**ABSENT/
EXCUSED:** None

GUESTS: Dean Sangrey, Administrator, IDPR; Kim Jackson, Boat Education, IDPR; Brad Smith, Idaho Conservation League; Emily Anderson, Gov.'s Office.

Chairman Stevenson called the meeting to order at 1:30 p.m. He announced that the Minutes of the previous meeting will be read and approved at the next meeting. The Chairman then introduced Dean Sangrey, Division Administrator for the Idaho Dept. Of Parks and Recreation and asked Mr. Sangrey to present the annual report.

Dean Sangrey Mr. Sangrey presented an informative review of the Parks and Recreation activities during the last year. He reported that this will be a banner year for the Dept. as Heyburn State Park will celebrate its centennial year, making it the oldest state park in the Pacific Northwest. Mr. Sangrey announced that official celebrations are scheduled for July 12th and outlined some of the activities that will take place. Further information on this celebration will be posted in the Internet for those interested.

Mr. Sangrey reported that the IDPR focuses on goals and values to stimulate and promote community involvement. The IDPR has two divisions: Operations and Management Services. The Operations Division basically covers trail systems and employs 110 to 112 staff members. The Management Services Division mainly supervises development such as new facilities and handles grant programs on a State basis. Mr. Sangrey pointed out that altogether, there are anywhere from 250 to 300 seasonal staff, most of which are in the parks system. Mr. Sangrey stated that many there are also a number of volunteers who work every year for IDPR. Mr. Sangrey reported that there is a growing need for camp rental cabins and presently there are approximately 45 of them installed throughout the State. He explained that the new computer program for reserving cabins and campgrounds within the parks system has been very successful.

Mr. Sangrey briefly highlighted the safety programs which the IDPR runs which include recreational safety, boating, avalanche, and ATV safety and introduced Ms. Kim Jackson who is a staff member in charge of boating safety. Mr. Sangrey related that efforts to improve customer services is a significant challenge and IDPR addresses that by focusing on building new camp grounds and updating older ones; building new RV facilities, repairing existing facilities and maintaining staff buildings. He emphasized the importance of providing housing for staff as it greatly impacts the number of people who apply for jobs because it is generally seasonal employment.

Presently there are thirty (30) parks with trails in Idaho. Mr. Sangrey stated that there were over four (4) million visitors throughout the parks from 2006 to 2007 which is very significant. He reported that there are approximately 1,400 miles of non-motorized trails which IDPR maintains as well as ski and snowmobile trails. He related that IDPR maintains and grooms about 5,000 miles of snowmobile trails with 42 grooming machines. Registration fees pays for those operating costs.

Chairman Stevenson thanked Mr. Sangrey for a very informative report and called upon him to present RS17328C2.

RS17328C2

Mr. Sangrey presented this proposed legislation which relates to safe vessel operations. He cited several safety elements which this legislation would address, namely, overloaded vessels, provide age restrictions and require mandatory use of cut-off switches in personal watercraft. The Committee responded with a number of inquiries and concerns regarding the impact this legislation would have on families, requiring anyone 14 years or younger to taking an approved boating safety course, carrying proof of such and also if the definition of a water vessel would include rafts, canoes, etc. Mr. Sangrey responded that only motorized watercraft would be affected and stressed the intent was to create a safe atmosphere for personal watercraft users. He cited statistics reporting 1 fatality in 1995 and 24 injuries since that time. The Committee continued a thorough discussion on the issues. Mr. Sangrey concurred that language in the legislation could be better defined.

MOTION:

Rep. Chavez made a motion that RS 17328C2 be introduced to print. Committee discussion continued with Mr. Sangrey.

**SUBSTITUTE
MOTION**

Rep. Raybould presented a Substitute Motion that RS17328C2 be returned to sponsor. A voice vote was taken and the motion passed. Rep. Chavez wished to be recorded as voting "nay".

RS17330 Mr. Dean Sangrey presented this proposed legislation which he described as a "housekeeping" measure which would provide consistency between State and Federal definitions of an ATV. It would define the steering and seating design of ATV's and also modify the acceptable width of them. There would be no fiscal impact on this measure.

MOTION: A motion to introduce RS17330 was made by Rep. JoAn Wood (35). Following a short discussion, a voice vote was taken and the motion passed unanimously.

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

Rep. John A. Stevenson, Chairman

Sherry McNett, Secretary

MINUTES

HOUSE RESOURCES & CONSERVATION COMMITTEE

DATE: January 21, 2008

TIME: 1:30 p.m.

PLACE: Room 148

MEMBERS: Chairman Stevenson, Vice-Chairman Wood (35), Representatives Bell, Barrett, Moyle, Bedke, Raybould, Andrus, Shepherd (8), Brackett, Wood (27) Vander Woude, Saylor, Pence, Chavez, King, Shively

**ABSENT/
EXCUSED:** Rep. Eskridge

GUESTS: Please See Attached Guest Sheet

The meeting was called to order by Chairman Stevenson at 1:30 p.m. He asked the members to read the Minutes of January 15th and January 17th while the secretary took a silent roll.

MINUTES: Having read the Minutes of the previous two meetings, Rep. Pence moved that both sets of Minutes be approved as written. The motion passed on a voice vote.

Chairman Stevenson informed the committee that the meeting would proceed as outlined on the Agenda. He called on Rep. JoAn Wood (35) to present her sub-committee report on the Dept of Fish and Game Rules.

Rep Wood (35) informed the committee that her sub-committee had thoroughly studied the Idaho Dept. Of Fish and Game Rules and recommended that they be approved. Her sub-committee also approved the Minutes of that meeting held on January 10, 2008.

MOTION: Rep. Wood made a motion to accept the following Idaho Fish and Game Rules: Docket No. 13-0104-0701, Docket No. 13-0108-0701, Docket No. 13-0109-0701, and Docket No. 13-0112-0701. The **MOTION PASSED** unanimously.

Chairman Stevenson called on Rep. Barrett to proceed with her sub-committee report.

Rep. Barrett reported that her sub-committee had met regarding Docket No. 26-0120-0701 and Docket No. 26-0130-0701 of the Parks and Recreation Rules. After a thorough hearing, their recommendation was that **Docket No. 26-0120-0701 BE APPROVED**. However, after studying

and evaluating Docket No. 26-0130-070, it was the sub-committee's recommendation that **Docket No. 26-0130-0701 BE REJECTED**. Rep. Barrett clarified their decision saying it was the sub-committee's consensus that these rules dealing with negligent operation of water vessels need to go back to "the drawing board" to be fine-tuned. The Minutes of the Barrett Sub-Committee were approved by the members.

MOTION: Rep. Barrett moved that the full committee accept the report and recommendations of the sub-committee. Chairman Stevenson called for a voice vote and the **MOTION PASSED** unanimously.

Chairman Stevenson next called on Rep. Brackett as Chairman for the sub-committee which studied the Rules from the Idaho Dept. Of Lands.

Rep. Brackett prefaced his report by stating that an agreement had been reached on **Docket 20-0304-0701**, one of the Rules which had previously been rejected by the sub-committee. He asked that further explanation of this docket be deferred until arrival of Russ Westerberg, one of the key opponents of this Rule. Chairman Stevenson concurred and Rep. Brackett continued his report.

Rep. Brackett stated that the sub-committee had completed its review of pending Rules from the Idaho Dept. Of Lands and recommends that **Docket 20-0206-0701 and Docket 20-0212-0701 BE APPROVED**. It was the sub-committee's recommendation that **Docket 20-0304-0701 BE REJECTED**. *(However, as previously stated, a compromise has been reached to settle the conflict on this Docket and those concerns were later addressed before the full committee.)*

Rep. Brackett explained that the sub-committee had voted to send **Docket 20-0317-0701 BACK TO THE FULL COMMITTEE WITHOUT RECOMMENDATION**. Therefore, this Docket is scheduled to be heard before the full committee today.

MOTION: Rep. Chavez moved that the report of the Brackett sub-committee be accepted. A voice vote was taken and the **MOTION PASSED** unanimously.

Docket 20-0317-0701 Chairman Stevenson introduced George Bacon, Director of the Dept. Of Lands and asked him to address Docket No. 20-0317-0701.

Mr. Bacon stood to address these Rules Governing Leases on State-Owned Submerged Lands and Formerly Submerged Lands. He began by explaining that there are endowment lands and public trust lands. He explained that these proposed rules deal only with public trust lands and emphasized that the State has a mandate to manage public trust lands which include commercial marinas, large docks, navigational lakes,

rivers, etc. which are covered by lease and approved by the Land Board. Mr. Bacon then introduced Eric Wilson, Program Manager, to further outline and explain these Rules.

Eric Wilson related these rules address two main purposes: 1) to provide continuity between IDAPA 20-0304-0701 by changing and expanding definitions and, 2) to clarify the methods for determining rental rates and add yearly reporting requirements which will assist the department in determining current market rental rates and ensure that lessees are maintaining proper insurance coverage. These rules also address other significant issues associated with development pressures, escalating resource demands, increased property values and the economics of marina operation. Mr. Wilson proceeded to discuss the fee structure and passed out an Income and Expense Chart which was similar to the one presented to the Brackett Sub-Committee. **(Please see document attached)**. The committee discussed this chart depicting fee structures for single family, two family and commercial docks as well as inflation factors. Fees for single family and two family encroachment permits would be raised from \$50 to \$250. Responding to the committee's concern over this large increase, Mr. Wilson explained that permit fees are paid only once in the lifetime of the single or two family dock owner. Mr. Wilson stressed that the current program has been a drain on the general fund for a number of years. By increasing permit fees, the program could become self-sustaining which is their optimum goal. The committee discussed private property protection rights, infringement and encroachment issues. Mr. Wilson explained that these rules would allow a mix of private and commercial uses and would not infringe on property rights. He further advised that encroachment standards are centralized in the new rules and expanded to address issues such as float home sanitation, demotion, and allowing some private moorage at commercial marinas. Further responding to committee questions, Mr. Wilson explained that "fair market" values for submerged lands are determined by the value of uplands adjacent to the lake. The committee expressed concern over the direction these proposed rules may have on future development of private or commercial docks as well as the ability to preserve public access to waterways.

Chairman Stevenson called on Bonnie Butler, representing the Governor's office to report on the Governor's position, if any, on this issue. Ms. Butler reported that the Land Board approves this Rule and has the Governor's support.

MOTION: Rep. Bedke presented a **Motion to Accept Docket 20-0317-0701**. Further discussion on the motion followed.

SUBSTITUTE MOTION: A **Substitute Motion to Reject Docket 20-0317-0701** was presented by Rep. Barrett. A Roll Call Vote was taken and the **MOTION FAILED** by a vote of 12 to 4. Representatives Barrett and Chavez wish to be recorded as voting "No".

MOTION: The Substitute Motion having failed, a vote was taken on the original **Motion to Accept Docket 20-0317-0701**. The **MOTION PASSED**.

DOCKET 20-0304-0701 Chairman Stevenson reminded the committee that a compromise had been reached on this Docket Rule which had been rejected in the Bracket Sub-Committee. He then called on Russell Westerberg to advise the committee of the agreement reached.

Mr. Russell Westerberg, representing Hagedone Hospitality Company, took the podium to advise the committee that after meeting with Mr. Bacon, the Land Board has addressed Hagedone's concerns which will be revisited later this summer. Therefore, Mr. Westerberg withdrew his objections to this Rule and asked the committee to proceed.

MOTION: Rep. Brackett made the motion to accept **DOCKET 20-0304-0701**. A voice vote was taken and the **MOTION PASSED**.

DOCKET 37-0301-0701 Chairman Stevenson announced that the Director of the Idaho Dept. of Water Resources has asked that this pending Fee Rule be rejected by the committee because they are still working on language for adjudication.

MOTION: Rep. Raybould made a **MOTION TO REJECT DOCKET 37-0301-0701**. The **MOTION PASSED** unanimously.

ADJOURN: Chairman Stevenson adjourned the meeting at 3:00 p.m.

Rep. John A. Stevenson, Chairman

Sherry McNett, Secretary

MINUTES

HOUSE RESOURCES & CONSERVATION COMMITTEE

DATE: January 23, 2008

TIME: 1:30 p.m.

PLACE: Room 148

MEMBERS: Chairman Stevenson, Vice-Chairman Wood (35), Representatives Bell, Barrett, Eskridge, Bedke, Raybould, Andrus, Shepherd (8), Brackett, Wood (27) Vander Woude, Saylor, Pence, Chavez, King, Shively

**ABSENT/
EXCUSED:** Rep. Moyle

GUESTS: Please See Attached Guest Sheet

The meeting was called to order at 1:30 p.m. by Chairman Stevenson as he welcomed members and guests to the meeting. The Chairman asked the secretary to take a silent roll as the committee read the Minutes of the previous meeting.

MOTION: Rep. Fred Wood (27) made a motion to accept the Minutes of January 21st as written. Upon a voice vote, the **MOTION PASSED**.

Chairman Stevenson informed the committee that the Soil Conservation District would present its annual report at the meeting on Friday. The members decided to meet Friday upon adjournment of the House. Chairman Stevenson then called on George Bacon, Director of the Idaho Department of Lands to represent his report.

Mr. Bacon took the podium to present the annual report of the Idaho Department of Lands. He provided each member of the committee with a handout "Summary" from the department and briefly outlined the history of this agency, its statutory authority and purpose. **(See handout attached)** Administration of endowment lands is charged to the State Board of Land Commissioners by the Idaho Constitution with the Board being composed of the Governor, Sec. Of State, Attorney General, State Controller, and Superintendent of Public Instruction serving as trustees to the Endowment Trust. The Dept. has a staff of about 266 employees at staff offices in Boise and Coeur d'Alene and in fourteen (14) supervisory areas across the State. Mr. Bacon gave a brief synopsis of the endowment revenue and expenses for 2007. Endowment revenues are produced from management activities such as timber sales and leases for range land, cropland, mining, recreation and commercial properties. He referred the members to a chart depicting monies in the Earnings Reserve, Permanent Funds, Total

Receipts, and Expenses for the years 2004, 2005, 2006 and 2007. Mr. Bacon outlined the Forest Resources Management Program saying that it provides technical guidance, develops administrative procedures and maintains a system of review for all programs relating to the protection, administration, improvement and utilization of the forest resources on State and private lands. These services include:

1. Offering an annual timber sale program of 212,000,000 board feet from State endowment trust lands and supervising the harvesting and measurement of these forest products.
2. Implementing an intensive forest improvement program to enhance the productive capacity and manageability of State endowment lands.
3. Providing technical forest management assistance for private woodland owners.
4. Administering the Idaho Forest Practices Act.
5. Collecting and disseminating information of forest pests and directing control efforts to protect State and private forests from insects and disease.
6. Providing assistance to Idaho's communities to develop urban forestry programs.

Mr. Bacon informed the committee that the agency presently manages two and a half million acres of land. He also reported that last year's fire season was the worst on record in the State as far as acreage burned (68,675) and will greatly affect timber sales. Mr. Bacon related that timber sells anywhere from \$250 to as high as \$400 per 1,000 board feet depending on the type of timber being harvested. The committee questioned the prognosis of timber sales as well as federal land issues that sometimes affect Idaho's forest industry.

Chairman Stevenson thanked Mr. Bacon for a very comprehensive report and called upon him to present the next item of business on the Agenda.

RS17334

Mr. Bacon explained the need for this legislation which would increase the leasing of cottage sites to thirty (30) years which more closely coincides with a conventional home mortgage. Presently, the law restricts residential leasing for cottage sites to ten (10) years. Mr. Bacon passed out a letter from the Payette Lake Cabin Owners Association who support this legislation. A copy of the Fannie Mae Loan Guidelines was attached thereto. As outlined in this information, the underwriting guidelines call for a lease term of at least five (5) years beyond the maturity date of the mortgage, making it harder for an applicant to qualify for conventional financing under the present system. Mr. Bacon reported that an additional five (5) years may need to be added to this legislation if it is printed.

- MOTION:** Rep. Bedke moved to **introduce RS17334**. There being no further discussion, a vote was taken and the **MOTION PASSED**.
- RS17336** Mr. Bacon presented this legislation which deals with qualifications of appointees to the State Board of Scaling Practices. The present interpretation of the law requires that a member of the board "have" or previously have had a scaling license. Passage of this legislation would merely revise and make clear the requirements for appointees to the Board.
- MOTION** Rep. Bell presented a motion to **introduce RS17336**. The **MOTION PASSED** upon a voice vote.
- RS17339** Mr. Bacon described this proposed legislation as a "cleanup bill" which changes the name from "State" to "Idaho" board of scaling practices to make the name more identifiable to areas outside the State of Idaho.
- MOTION:** Rep. Bedke moved to **introduce RS17339**. A voice vote was taken and the **MOTION PASSED**.
- RS17644** Presenting this proposed legislation was Rep. Raybould who explained that its purpose is to provide for a statewide comprehensive aquifer planning and management effort over a ten (10) year period, beginning in fiscal year 2009. This plan would be funded by the State. Rep. Raybould stressed that with water becoming more scarce, the need to develop an aquifer plan for Idaho is crucial.
- MOTION:** Rep. JoAn Wood (35) made a motion to **introduce RS17644**. The **MOTION PASSED** upon a voice vote. Rep. Eskridge wished to be recorded as voting "No".
- ADJOURN:** Chairman Stevenson thanked all those who participated and reminded the committee that it will meet Friday upon adjournment. All business having been concluded, the meeting was adjourned at 2:20 p.m.

Rep. John A. Stevenson, Chairman

Sherry McNett, Secretary

MINUTES

HOUSE RESOURCES & CONSERVATION COMMITTEE

DATE: January 25, 2008

TIME: 11:50 a.m.

PLACE: Room 148

MEMBERS: Chairman Stevenson, Representatives Bell, Barrett, Moyle, Eskridge, Raybould, Andrus, Shepherd (8), Brackett, Wood (27) Vander Woude, Saylor, Pence, Chavez, King, Shively

**ABSENT/
EXCUSED:** Vice-Chairman Wood (35), Rep. Bedke

GUESTS: Please See Attached Guest Sheet

The committee met upon adjournment of the House with Chairman Stevenson calling the meeting to order at 11:50 a.m. The Minutes of the previous meeting were read and approved upon a Motion by Rep. Pence. Chairman Stevenson announced the first item of business would be to hear **RS 17715** and explained that this proposed legislation mirrors the previous RS heard in Wednesday's meeting with the exception of the appropriation language. That RS has been printed and is now HB 404.

MOTION: Rep. Raybould presented a **MOTION TO HOLD HB 404** in committee, as the sponsors have been informed that the appropriation language it contains must come through the Joint Finance and Appropriations Committee. The **MOTION PASSED** unanimously on a voice vote.

RS 17715 Rep. Raybould reported the purpose of this legislation is to conduct a statewide aquifer planning and management study over a ten (10) year period beginning in fiscal year 2009. He reiterated that this proposed legislation is identical to the previous RS the committee heard and passed earlier, BUT without the appropriation language. He stressed that the monies appropriated for the study are intended to fund only the aquifer planning and management effort and are NOT to be used for any adjudication purposes.

MOTION: Rep. Chavez made a motion to introduce RS17715. There being no further discussion, the **MOTION PASSED**. Rep. Eskridge wished to be recorded as voting "no".

Chairman Stevenson announced that the Idaho Association of Soil Conservation Districts (IASCD) would make its annual presentation and introduced Steve Miller, its President.

Steve Miller took the podium and introduced Kent Foster, Executive Director, Wayne Newbill, OnePlan Coordinator, and Scott Koberg, Ada SWCD Manager. He briefly profiled the foundation of the (IASCD), then turned the time over to Scott Koberg who began a Power Point presentation on Total Maximum Daily Loads, better known as "TMDL"(s). Mr. Koberg directed the committee to a handout in their folders if they wished to take notes (**see attachment**) and proceeded to discuss water quality history in the United States, and the Clean Water Act of 1972. He pointed out that the Clean Water Act had two major purposes, 1) to provide for the protection and propagation of fish, shellfish and wildlife and, 2) to provide for recreation in and on the water. He proceeded to discuss Idaho's TMDL history, EPA's role and the Legislature's passage in 1995 of SB 1284 which created Basin Advisory Groups (BAGS) and Watershed Advisory Groups (WAGS) and made the ISCC responsible for agriculture and grazing. Mr. Koberg reported that the TMDL process started in 1998 and currently ISCC/IASCD has 25 field staff working full or part time. He discussed Idaho TMDL progress relating to Ag/grazing and reported that 67 out of 72 plans will be completed by the end of the year. Mr. Koberg called attention to an Agricultural Plan Status Map of Idaho outlining the various basins and explained the focus of those areas. Also of interest was the TMDL Watershed Ag Component Implementation Report depicting the status of TMDL's throughout the State and their progress. Mr. Koberg explained that one of their primary goals is to maintain the integrity of Idaho's water. Continuing his PowerPoint presentation, he reported that there are 84 water sheds in Idaho and showed various slides depicting areas before and after conservation work. He concluded his report by outlining the various projects which are in the planning stage and which ISCC/IASCD hopes to implement in the near future.

Chairman Stevenson thanked Mr. Miller, Mr. Koberg, Mr. Newbill and Mr. Foster for their informative report on the activities of ISCC/IASCD as well as their work and commitment to the program.

ADJOURNMENT: There being no further business to come before the committee, the meeting was adjourned at 12:25 p.m.

Rep. John A. Stevenson, Chairman

Sherry McNett, Secretary

MINUTES

HOUSE RESOURCES & CONSERVATION COMMITTEE

DATE: January 29, 2008

TIME: 1:30 p.m.

PLACE: Room 148

MEMBERS: Chairman Stevenson, Vice-Chairman Wood (35), Representatives Bell, Barrett, Moyle, Bedke, Raybould, Andrus, Shepherd (8), Brackett, Wood (27) Vander Woude, Sayler, Pence, Chavez, King, Shively

**ABSENT/
EXCUSED:** Rep. Eskridge

GUESTS: Please See Attached Guest Sheet

Chairman Stevenson called the meeting to order promptly at 1:30 p.m. and welcomed the committee and guests in attendance. He recognized Senator Schroeder, Dave Tuthill, Director, IDWR and Paul Kjellander from the Governor's Office of Energy Resources. Chairman Stevenson announced the first item of business on the Agenda was hearing HB 428. He called on Rep. Raybould to present this legislation.

HB 428 Rep. Raybould stood to present this bill which would provide for a statewide comprehensive aquifer planning and management effort over a ten (10) year period, beginning in 2009. It would also repeal Section 42-620 of Idaho Code that requires the Dept. Of Water Resources to collect assessments made to all water users of water hydraulically connected to the Eastern Snake Plain Aquifer (ESPA). Rep. Raybould related that this legislation is a result of the Interim Committee's recommendations on water concerns in the State of Idaho. He emphasized the importance of studying and managing Idaho's aquifers, especially with increased water shortages, population growth, and infrastructure issues. This statewide planning and management study is designed to meet those needs. Rep. Raybould yielded the podium to Senator Schroeder for his comments and testimony on this bill.

Sen. Schroeder Senator Schroeder also stressed the importance of moving forward in preserving and protecting Idaho's aquifers. He briefly discussed the Interim Committee's work in developing this legislation and urged the committee to pass this bill.

Dave Tuthill Dave Tuthill, Director of IDWR took the podium to testify in support of HB 428. He explained the technical aspects of the planning and management study as well as the adjudication process and urged passage of this bill. He then deferred to Hal Anderson, of IDWR to present further testimony on this legislation.

Hal Anderson Hal Anderson, IDWR, took the podium and directed the committee members to review the handout he provided which profiles the Comprehensive Aquifer Study and Plan. **(See Attachment)**. He reviewed the planning phase, the anticipated operating costs and the goal of this program which is to establish policies for adaptively meeting projected water needs for the next fifty (50) years. Mr. Anderson reported that initial funding will be used to complete ESPA upgrades and the first six (6) aquifer basin plans which are anticipated to be completed in six (6) years. He directed the committee to a graph on the second page of the handout showing the first six aquifers, their projected plan dates, costs and totals. He emphasized however, that one aquifer study could be moved up or down in the time-line, depending on the need. Mr. Anderson proceeded to review the Lower Boise-Treasure Valley-Lower Payette aquifers and noted that not much work has been done in these areas. Mr. Anderson reported that some aquifers have been mapped and studied and that specific information will be used to avoid duplication and therefore offset costs. Responding to committee questions, Mr. Anderson discussed adjudication issues, budget concerns, water storage and ground water rights. He clarified that this plan is modeled on the same process used to develop the ESPA Plan, and that it has been evaluated and fine-tuned to be as comprehensive and efficient as possible. Mr. Anderson also affirmed that a recommendation will be made when each aquifer study is completed, not at the end of the ten years projected completion date. Rep. Bell (Chairman of JFAC) commended the agency for its attention to the detailed information regarding the funding which is incorporated in this bill.

Kent Lauer Mr. Kent Lauer, representing the Idaho Farm Bureau also stood in support of this legislation reporting that the Farm Bureau views this legislation as critical for the management and protection of Idaho's water and urged its passage.

Norm Semanko Mr. Norm Semanko, Executive Director of IWUA testified that the Idaho Water Users support HB 428 more strongly than any other water bill they have seen and believe that this management and planning study are long overdue. Mr. Semanko voiced concern that Idaho's water is not being used or managed wisely. He reported that an average of 36 million acre feet of water flows out of the State each year, in part because adequate data is not currently available for making appropriate decisions to manage and retain the water, and also because there is only storage for 8 million acre feet. Mr. Semanko also addressed the funding mechanism of the current Code, Section 42-620, which has proved unworkable in its present form. However, the proposed new section 42-1779 of the Code will provide the necessary funding for the aquifer planning and management effort over a ten (10) year period. Mr. Semanko stressed that passage of this bill would provide better data on the State's aquifers which could greatly impact Idaho's water supply.

Lynn Lynn Tominaga, representing the Idaho Ground Water Appropriators, testified

Tominaga in favor of HB 428 saying this organization is concerned with future water shortages and believes this legislation will help identify and address Idaho's aquifer issues.

MOTION: Rep. Bedke made a **motion to pass HB 428**. There being no further discussion on the motion, a voice vote was taken, and the **MOTION PASSED**. Rep. Raybould will sponsor this bill on the floor of the House.

RS17422C1 Chairman Stevenson called on Paul Kjellander, from the Governor's Office of Energy Resources to present this proposed legislation. Mr. Kjellander took the podium and explained the purpose of this legislation is simply to deal with monies coming to the state from the sale, rental, royalties or bonuses of renewable energy sources on federal lands.

MOTION: A motion to **introduce RS17422C1** was presented by Rep. Brackett. The **MOTION PASSED** on a voice vote.

RS17737 Mr. Norm Semanko described this bill as simply allowing the Irrigation District Board of Directors to have some flexibility on the date of canvassing elections. The deadline to complete the canvass of returns is the Monday following an election. Sometimes the Monday following an election falls on a holiday, creating a problem in canvassing the returns. This proposed legislation would remedy that situation.

MOTION: Rep. Fred Wood (27) made a motion to **introduce RS17737**. There being no further discussion, a voice vote was taken and the **MOTION PASSED**.

ADJOURN: Chairman Stevenson announced that Thursday's meeting would be held at the Hall of Mirrors in the J. R. Williams Building. This will be a workshop coordinated by Pat Barclay of ICIE. He also informed the committee that it will not meet on Friday, February 1st and adjourned the meeting at 2:55 p.m.

Rep. John A. Stevenson, Chairman

Sherry McNett, Secretary

MINUTES

HOUSE RESOURCES & CONSERVATION COMMITTEE

DATE: January 31, 2008

TIME: 1:30 p.m.

PLACE: East Conference Room, Hall of Mirrors, J. R. Williams Building

MEMBERS: Chairman Stevenson, Representatives Bell, Eskridge, Raybould, Andrus, Shepherd (8), Brackett, Wood (27) Vander Woude, Saylor, Pence, Chavez, King, Shively

**ABSENT/
EXCUSED:** Vice-Chairman Wood (35), Reps. Barrett, Moyle, Bedke

GUESTS: Public Meeting

The annual Gold Room Workshop meeting was called to order by Chairman Stevenson at 1:30 p.m. This meeting was held in the J. R. Williams Building, East Conference Room, Hall of Mirrors with Pat Barclay, of the Idaho Council on Industry and the Environment (ICIE) coordinating the agenda.

Chairman Stevenson announced the topic of the ICIE workshop this year was "*Conservation Easements: Why Should You Care*" and introduced Becky Johnstone, ICIE President and Chairman of the event. Ms. Johnstone related that this annual workshop began in 1990 and has continued every year since. She explained the purpose of this workshop is to examine the nuts and bolts of conservation easements and what they mean to sportsmen, landowners, and the public. She directed the committee to their handouts and outlined the biographies of each speaker. However, Dave Torell and Margaret Soulen Hinson were not present, due to road closures. Ms. Johnstone announced the first speaker would be Lou Lunte of The Nature Conservancy.

Lou Lunte Mr. Lou Lunte, Associate State Director for The Nature Conservancy, Boise, Idaho, defined conservation easements as one of the most powerful, effective tools available for the permanent conservation of private lands and proceeded with a slide presentation showing how natural resources, wildlife habitat, forest lands, agricultural land and ranches can be protected through conservation easements. Mr. Lunte gave several examples of why a landowner may choose to put land into a conservation easement and explained that each conservation easement is unique and completely voluntary. Conservation easements are required to be set up for at least 30 to 40 years and are legal and binding. Mr. Lunte summarized that conservation easements protect land for future generations while allowing owners to retain many private property rights and to live on and use their land, while it potentially provides them with tax benefits.

**Kennon
Mc Clintock**

Kennon McClintock, Idaho Region Forest Manager for Forest Capital Partners, LLC in Coeur d'Alene, Idaho provided members of the committee with a handout to follow along with his slide presentation. Mr. McClintock reported that Forest Capital Partners is the second largest private forest land owner in Idaho with over 280,000 acres. He outlined the process of harvesting trees, from cutting and selling them, to reforestation and planting new trees which after thirty (30) to forty (40) years would again be harvested. Mr. McClintock also enumerated the value of conservation easements for forest land owners. He presented a number of aerial maps showing Forest Capital Partners' property in northern Idaho which is in conservation easements and emphasized that these lands are always open to public access for hunting, fishing, etc.

Nathan Helm

Nathan Helm, Executive Director of Sportsmen of Idaho was the next speaker. He spoke on the relationship between the sportsman and the landowner, recognizing that access to property is very important to the sportsman. He emphasized that because conservation easements protect the land and wildlife, they're a valuable resource for the sportsman as well as the outdoor enthusiast who wants to enjoy the wilderness.

Becky Johnstone

Ms. Johnstone was the final speaker, standing in for Margaret Soulen Hinson, who was snowed in at her ranch in Weiser. Ms. Johnstone addressed the ranching aspects on conservation easement lands, explaining that in many circumstances, an easement provides a way for the ranching family to continue their operations as well as protect their property. There are ranches which have been handed down through four or five generations that might have been split up if they hadn't been put into a conservation easement. Ranchers who want to preserve their land but who have no heirs or perhaps no heirs who want to work the land, are prime examples of those who benefit from putting their land into a conservation easement.

**Chairman
Stevenson**

Chairman Stevenson stood to commend the ICIE for their comprehensive presentation and yielded the floor to the committee and public for any questions. Responding to questions, Mr. Lunde explained that the holder of the conservation easement was usually a federal or state agency or non-profit organization. He also discussed tax aspects and emphasized property tax benefits would depend on the use of the land and also the way the conservation easement was written. Mr. Lunde further clarified that only the owner of the property can decide to place a conservation easement on his or her property.

ADJOURN:

Chairman Stevenson adjourned the meeting at 3:00 p.m.

Rep. John A. Stevenson, Chairman

Sherry McNett, Secretary

MINUTES

HOUSE RESOURCES & CONSERVATION COMMITTEE

DATE: February 5, 2008

TIME: 1:30 p.m.

PLACE: Room 148

MEMBERS: Chairman Stevenson, Representatives Bell, Barrett, Moyle, Bedke, Raybould, Andrus, Shepherd (8), Brackett, Wood (27) Vander Woude, Saylor, Pence, Chavez, King, Shively

**ABSENT/
EXCUSED:** Vice-Chairman Wood (35), Rep. Eskridge

GUESTS: Please See Attached Guest Sheet

The meeting was called to order at 1:30 p.m. by Chairman Stevenson. He requested that the Committee read the Minutes of January 29th and January 31st while the secretary took a silent roll. The Minutes of the previous two meetings were approved upon a motion by Rep. Pence. Chairman Stevenson announced the first order of business was hearing RS17717.

RS17717 Rep. Hagedorn presented this proposed legislation, citing the primary purpose of RS17717 is to discourage vendors without a license from selling fish or game parts. Rep. Hagedorn pointed out that presently in areas such as northern Idaho, a number of vendors sell fish or animal parts from the back of pickup trucks, etc. which presents a health risk. This legislation would require that buyers not licensed by Fish & Game must purchase a Buyer's License. The committee questioned Rep. Hagedorn on the fees, the penalties, and the effect of this proposed legislation on the Indian tribes.

MOTION: Rep. Shepherd presented a **motion to introduce RS17717**. Further discussion on the motion followed.

SUBSTITUTE MOTION Rep. King asked whether or not an unlicensed fisherman or hunter was actually the same as a poacher and shouldn't the Fish and Game be notified. Rep. King then made a **substitute motion to return RS17717 to the sponsor** since it was unclear. Further discussion followed, and Chairman Stevenson called for a vote. The **SUBSTITUTE MOTION FAILED** on a voice vote.

MOTION: A roll call vote was taken on the original motion to introduce RS17717. The **MOTION PASSED** by a vote of 11 to 5.

RS17725 Rep. Chavez stood to present this proposed legislation which would allow persons exempt from purchasing a fishing license (such as children) to purchase a two pole fishing permit. This legislation would also allow non-residents to buy a two pole permit. Rep. Chavez reported that there would be no fiscal impact to the State or to Fish and Game funds by revising the two pole validation to become a two pole permit.

MOTION: Rep. Bedke moved that **RS17725 be introduced** to print. There being no further discussion on the motion, a voice vote was taken and the **MOTION PASSED**.

RS17732 Presenting this proposed legislation was Lynn Tominaga, representing the Idaho Ground Water Appropriators. Mr. Tominaga described this legislation as a "housekeeping" measure, explaining that RS17732 would amend Section 43-201 of Idaho Code to remove the 15,000 acre limit to be eligible to serve on the Board of Directors. This would give Irrigation Districts the option to amend their by-laws to allow electors who live within fifteen miles of the District to vote and serve on the Board.

MOTION: Rep. Fred Wood (27) made a **motion to introduce RS17732**. A voice vote was taken and the **MOTION PASSED**.

RS17693 Jeremy Pisca, representing the Outfitters and Guides Assn. took the podium to present this proposed legislation which would increase fines for unlicensed outfitters or guides and provide a penalty for people who knowingly hire an unlicensed outfitter or guide. He reported there is an increasing number of unlicensed activity which creates a disadvantage to those outfitters and guides who comply with the law. The committee questioned Mr. Pisca on issues such as penalties, enforcement and especially placing the burden on the public to "know" if a guide is licensed or not.

MOTION: A motion was presented by Rep. Fred Wood (27) **to introduce RS17693**. Further discussion on the subject continued until at length, Chairman Stevenson called for a voice vote. The **MOTION PASSED**. Rep. Andrus wished to be recorded as voting "No".

RS17771 Chairman Stevenson announced that he would present RS17771. He advised the committee that this is a Concurrent Resolution rejecting a pending rule of the Dept. Of Parks and Recreation which pertain to Idaho Safe Boating Rules. He reminded the committee that these rules had been rejected by the committee and that a Concurrent Resolution is

required to prevent the agency rule from going into effect.

MOTION: Rep. Rep. Fred Wood (27 presented a **motion to introduce RS17771**. There being no further discussion, the **MOTION PASSED**.

ADJOURN: At the conclusion of the meeting, Chairman Stevenson announced that Rep. Ken Andrus was presented with an honorary State FFA award today and commended him for that achievement. Having completed all business before the committee, Chairman Stevenson adjourned the meeting at 2:15 p.m.

Rep. John A. Stevenson, Chairman

Sherry McNett, Secretary

MINUTES

HOUSE RESOURCES & CONSERVATION COMMITTEE

DATE: February 7, 2008

TIME: 1:30 p.m.

PLACE: Room 148

MEMBERS: Chairman Stevenson, Vice-Chairman Wood (35), Representatives Bell, Barrett, Eskridge, Raybould, Andrus, Shepherd (8), Brackett, Wood (27) Vander Woude, Saylor, Pence, Chavez, King, Shively

**ABSENT/
EXCUSED:** Representatives Moyle, Bedke

GUESTS: Please See Attached Guest Sheet

A quorum being present, Chairman Stevenson called the meeting to order at 1:35 p.m. He asked the committee to read the Minutes of the previous meeting while the secretary took a silent roll. With a correction to the Minutes, they were approved upon a motion by Rep. Pence. Chairman Stevenson called upon Jane Wittmeyer to present the first item of business on the agenda.

RS17668 Jane Wittmeyer, representing the Intermountain Forest Assn. presented this proposed legislation which would allow the Idaho Department of Lands (IDL) to return to its former practice of allowing the purchaser of a state timber sale, at IDL's discretion, the opportunity to apply all or a portion of the purchaser's initial cash deposit as a final payment toward the remaining value of the timber sale. Ms. Wittmeyer reported that this proposed change is supported by the industry.

MOTION: Rep. Raybould presented a motion **to introduce RS17668**. Chairman Stevenson called for a vote and the **Motion Passed**.

RS17752 Rep. Elaine Smith stood to present this proposed legislation which would create an exemption for Dept. of Labor designated "critical workers" employed in the State of Idaho to be defined as residents for the purpose of granting fish and game licenses. Rep. Smith reported there would be no fiscal impact to the General Fund and minimal impact to Fish and Game. Extensive questioning ensued on the definition of a "critical" worker and the need for this legislation.

MOTION: A motion was made by Rep. Saylor **to introduce RS17752**.

**SUBSTITUTE
MOTION:** Rep. JoAn Wood (35) made a substitute motion **to return RS17752 to the sponsor**. Further discussion on the motion followed after which Chairman Stevenson called for a vote. **Motion Passed**. Representatives Chavez, King and Pence wish to be recorded as voting "No".

- RS17839** Chairman Stevenson called on Mr. Dean Sangrey, Division Administrator of the Idaho Dept. of Parks and Recreation to introduce this legislation which deals with safe vessel operations. Mr. Sangrey introduced a member of his staff, Dave Dahms, IDPR Boating Program Manager, and informed the committee that RS17839 was the result of the committee's suggestions to previous legislation on this subject which had failed. The committee discussed the impact and merits of these changes and directed a number of questions to Mr. Dahms. In response to further questions, Mr. Sangrey stressed that this proposed legislation was primarily to address boating safety issues.
- MOTION:** Rep. Chavez made a motion to **introduce RS17839**. Further discussion ensued on the intent, objectives and effect this legislation would have on the boating public. Chairman Stevenson called for a vote and the **Motion Passed**. Voting "No" were Representatives Andrus, Shepherd, Eskridge, and Barrett.
- RS17834C1** Rep. Eric Anderson presented this legislation which would amend Section 58-307 of Idaho Code to define the term "commercial purposes" as they apply to leases on state endowment lands. This would expand the identified renewable resources allowed to include fuel cells, low impact hydro, sun or landfill gas as well as wind and geothermal resources. Rep. Anderson summarized that this legislation is intended to be the beginning of further natural resource development.
- MOTION:** A motion to **introduce RS17834C1** was presented by Rep. Raybould. There being no further discussion, the Chairman called for a vote. The **Motion Passed**.
- RS17835** Mr. Norm Semanko, representing the Idaho Water Users Association took the podium to present this proposed joint memorial which recognizes the need for additional water storage in the State of Idaho and supports the studies necessary to implement additional storage. Mr. Semanko reported that some initial studies have been completed, but additional studies are needed to address future demands on Idaho's water.
- MOTION:** Rep. Eskridge made the motion to **introduce S17835**. A voice vote was taken and the **Motion Passed**.
- HB406** Mr. George Bacon, Director of the Idaho Dept. of Lands took the podium to present this bill which deals with leasing of cottage sites on state endowments lands. This bill would increase the lease term from ten (10) years to a term of at least thirty (30) years. Mr. Bacon explained that Fannie Mae Loan Guidelines call for a lease term of at least five (5) years beyond the maturity date of the mortgage and therefore, he requested the Committee add an amendment to change the thirty (30) year term to thirty-five (35) years to comply with these types of loans.

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Jim Young Also testifying in support of HB406 was Jim Young, President of The Payette Lake Cabin Owners Assn. He reported that he also represents the Priest Lake Assn. and explained that both of these groups have been working with the Dept. of Lands on this legislation and support this bill. He indicated that this bill will help lessees to better qualify for conventional financing which will make the cottage site land leases more viable.

David LeRoy Mr. David LeRoy, attorney for the Payette Lake Cabin Owners Assn. stood to testify in support of HB406, citing the benefits this bill would have on cottage site lessees. He reported there are approximately 530 leases, mostly in the Priest Lake and Payette regions which would be affected. Mr. LeRoy continued to discuss the anticipated needs of cottage site leaseholders in the future and described this bill as a better way of defining stable market rents for cottage site lessees.

MOTION: Rep. King made a motion to send HB 406 to General Orders with Committee amendments attached. Chairman Stevenson called for a vote on the motion. The **Motion Passed**. Rep. JoAn Wood wished to be recorded as voting "No".

ADJOURN: Chairman Stevenson reminded the committee of the February 11th deadline for RS's to be heard in this committee. There being no further business to be considered by the Committee, the meeting was adjourned at 3:10 p.m.

Rep. John A. Stevenson, Chairman

Sherry McNett, Secretary

MINUTES

HOUSE RESOURCES & CONSERVATION COMMITTEE

DATE: February 11, 2008

TIME: 1:30 p.m.

PLACE: Room 148

MEMBERS: Chairman Stevenson, Vice-Chairman Wood (35), Representatives Bell, Barrett, Moyle, Eskridge, Bedke, Raybould, Andrus, Shepherd (8), Brackett, Wood (27) Vander Woude, Saylor, Pence, King, Shively

**ABSENT/
EXCUSED:** Rep. Chavez

GUESTS: Please See Attached Guest Sheet

Chairman Stevenson welcomed committee members and guests as he called the meeting to order at 1:35 p.m. The Minutes of Feb. 7th were read and approved upon a motion by Rep. Pence. The Chairman reminded everyone that today is the last day to present RS's in this committee. Any new legislation will need to go through a privileged committee and be referred back to this committee. Chairman Stevenson then called on Senator Burkett to present the first item of business on the agenda.

RS 17773 Senator Burkett stood to present this proposed legislation which would change the requirement that traps be checked within thirty-six (36) hours instead of the current seventy-two (72) hour rule. Senator Burkett provided committee members with a handout (**See Attachment**) showing State and Federal Reports and Statistics relating to trapping as well as required times for checking traps in other states. He reported that presently thirty-five (35) other states have a 24 hour or daily requirement to check traps. Only three (3) states, including Idaho, allow traps to go unchecked for more than 48 hours. He related that there is a growing concern statewide that animals left in traps up to 72 hours are suffering needlessly and this legislation would bring Idaho closer in line with other states in practicing more humane methods of trapping. Senator Burkett urged the committee to consider introducing RS17773 so that it could have a full hearing and address all concerns.

MOTION: Rep. King presented a motion to **introduce RS17773**. Further discussion followed on the motion. Senator Burkett clarified that this proposed legislation would add a new section to Idaho Code. Presently, trapping requirements are under Fish and Game rules.

SUBSTITUTE MOTION: A substitute motion was made by Rep. Fred Wood (27) to **return RS17773 to the sponsor**. Further discussion followed and a roll call vote was taken. The **Motion Passed** by a vote of 16 to 1 with 1 member absent/excused. This legislation will be returned to the sponsor.

RS17895 Chairman Stevenson called on Jerry Nicolescu, Administrator for the Idaho Soil Conservation Commission to present RS17895. Mr. Nicolescu explained that this proposed legislation will bring Conservation Districts under the statute for independent financial audits by governmental entities and would provide for more uniform accountability. He reported that the fiscal impact would be covered by the enhancement included in the Governor's recommendation.

MOTION: Rep. Bedke made a motion to **introduce RS17895**. There being no further discussion, a voice vote was taken and the **Motion Passed**.

RS17827 The next item of business on the agenda was RS17827 which was presented by Rep. Eskridge who reviewed the merits of this proposed legislation. State agencies responsible for managing State outdoor sport shooting ranges would be required to establish operation, noise and use standards for each range. Rep. Eskridge explained that this proposed legislation would only apply to State owned sport shooting ranges used by the public. Law enforcement and military shooting ranges would not be affected by this proposed legislation.

MOTION: A **motion to introduce RS17827** was presented by Rep. Fred Wood (27). The **Motion Passed** on a voice vote.

RS17898 Rep. Elaine Smith took the podium to present this proposed legislation stating that it was a replacement for legislation she previously presented. She advised the committee that she had returned with new language to define a "critical worker" and handed out a list of "*Top 50 Hot Jobs*". Rep. Smith described this proposed legislation as an economic incentive tool which would grant fish and game licenses to "critical workers" as defined by the Idaho Dept. of Labor. Upon questioning, Rep. Smith clarified that a "critical worker" would have to meet all three of the criteria listed on page 3 of the RS.

MOTION: Rep. Eskridge made a motion to **return RS17898 to the sponsor**. After further discussion, a vote was called for by the Chairman. The **Motion Passed** unanimously on a voice vote.

ADJOURN: Chairman Stevenson thanked all those who participated in the meeting and with all business on the agenda having been completed, he adjourned the meeting at 2:20 p.m.

Rep. John A. Stevenson, Chairman

Sherry McNett, Secretary

MINUTES

HOUSE RESOURCES & CONSERVATION COMMITTEE

DATE: February 13, 2008

TIME: 2:10 p.m.

PLACE: Room 148

MEMBERS: Chairman Stevenson, Vice-Chairman Wood (35), Representatives Bell, Barrett, Moyle, Eskridge, Bedke, Raybould, Andrus, Shepherd (8), Brackett, Wood (27) Vander Woude, Saylor, Pence, King, Shively

**ABSENT/
EXCUSED:** Rep. Chavez

GUESTS: Please See Attached Guest Sheet

Chairman Stevenson opened the meeting at 2:10 p.m. due to business on the floor of the House running into the regular meeting time. He asked the secretary to take a silent roll. The Minutes of February 11th were read and approved upon a motion by Rep. Raybould. Chairman Stevenson introduced Paul Kjellander and asked him to present HB 432.

HB 432

Paul Kjellander, Administrator of the Office of Energy Resources, took the podium to present this bill. He described it as a source to help fund the Office of Energy Resources (OER) through the allocation of funds generated by a new Federal Lease Program. The source of the funds would come from geothermal leases made on Federal lands. Mr. Kjellander reported that this is the first time a lease of this nature has occurred within the borders of Idaho. This legislation also creates the distribution formula for the State's share of renewable resources. Under the Federal Allocation formula, the leasing Federal agency keeps 25% of the total lease amount and the counties where the Federal leases were made get 25% with the remaining 50% going to the State. Mr. Kjellander emphasized that this bill outlines how the State will split its share. He explained that under the provisions of HB 432, Idaho's portion of the federal lease revenues would provide 90% to the OER and 10% to the counties. This would result in a total allocation to the counties of 30% (25% of the total Federal lease and 10% of the States share). Responding to committee questions, Mr. Kjellander reviewed this formula extensively, emphasizing that the OER must come back every year to seek spending authority. He added that in most circumstances, this will be one-time money. Mr. Kjellander summarized that approval of this bill allows the OER to respond to Idaho's energy needs in a more timely fashion and move away from reliance on Federal grants.

MOTION: A motion was presented by Rep JoAn Wood (35) to **send HB 432 to the floor with a DO PASS** recommendation. The Chairman called for a vote and the **Motion Passed**. Rep. Eskridge will sponsor this bill on the floor.

HB 433 Chairman Stevenson announced the next item of business was HB 433 and called on Mr. Norm Semanko to present this legislation. Mr. Norm Semanko, Executive Director and General Counsel for the Idaho Water Users Association, Inc. (IWUA) took the podium to present this bill. He described it as “nuts and bolts” legislation and stated the purpose of this bill is to allow Irrigation District Board of Directors to have flexibility on the date of canvassing elections. Under present Idaho Code, the deadline to complete the canvass of returns of an election is by the following Monday. Mr. Semanko reported that a problem in canvassing the returns arises when the Monday following an election falls on a holiday. This bill would remedy that problem.

MOTION: Rep. Raybould made a **motion to send HB 433 to the floor with a DO PASS recommendation**. There being no further discussion on the motion, a vote was taken and the **Motion Passed**. Rep. Raybould will sponsor this bill on the floor.

HB 498 Presenting the next item of business on the agenda was Jane Wittmeyer, representing the Intermountain Forest Assn. Ms. Wittmeyer related that prior to June 2007, the purchaser of a state timber sale contract had the opportunity to apply all, or a portion of his initial cash deposit as a final payment or partial payment toward the remaining value of the timber sale. This bill would allow the Idaho Dept. of Lands (IDL) at its discretion, to return to that practice. Ms. Wittmeyer reported that there has been widespread support from the timber industry for this bill.

MOTION: Rep. Sayler presented a **motion to send HB 498 to the floor with a DO PASS recommendation**. The **Motion Passed** unanimously. Rep. Sayler will sponsor this bill on the floor of the House.

HB 474 The item of business on the agenda was hearing HB 474. Chairman Stevenson yielded the gavel to Vice-Chairman JoAn Wood (27) to chair the meeting while he presented this legislation. Rep. Stevenson reported the purpose of this bill is to match similar legislation passed in 2007 which allowed Irrigation Districts to remove the fifteen thousand (15,000) acre limit to be eligible to serve on the Board of Directors. Problems have arisen in some districts where there are only a small pool of qualified voters who are eligible to serve on the Board of Directors. This bill would give Irrigation Districts the option to amend their by-laws to allow electors who live within fifteen (15) miles of the district to vote and serve on the Board.

MOTION: A motion was made by Rep. Fred Wood (27) to send **HB 474 to the floor with a DO PASS recommendation**. There was no further discussion and the **Motion Passed** on a voice vote. Rep. Fred Wood (27) will sponsor this bill on the floor.

HJM 008 Chairman Stevenson resumed his duties as Chairman of the Committee and announced that Mr. Norm Semanko of the Idaho Water Users Assn. (IWUA) would present HJM 008. Mr. Semanko stood to present this legislation which is a joint memorial to recognize the need for additional water storage in the State of Idaho and to support the studies necessary to implement that additional storage. He discussed the impact of drought, population growth, urban development, and other demands on Idaho's water supply. He reported that the Missouri River Basin can store approximately 400% of its average annual run-off while Idaho only stores about 25% of its average annual run-off. Mr. Semanko stated that some storage studies have been completed but additional studies are proposed. These include: (1) Bureau of Reclamation studies of enlarging Minidoka Dam which is projected to provide an additional 40,000 to 50,000 acre-feet of water storage, (2) Teton Dam replacement, (3) a U.S. Army Corp of Engineers' feasibility study of water supply and flood control on the Boise River, including Twin Springs Dam, which is authorized by amendments to the Federal Water Resources Development Act, enacted into law during 2007. Mr. Semanko emphasized the importance of water supplies to industries and businesses looking to locate in Idaho. Mr. Semanko discussed the fiscal impact of HJM 008 relating to each of the above-described projects and stressed the value of these studies to help preserve Idaho's water for the future.

MOTION: Rep. Eskridge made a **motion to send HJM 008 to the floor with a DO PASS recommendation**. A voice vote was taken and the **Motion Passed** unanimously. Rep. Stevenson will be the sponsor on the floor.

ADJOURN: Chairman Stevenson reported that the committee will not meet on Friday and with no further business to conduct, he adjourned the meeting at 2:55 p.m.

Rep. John A. Stevenson, Chairman

Sherry McNett, Secretary

MINUTES

HOUSE RESOURCES & CONSERVATION COMMITTEE

DATE: February 19, 2008

TIME: 1:30 p.m.

PLACE: Room 148

MEMBERS: Chairman Stevenson, Vice-Chairman Wood (35), Representatives Bell, Barrett, Moyle, Eskridge, Raybould, Andrus, Shepherd (8), Brackett, Wood (27) Vander Woude, Saylor, Pence, Chavez, King, Shively

**ABSENT/
EXCUSED:** Rep. Bedke

GUESTS: Please See Attached Guest Sheet

A quorum being present, the meeting was called to order at 2:20 p.m. by Chairman Stevenson. He introduced Kjersten Case who will be the new committee page for the remainder of the session and thanked Kelsei Moyle, the departing page, for her hard work and assistance to the committee. The Minutes of the previous meeting were read and approved upon a motion by Rep. Saylor.

HB 405 George Bacon, Director of the Idaho Dept. of Lands presented this bill which he described as a "cleanup" bill to change the name of the State Board of Scaling Practices to the Idaho Board of Scaling Practices. Mr. Bacon reported that a significant amount of logging business is conducted in areas outside the State of Idaho and changing the word "state" to "Idaho" will make the name more identifiable.

MOTION: A motion was presented by Rep. Saylor to send HB 405 to the floor of the House with a **DO PASS recommendation**. There being no further discussion, a voice vote was taken and the **MOTION PASSED**. Rep. Shively will sponsor this bill on the House Floor.

HB 407 Mr. Bacon also presented HB 407 which revises the qualification requirements of appointees to the State Board of Scaling Practices. Mr. Bacon informed the committee that present interpretation of the law requires that a member of the board have or previously have had a scaling license. Passage of this bill would broaden the language to clarify that anyone who has experience or knowledge in scaling would be eligible to serve on the board. Mr. Bacon reported that this bill would increase the potential appointees of those who are qualified to serve, whereas now they are extremely limited.

MOTION: Rep. Saylor made a motion to send HB 407 to the floor with a **DO PASS recommendation**. A voice vote was taken and the **MOTION PASSED**. Rep. Paul Shepherd will sponsor this bill on the floor of the House.

HB 473 Chairman Stevenson announced the next item of business on the agenda was HB 473 and called on Jeremy Pisca to present this bill. Mr. Jeremy Pisca, representing the Idaho Outfitters and Guides Assn. took the podium to outline the need for this legislation. Presently, an unlicensed outfitter or guide faces a fine of only \$100 if caught and convicted. Thus, many prosecuting attorneys are reluctant to spend the time and money to pursue prosecution when an investigation to bring a case to trial may amount to thousands of dollars. This legislation would also make the person who “knowingly” hires an unlicensed outfitter or guide guilty of a misdemeanor and liable to a fine from \$1,000 up to \$5,000 at the court’s discretion. Mr. Pisca stressed that the intent of this bill is to prevent unlicensed outfitters and guides from encroaching on those who legally pursue this activity. Responding to committee questions, Mr. Pisca detailed the penalty provisions, noting that graduated penalties are incorporated into this bill. He also explained that this bill would require reimbursement for costs incurred by the board or agency in the investigation and criminal prosecution. Mr. Pisca urged passage of this bill which will enable those outfitters and guides who legally comply with Idaho’s laws to continue their operations.

Michael Demerse Mr. Michael Demerse, ranch manager of Shepp Ranch Outfitters, LLC, an operation on the Salmon River stood to testify in favor of HB 473. Mr. Demerse reported that licensed outfitters and guides can pay up to \$12,000 a year for insurance, and various licenses. Mr. Demerse lamented that under the present law, unlicensed outfitters and guides only pay a fine of \$100 if caught and found guilty, and usually move on to violate the law again. He believes that increasing the fines and penalties will be a huge deterrent to unlicensed outfitters and guides.

Tom Demorest Mr. Tom Demorest, president and owner of the Diamond D Ranch, Inc. took the podium to testify in support of HB 473. He cited the loss of money to the State in uncollected sales taxes, income taxes, workmen’s compensation, etc. from unlicensed outfitters and guides. Mr. Demorest expressed the need for this legislation to help legal outfitters and guides stay in business while discouraging illegal outfitters and guides.

Steve Tobiason Also testifying in support of HB 473 was Mr. Steve Tobiason, legal counsel for the Idaho Outfitters and Guides Licensing Board. Mr. Tobiason noted that as a former prosecutor he knows the frustration of investigating and bringing to justice those unlicensed outfitters and guides who work the system. He emphasized the intent of this bill is to provide monetary incentives through higher fines for unlicensed guides and outfitters, not to “jail” them. He profiled this bill as good legislation and asked the committee to give it a “do pass” recommendation.

Jake Howard Mr. Jake Howard, Director of the Idaho Outfitters and Guides Licensing Board testified that HB 473 would discourage illegal outfitters and guides and urged passage of this legislation.

MOTION: Following lengthy committee discussion, Rep. Fred Wood (27) made a motion to send HB 473 to the floor with a **DO PASS recommendation**. The **MOTION PASSED** upon a voice vote. Rep. Andrus wished to be recorded as voting "No". Rep. Moyle will sponsor this bill on the floor.

HB 500 Rep. Eric Anderson presented this legislation which defines the term "commercial purposes" as they apply to leases on school endowment lands. Rep. Anderson explained that it would expand the identified renewable resources allowed to include fuel cells, low impact hydro, sun or landfill gas, as well as wind and geothermal resources. He reported that there are approximately 2.5 million acres of state endowment lands and this bill will help not only rural school areas, but provide a further funding mechanism for schools. Rep. Anderson explained that this bill would also free up other money for the state by providing more funding for schools and urged passage of this legislation.

MOTION: Rep. Eskridge made a motion to send HB 500 to the floor with a **DO PASS recommendation**. The voice vote was unanimously in favor and the **MOTION PASSED**. Rep. Anderson will sponsor this bill on the floor.

HB 515 The last item of business on the agenda was HB 515. Rep. Eskridge presented this bill which creates a new section in Idaho Code to provide for the operation and use of State outdoor sport shooting ranges. Rep. Eskridge explained that this bill also helps deal with the litigation issue at Farragut State Park and will help protect the State against similar litigation in the future. Rep. Eskridge deferred to Sharon Kiefer of the Idaho Fish & Game to address technical questions and further testify.

Sharon Kiefer Sharon Kiefer, representing the Idaho Fish & Game Dept. (IF&G) stood to testify in favor of HB 515. She reviewed the merits of this bill and related that IF&G has worked closely with the Attorney General's Office to address noise related issues raised in litigation at Farragut State Park and future concerns at other ranges. In the absence of any established state noise standard in the issue at Farragut State Park, the Judge was confronted with the decision of balancing noise related concerns of neighbors with the public's use of the shooting range. Therefore, this bill establishes a uniform noise standard for state outdoor sport shooting ranges. Mr. Kiefer stressed that private, public, law enforcement and military ranges are excluded from these standards. She also reported that the proposed noise standard follows federal guidance and is based on extensive research and scientific information for noise and sound measurement. In closing, Ms. Kiefer related that a uniform noise standard for state-owned outdoor shooting ranges provides for the mutual protection of communities from excessive noise intrusion while

at the same time it recognizes and protects shooting ranges as important and legitimate public resources.

MOTION: Following lengthy committee questions and discussion, Rep. Sayler made a motion to send HB 515 to the floor with a **DO PASS recommendation**. The **MOTION PASSED** upon a voice vote. Rep. Eskridge will sponsor this bill on the floor of the House.

ADJOURN: Having concluded all business on the agenda, Chairman Stevenson adjourned the meeting at 3:30 p.m., with a reminder that the committee will meet on Thursday to hear a status report on the Eastern Snake Plain Aquifer as well as hear other legislation.

Rep. John A. Stevenson, Chairman

Sherry McNett, Secretary

MINUTES

HOUSE RESOURCES & CONSERVATION COMMITTEE

DATE: February 21, 2008

TIME: 1:30 p.m.

PLACE: Room 148

MEMBERS: Chairman Stevenson, Vice-Chairman Wood (35), Representatives Bell, Barrett, Moyle, Eskridge, Bedke, Raybould, Andrus, Shepherd (8), Brackett, Wood (27) Vander Woude, Sayler, Pence, Chavez, King, Shively

**ABSENT/
EXCUSED:** None

GUESTS: Please See Attached Guest Sheet

The meeting was called to order at 1:35 p.m. by Chairman Stevenson as he greeted committee members and guests. He introduced former representative, Charles (Chuck) Cuddy, and welcomed his attendance at the meeting. Chairman Stevenson announced that the Idaho Water Resource Board (IWRB) would give its 2008 Progress Report. In conjunction with this report, the Chairman informed committee members that he had received a letter by e-mail from Jerry R. Rigby, Chairman of the IWRB who was unable to attend today's meeting. A copy of that letter voicing his support for the CAMP process was provided to each committee member. **(See Attachment)** Chairman Stevenson then called on Mr. Hal Anderson to introduce his staff and proceed with their report.

Hal Anderson, Mr. Hal Anderson, Administrator of the Planning and Technical Division of the Idaho Dept. of Water Resources, (IDWR) took the podium and introduced Jonathon Bartsch and Gary Chamberlain, members of the IDWR along with Linda Lemon, Stan Clark and Randy McMillan of the Advisory Committee and Mr. David R. Tuthill, Director of the Idaho Dept. Of Water Resources. Mr. Anderson then turned the time over to Jonathon Bartsch who provided each member of the committee with a written copy of the 2008 Progress Report. **(See Attachment)** Mr. Bartsch proceeded with a power point presentation on that report.

Jonathan Bartsch Jonathon Bartsch briefly explained that SCR 136, enacted by the Idaho Legislature in 2006, requested that the IWRB (Board) prepare and submit a Comprehensive Aquifer Management Plan (CAMP) for the Eastern Snake Plain Aquifer (ESPA) and to submit a status report on that development to the legislature in 2007. He reported that on February 14, 2007, the Board presented the ESPA CAMP Framework to the Legislature, setting forth the following goals and objectives:

Goal: Sustain the economic viability and social and environmental health of the Eastern Snake Plain by adaptively managing a balance between water use and supplies.

Objectives: (1) Increase predictability for water users by managing for reliable supply (2) Create alternatives to administrative curtailment (3) Manage overall demand for water within the Eastern Snake Plain by increasing recharge to the aquifer and reducing withdrawals from the aquifer. Mr. Bartsch then reviewed the initial CAMP recommendations which included (1) Study of the Minidoka Dam Enlargement with an estimated cost of \$1.4 million; (2) Voluntary Demand Reductions in the ESPA with an estimated cost of \$5 million; and (3) ESPA Recharge with an estimated cost of \$1 million. Mr. Bartsch also discussed the formation and operation of the Advisory Committee, agency participants, its operating protocols, funding mechanisms and a work plan to develop recommendations for quantitative 5 and 10 year, 20, and 30 year targets. Mr. Bartsch then explained the implementation process and verified that CAMP will focus on management actions that can be taken by the Board to positively impact the ESPA. Responsibility for CAMP decision making will rest with the IWRB which will give serious consideration to the recommendations, perceptions and interests developed by the Advisory Committee. Also, through public meetings and other means of public input, ESPA stakeholder's views will be documented, summarized and provided to the Board prior to decision making. Mr. Bartsch concluded that the Board intends to work with the Legislature, Governor and stakeholders to pursue all viable funding to implement the CAMP management alternatives and will seek funding for the initial recommendations set forth in this report.

Chairman Stevenson thanked Hal Anderson, Jonathan Bartsch and their staff for their comprehensive status report on the Eastern Snake Plain Aquifer. He then announced that HB 472 was the next item of business and called on Rep. Chavez to present this legislation.

HB 472

Rep. Chavez presented this legislation that would amend existing law to allow children who are exempt from licensing to fish with a two pole permit. She explained that this bill would basically benefit children under fourteen (14) years of age, giving them the option of fishing with two poles. This bill would not have a negative fiscal impact.

**Sharon Kiefer,
IF&G**

Sharon Kiefer, representing the Idaho Dept. of Fish & Game stood briefly to voice support for HB 472. She provided a written summary of her testimony (**See Attachment**) and asked the committee to pass this bill.

MOTION: Rep. King moved to send HB 472 to the floor with a **DO PASS recommendation**. The **MOTION CARRIED** unanimously on a voice vote. Rep. Chavez will sponsor this bill on the floor.

HB 514 Mr. Jerry Nicolescu, Administrator for the Idaho Soil Conservation Commission (ISCC) took the podium to present this legislation which will bring Conservation Districts under the statute for independent financial audits by governmental entities and provide for more uniform accountability. Mr. Nicolescu pointed out that the governing body of a local governmental entity whose annual budget from all sources does not exceed fifty thousand dollars (\$50,000) may elect to have its financial statements reviewed on a biennial basis. The fiscal impact will be covered by the enhancement which is included in the Governor's recommendation in the ISCC's annual budget.

MOTION: Rep. JoAn Wood (35) moved to send HB 514 to the floor with a **DO PASS recommendation**. Following a voice vote, the **MOTION PASSED**. Rep. Wood (35) will be the sponsor on the floor of the House.

HB 499 Presenting this legislation was Dean Sangrey, Division Administrator for the Idaho Dept. Of Parks and Recreation. Mr. Sangrey provided a packet of information (**See Attachments**) for each committee member and related that the intent of HB 499 is to provide a safer environment for boaters and water craft operators in Idaho. Drawing the committee's attention to their packets containing boating regulations in Benewah, Bonner and Kootenai counties, Mr. Sangrey discussed the rules and regulations in those counties and commented that uniform rules are needed. The committee questioned the need for a state law when the counties are already addressing the issue. Mr. Sangrey deferred to David Dahms to discuss the effect of this law on counties who already have rules and regulations in place.

David Dahms David Dahms, Boating Law Administrator for IDPR, took the podium to answer the above question. Mr. Dahms responded that he was not sure how this law would affect county ordinances, but stressed the larger issue is to provide a statewide framework for boating safety. He cited education safety as the key to safer watercraft operation.

Rich Vaughn Mr. Rich Vaughn, speaking on his own behalf as a lifelong boater, testified in opposition to HB 499. He provided each committee member with information from the Ada County Sheriff's Office, Marine Patrol, Bonner County Public Waters Ordinance, pages 1 & 2 and his letter to the committee citing Idaho Codes relating to this issue. (**See Attachments**)

He referred to these handouts, and in particular, enumerated Ada County statistics for the 2006 and 2007 boating seasons. Mr. Vaughn testified that he supports education for boating, but that "handing a 'certificate' to a youth will give him/her the false impression that they possess the skills, knowledge and maturity to operate a motorized water vessel". In conclusion, Mr. Vaughn urged the committee to hold HB 499.

Larry Graves

Mr. Larry Graves, representing the Coast Guard Auxiliary, testified in support of HB 499, stating that this bill aligns with the mission and goals of the Coast Guard Auxiliary to promote boating safety.

Toby Ashley

Mr. Toby Ashley testified that he is a fifth generation boater, a member of the Western White Water Assn. and has three children whom this law would affect. Mr. Ashley related that he has worked with Mr. Sangrey and the Dept. of Parks and Recreation but questions the education requirements which he believes need more clarity. Responding to the committee, Mr. Ashley testified that he is opposed to HB 499 as written.

**Benjamin
Davenport**

Mr. Benjamin Davenport, representing the Idaho Outfitters and Guides Association, testified that this organization is concerned with the towing provisions as well as the language addressing overloading a boat. He described how a jet boat will often have to tow another water craft such as a raft or canoe through slack waters or sometimes upstream and this legislation may have a negative impact on those type of operations.

MOTION:

Rep. Paul Shepherd (8) made a motion to **HOLD HB 499 in committee**. Further discussion on the motion followed and a voice vote was taken. The **MOTION PASSED**. Representatives Chavez, Pence and King wished to be recorded as voting "No".

ADJOURN:

Chairman Stevenson thanked all those who participated in the meeting. There being no further business, the meeting was adjourned at 3:15 p.m.

Rep. John A. Stevenson, Chairman

Sherry McNett, Secretary

MINUTES

HOUSE RESOURCES & CONSERVATION COMMITTEE

DATE: February 25, 2008

TIME: 1:30 p.m.

PLACE: Room 148

MEMBERS: Chairman Stevenson, Representatives Bell, Barrett, Moyle, Eskridge, Raybould, Andrus, Shepherd (8), Brackett, Wood (27) Vander Woude, Saylor, Pence, Chavez, King, Shively

**ABSENT/
EXCUSED:** Vice-Chairman Wood (35), Rep. Bedke

GUESTS: Sharon Kiefer, IF&G; Jack Lyman, IMA; Courtney Washburn, ICL

The meeting was called to order at 1:30 p.m. by Chairman Stevenson who greeted committee members and guests. He asked the secretary to take a silent roll while the members read the minutes of the previous meeting. The minutes of February 21st were approved upon a motion made by Rep. Pence. Chairman Stevenson introduced Jack Lyman of the Idaho Mining Assn. and invited him to proceed with his presentation.

**Jack Lyman,
IMA**

Mr. Jack Lyman, representing the Idaho Mining Assn. announced that his report would be on the *"Economic Impact of Mining in Idaho"*. He reported that the Idaho Mining Association (IMA) is made up of seven members and include the following: (1) Agrium Conda Phosphate Operations located in Caribou County, producing fertilizer; (2) Coeur d'Alene Mines Corporation which was recently sold to U.S. Silver; (3) Hecla Mining Company located in Shoshone County which operates the Lucky Friday Mine, producing silver and some copper; (4) Monsanto Company with its mine in Caribou County and its phosphorus plant in Soda Springs; (5) J. R. Simplot Company which operates a phosphate mine near the Wyoming border in eastern Idaho and transports their slurry material 87 miles by underground pipeline to Pocatello where it is processed for fertilizer; (6) Sterling Mining Company, a silver mine in Silver Valley, (formerly the Sunshine Mine); and (7) Thompson Creek Mining Company which produces molybdenum near Challis in Custer County. Mr. Lyman's power point presentation included pictures of most of these mines and some of the equipment used in the mining process. One truck alone costs about \$2 million, is the height of a 3-story building and holds up to 200 tons of rock material. Each tire costs from \$125,000 to \$160,000 and all four tires must be replaced every year. This represents only a small cost of operation. Mr. Lyman elaborated on the Lucky Friday Mine in the Silver Valley, reporting that at over a mile deep, it is the deepest operating silver mine in America.

A graph depicting mineral production from 2002 to 2006 showed Phosphate at \$440 million, Molybdenum and Silver at \$1.4 billion, Sand and Gravel at \$418 million and other products which include lead, zinc and copper amount to \$446 million. Responding to committee inquiries, Mr. Lyman described how molybdenum is mined and processed and explained that by adding only 1% to steel, the strength of the steel is immensely increased and will not rust. Molybdenum is also used in high pressure lubricants. Mr. Lyman reported that the price of molybdenum is presently \$32 a pound and approximately 12 to 14 million pounds of molybdenum are produced each year at the Thompson Creek Mine. He also stated that silver is about \$17 an ounce, a considerable increase from a few years ago. Using only IMA figures for 1006, Mr. Lyman explained the direct impact that the mining and mineral industry has on Idaho's economy from mining payrolls of \$98 million, mining purchases of \$83 million, processing payrolls of \$87 million and processing purchases of \$85 million. This also contributes greatly to secondary employment in Idaho. The IMA alone employed 2,096 people in 2006 and resulting secondary employment was around 4,159. Addressing the issue of safety, Mr. Lyman stressed that safety is the number one goal of the IMA and went into great detail describing their safety standards and implementation. He related that Idaho has not suffered any mining disasters since the Sunshine Mine in 1972 and noted that the mining disasters and loss of life in the United States during the past few years have been in coal mines. In closing, Mr. Lyman reiterated that the mining industry in Idaho has contributed greatly to Idaho's economy not only through the products they mine and process, but also through creation of new jobs, payment of taxes (payroll, sales and property, etc.) and the trickle down effect to transportation, utilities, manufacturing, construction, insurance, and real estate.

Chairman Stevenson commended Mr. Lyman on a very informative and interesting presentation and proceeded to the next item of business on the agenda. He introduced Sharon Kiefer of the Idaho Dept of Fish and Game and called on her to present SB1265.

SB 1265

Sharon Kiefer of the Idaho Dept of Fish and Game stood to present this bill which revises terminology relating to special permits authorizing use of a crossbow by physically disabled persons. Ms. Kiefer testified that the word "handicapped" is removed in the title of 36-409A and replaced with the word "disabled". The change is recommended to achieve consistent terminology with previous statutory terminology changes.

MOTION:

Rep. Fred Wood (27) made a motion to send SB1265 to the floor with a **DO PASS recommendation**. There being no discussion on the motion, a voice vote was held. The **MOTION PASSED**. Rep. Wood (27) will

sponsor SB1265 on the floor.

SB 1267 Again representing the Idaho Dept. Of Fish and Game, (IF&G) Ms. Sharon Kiefer stood to present SB 1267 which relates to non-resident small game hunting licenses to correct terminology and to clarify huntable species. Ms. Kiefer testified that SB1267 removes the “two day” reference of the non-resident small game hunting license and also amends the huntable species authorized for this license. Pygmy rabbits would be removed as a huntable species because there has not been a season for this species for a long time and one is not anticipated in the near future. Ms. Kiefer added however, that IF&G desires to add huntable furbearers as well as unprotected and predatory birds and animals as additional species that can be hunted with this license. She explained that huntable furbearers would include badger, bobcats, raccoons and foxes. Answering committee questions, Ms. Kiefer explained that unprotected and predatory birds and animals would include coyotes, jackrabbits, skunks, weasels and starlings.

MOTION: A motion to send SB 1267 to the floor with a **DO PASS recommendation** was presented by Rep. Fred Wood (27). The **MOTION PASSED** on a voice vote. Rep. Wood (27) will be the sponsor on the floor.

SB 1268 Sharon Kiefer, IF&G, also presented this bill which amends existing law to strike reference to regional wildlife councils providing a list of appointees for the winter feeding advisory committees. Ms. Kiefer explained that there are no longer functional regional wildlife councils in all districts where winter feeding occurs. She also testified that there would be no fiscal impact to the General Fund or to Fish and Game.

MOTION: Following a brief discussion, Chairman Stevenson called for a motion. Rep. Pence moved that SB1268 be sent to the floor with a **DO PASS recommendation**. The **MOTION PASSED** unanimously on a voice vote. Rep. Pence will sponsor SB 1268 on the floor of the House.

ADJOURN: Chairman Stevenson informed the committee that Wednesday’s agenda would include legislation on water rights adjudication. Having completed all business on the agenda, the meeting was adjourned at 2:20 p.m.

Rep. John A. Stevenson, Chairman

Sherry McNett, Secretary

MINUTES

HOUSE RESOURCES & CONSERVATION COMMITTEE

DATE: February 27, 2008

TIME: 1:30 p.m.

PLACE: Room 148

MEMBERS: Chairman Stevenson, Vice-Chairman Wood (35), Representatives Bell, Barrett, Eskridge, Raybould, Andrus, Shepherd (8), Brackett, Wood (27) Vander Woude, Saylor, Pence, Chavez, King, Shively

**ABSENT/
EXCUSED:** Representatives Moyle, Bedke

GUESTS: Please See Attached Guest Sheet

Chairman Stevenson called the meeting to order promptly at 1:30 p.m. as he welcomed all in attendance. The secretary took a silent roll while the committee read the minutes of the previous meeting. Rep. Barrett made a motion to accept the minutes of February 25, 2008 as written. The Motion Passed. Chairman Stevenson introduced Mike Mitchell, a former representative and member of the Resources and Conservation Committee and welcomed him to the meeting. The Chairman then called on Sharon Kiefer of the Idaho Fish and Game (IF&G) to present SB 1269.

SB 1269 Sharon Kiefer, representing the IF&G took the podium to present this bill which amends youth hunting licenses to clarify huntable species by removing the pygmy rabbit and adding huntable furbearers. Ms. Kiefer explained IF&G has added huntable furbearers as additional species that can be hunted for the youth small game license, the nonresident youth small game license and the youth hunter education graduate license. She identified huntable furbearing animals as badgers, bobcats, raccoons, and foxes. Ms. Kiefer reported that SB 1269 is a companion bill to SB 1267 and clarifies customer understanding and expectation of what these licenses allow them to hunt when there is an open season.

MOTION: Rep. Brackett moved that SB 1269 be sent to the floor of the House with a **DO PASS recommendation**. There being no further discussion, a vote was taken and the **MOTION PASSED** unanimously. Rep. Brackett will be the floor sponsor of this bill.

SB 1373 Chairman Stevenson called on Sharon Kiefer, IF&G, to present this legislation which amends Idaho Code to include grizzly bears in the same program of compensation for depredation damage currently used for black bears and mountain lions. Ms. Kiefer announced that Dr. Kent Marlor, sponsor of the bill had planned on presenting this bill but a conflict arose in his schedule. She read his testimony (**See Attachment**)

and added IF&G's support of SB 1373. Elaborating further, Ms. Kiefer explained that in 2002, the Legislature adopted HCR 62 which approved the State of Idaho Yellowstone Grizzly Bear Management Plan (State Plan) which was finalized in March, 2002. Subsequently, the Yellowstone Distinct Population Segment (DPS) of Grizzly Bears were delisted in April of 2007. Recognizing the need to implement directives in the State Plan, the directors of IF&G and the Dept. of Agriculture charged the Fish and Game Advisory Committee in August of 2007 to make recommendations to the Fish and Game Commission and the Office of Species Conservation regarding statutory, rule, and procedure modifications to include delisted grizzly bears within the Fish and Game depredation program. Responding to committee questions, Ms. Kiefer explained that this modification only covers grizzly bears that are not listed under the Endangered Species Act. She also clarified that there is a distinction between the Yellowstone grizzlies and the grizzlies in eastern Idaho and clarified that they are separated by a large area. Responding to the committee, Ms. Kiefer clarified that claims would go through the Department as specified in Section 36-115 of Idaho Code.

MOTION:

Following further committee discussion, Rep. Saylor moved to send SB 1373 to the floor with a **DO PASS recommendation**. A voice vote was taken and the **MOTION PASSED** unanimously. Rep. Saylor will sponsor this bill on the floor.

Chairman Stevenson recognized the presence of Mr. David Tuthill, Director of Idaho Water Resources, at the meeting and reminded committee members that Mr. Tuthill had agreed to furnish the committee with a report on water basin averages for the State. Mr. Tuthill provided each committee member with a map of Idaho showing the Mountain Snow Water Equivalent as of February 27, 2008 for each of the Idaho Basins. Chairman Stevenson thanked Mr. Tuthill for his diligence in providing this information so quickly.

SB 1352

Senator Shawn Keough took to the podium to present this bill. She provided the committee with a handout showing the North Idaho Basins from 1967 to 2007 (**See Attachment**) and proceeded to outline the need for SB 1352. She pointed out that the map on the left showed the basins as they were depicted in earlier meetings but the map on the right shows how the boundaries have changed. Senator Keough reported that since the North Idaho Adjudication (NIA) was launched, her constituents in northern Idaho have been upset and concerned about its impact upon them. Their concerns are mainly the doubling of fees, private property rights, and inclusion of domestic wells in the adjudication process. She testified that SB 1352 attempts to mitigate those concerns by amending the fee structure and capping the filing fee for power generation projects at a maximum of \$250,000 each. Senator Keough testified that the

people of northern Idaho see this as a “fairness” issue and most do not want the adjudication to move forward. Senator Keough further related that her constituents feel distrust and anger and even question the credibility of legislators and the IDWR . Further, the potential for federal water rights claims is an issue because of the high percentage of federal lands in northern Idaho. Also, the potential for claims by the Nez Perce Tribes is a concern. The committee extensively questioned the issues which Senator Keough raised and called on David Tuthill to respond.

**David Tuthill,
IDWR**

Mr. David Tuthill, Director of the Idaho Dept. Of Water Resources stood to answer questions from the committee. Regarding the doubling of fees for the people of northern Idaho compared to fees paid by the people of southern Idaho during the Snake River Adjudication during the 1980's, Mr. Tuthill testified that inflation has reduced the dollar by almost half, and so the current fees for the NIA are not actually double. Mr. Tuthill also discussed technical aspects pertaining to the basins, as well as the cap of \$250,000 on Avista Utilities, the power company. He affirmed that the Nez Perce tribes had not been consulted on the adjudication issue.

Neil Colwell

Mr. Neil Colwell, representing Avista Corporation, testified in support of SB 1352 and added that Avista supports the companion bills as well. He reported that Avista supplies power to about 115,000 customers in northern Idaho. Its power plants are located in Post Falls and east of Hope, Idaho. Mr. Colwell discussed the rate impact on customers and related that these fees would be passed on to its customers in order for Avista to recoup its costs. Mr. Colwell briefly discussed the opposition to adjudication in northern Idaho and testified that passage of this bill would help to alleviate some concerns and bring about public acceptance of adjudication in northern Idaho.

Rep. Harwood

Rep. R. J. “Dick” Harwood stood to testify in support of SB 1352, calling it a “tough issue”. He reported that his constituents in northern Idaho are extremely upset and feel they are being treated differently than people in southern Idaho were during the Snake River Adjudication. Rep. Harwood discussed the legal issues, and his contention that the Constitution gives residents the right to their water and should not have to be adjudicated. He stated that this bill is about treating northern Idaho the same as southern Idaho and urged passage of this bill.

MOTION:

Rep. Eskridge made a motion to send SB 1352 to the floor of the House with a **DO PASS recommendation**. Further discussion ensued on issues pertaining to the costs involved in adjudication for the SRBA compared to the NIA, the variables involved, fee structures, and the differences

between the two adjudication processes. Senator Keough was asked if a compromise had been considered on the fees. She responded that it had not because her constituents were extremely passionate about the fees. There being no further testimony on SB 1352, Chairman Stevenson called for a vote on the motion. The **MOTION PASSED**. Rep. Eskridge will sponsor this bill on the floor of the House.

SB 1418

Senator Keough presented this bill which relates to SB 1352 regarding adjudication in northern Idaho. Senator Keough explained the purpose of SB 1418 is to remove Basin 98 from the adjudication process by clarifying that the definition of the waters of Basin 98 in northern Idaho does not extend to the IDWR. She stated that the terms of the McCarran Amendment requires adjudication of the rights of all those who use the water of a river system within a state, including those who use the water of tributaries. Senator Keough testified that inclusion of Basin 98 is not required for purposes of adjudication of the other waters of northern Idaho as they are not hydrologically connected. She urged passage of this bill, expressing hope that it would give Boundary County residents the time they want to study the adjudication issue.

MOTION:

Rep. Eskridge made a motion to send SB 1418 to the floor of the House with a **DO PASS recommendation**. Following further discussion, a voice vote was taken and the **MOTION PASSED**. Rep. Eskridge will sponsor this bill on the floor of the House.

SB 1354

Senator Broadsword took the podium to present this bill which also deals with adjudication in northern Idaho. Senator Broadsword testified that she has received over 1,000 signatures in her district petitioning against the adjudication effort. She reported that SB 1354 defers participation in the northern Idaho water adjudication of individual domestic water users. Senator Broadsword explained that in other Idaho water adjudications, the Court was able to defer domestic water users and they were not mandated to participate. She testified that passage of this bill would make the treatment of northern Idaho citizens equal to the treatment afforded those in southern Idaho under the Snake River Adjudication Plan. She reported that her constituents are angry and upset and passage of this legislation will help people calm down. A lengthy series of committee questions and discussion ensued regarding educating citizens through town hall meetings, etc. and the issues of "fairness". The committee reminded Senator Broadsword that adjudication in southern Idaho was mandatory – they could not "opt" out and perhaps the issue of "fairness" should not be ascribed to the adjudication issue in northern Idaho. Senator Broadsword addressed the fiscal impact and reported that estimates by the IDWR show that

passage of this bill would have a \$1,940,000 negative impact to the State of Idaho. She urged passage of this bill.

MOTION: There being no one else who wished to testify, the Chairman called for a motion. Rep. Eskridge moved that SB 1354 be sent to the floor with a **DO PASS recommendation**. A voice vote was taken and the **MOTION PASSED**. Rep. Eskridge will present SB 1354 on the floor.

ADJOURN: Chairman Stevenson thanked the committee and all those who took part in the meeting. There being no further business before the committee, the meeting was adjourned at 3:00 p.m. by Chairman Stevenson.

Rep. John A. Stevenson, Chairman

Sherry McNett, Secretary

MINUTES

HOUSE RESOURCES & CONSERVATION COMMITTEE

DATE: March 3, 2008

TIME: 1:30 p.m.

PLACE: Room 148

MEMBERS: Chairman Stevenson, Vice-Chairman JoAn Wood (35), Representatives Bell, Barrett, Moyle, Eskridge, Bedke, Raybould, Andrus, Shepherd (8), Brackett, Wood (27) Vander Woude, Sayler, Pence, Chavez, King, Shively

**ABSENT/
EXCUSED:** None

GUESTS: Please See Attached Guest Sheet

The meeting was called to order at 2:10 by Chairman Stevenson due to business on the floor of the House running into the regular time. Chairman Stevenson requested the committee to read the minutes of the previous meeting while the secretary took a silent roll. The minutes of February 27th were approved as written upon a motion by Rep. Pence. Chairman Stevenson announced the first item of business was regarding HJM 10, the Wild and Scenic Rivers Act, sponsored by Rep. Trail.

HJM 10 Chairman Stevenson reported that Rep. Trail has asked that HJM 10 be held in committee. Rep. Chavez made a motion to **Hold HJM 10** in committee. A vote was taken and the **Motion Passed**.

HJR 3 Rep. Hagedorn took the podium to present this legislation which he explained was similar to HJR 2 but has been reworked. He provided the committee with a handout entitled "*HJR 003: Right to Hunt, Fish, Trap and Harvest*" (**See Attachment**). He outlined the need to provide protection for future generations of Idahoans and explained how this Joint Resolution would protect the right to hunt, fish, trap and harvest wild game. He testified that many countries in Europe and Asia no longer permit hunting or fishing and there are factions who may eventually target Idaho and seek to abolish those rights here. Rep. Hagedorn reported that Vermont has had its provision since 1777 and that since 1996, voters in ten (10) states have overwhelmingly approved similar constitutional amendments. None of these states have had issues with enforcing or regulating laws pertaining to management of licensing that deal with the right to hunt, fish or trap. The committee strongly questioned Rep. Hagedorn on the issue of making this a constitutional provision and voiced their concern that this legislation could possibly bring the federal government into Idaho's hunting, fishing, trapping, regulations and negatively impact the very purpose of creating this legislation. It was suggested that Rep. Hagedorn consider language changes to address those concerns.

MOTION: Rep. Moyle made a motion to hold HJR 3 for “time certain” until Wednesday’s meeting on March 5th.

SUBSTITUTE MOTION: Rep. Chavez immediately made a substitute motion to hold HJR 3 until after the Fish and Game Commission meeting on March 6th.

Further discussion followed, and Chairman Stevenson announced that others were there to testify and he would like to hear from them before a vote was taken. He then called Matt Compton to testify.

Matt Compton Matt Compton, representing the Idaho Sport Caucus Advisory Council, (ISCAC) took the podium to testify in favor of HJR 3. He reported that ISCAC has a membership of over 30,000 and they strongly support this legislation. When questioned if ISCAC would support changes which the committee seemed to be focusing on, Mr. Compton stated that any changes would have to be taken back to the 31 organizations which make up ISCAC. He reiterated that this organization supports this legislation as written.

Nate Helms Nate Helms, representing Sportsmen for Fish and Wildlife – Idaho, Inc. testified in support of HJR 3, emphasizing the importance of protecting Idaho’s hunting, fishing, trapping, etc. rights for future generations of Idahoans. He pointed out that now is the time to protect these rights or Idaho’s rich heritage may be lost years down the road.

Sharon Kiefer Sharon Kiefer, representing the Department of Fish and Game informed the committee that the department has not had an opportunity to consider HJR 3 and thus, they have taken no policy position on this legislation. She testified that she represents the department only to offer technical testimony about the bill. Ms. Kiefer provided the committee with her written testimony (**See Attachment**) and proceeded to discuss the language, (i.e. “right to hunt”, “reasonable regulations”), technical and legal concerns, judicial review and potential unintended consequences of the proposed legislation. In conclusion, Ms. Kiefer testified that HJR 3 is an improvement over its predecessor, HJR 2.

All testimony on HJR 3 having been completed, Chairman Stevenson called for a vote on the **Substitute Motion which was to Hold HJR 3 for time certain until March 11th**. A roll call vote was called taken and the **MOTION FAILED** by a vote of 11 to 5 with 2 absent at the time of voting. Chairman Stevenson then called for a vote on the **Original Motion to hold SJR 3 for time certain until Wednesday, March 5th**. The **MOTION PASSED** on a voice vote. Rep. Chavez wished to be recorded as voting “No”.

SB 1374

The next business on the agenda was hearing SB 1374. Sharon Kiefer, again representing IDFG, took the podium to present this legislation which specifies that wolves are included for depredation control. She announced that an amendment to this bill which provides for an emergency clause to go into effect as soon as the bill is signed is part of this bill. Ms. Kiefer briefly outlined the history of the wolf delisting which is slated for March 28th, although legal action may delay the actual date. She reported that the policy and technical direction to both the Office of Species Conservation and the IDFG is to follow through with appropriate planning and procedures to support and uphold delisting. This bill is part of that direction to follow through. Ms. Kiefer provided each committee member with a copy of her testimony, **(See Attachment)** and explained that SB 1374 creates a new section in Idaho Code to clarify the protocol for wolf depredation control actions by a livestock or domestic animal owner, their employees, agents and animal damage control personnel. This bill authorizes wolf control without a permit from the department when livestock or domestic animals are being molested or attacked. A reporting period of 72 hours is given, but if access to the control site (where the wolf was killed) is limited, then additional time is allowed. Ms. Kiefer further explained that wolves taken as a control measure must be turned over to the director of Fish and Game if he so requests. She clarified the interpretation of "agent" as being someone who acts for or in the place of another with authority by him. Ms. Kiefer also clarified the term "molested" which was questioned during the Senate hearings. She related that this is a term previously found in I.C. 36-1107(b) and which the department interprets as "to annoy, disturb or persecute, especially with hostile intent or injurious effect, and/or chasing, driving, flushing, pursuing, worrying, following after or on the trail of, stalking, or lying in wait for". Ms. Kiefer responded to committee questions regarding restrictions and 10J rules. She yielded to Jeff Allen of OSC to answer technical issues on the application of 10J rules regarding wolf attacks.

Jeff Allen

Mr. Jeff Allen, Policy Advisor for the Office of Species Conservation (OSC) stood to address technical issues involved in the taking of a wolf as well as compliance and procedures required in the permitting process. He affirmed that the federal government has adopted Idaho's definition of "molestation" regarding the wolf issue. Further committee inquiries focused on the reason for turning over a wolf carcass and various scenarios of problems which a rancher, etc. could encounter in doing so.

Sharon Kiefer

Ms. Kiefer explained that the carcass was typically collected to obtain biological information and cited the importance of that information in management and depredation control. In summary, Ms. Kiefer defined this bill as an important state management step and urged its passage by the committee.

Judy Boyle

Judy Boyle took the podium to testify in opposition to SB 1374. She reported that she represents a group of ranchers in Midvale, Weiser, and in the Indian Mountain region as well as herself. As a former Senator at the time of wolf introduction in Idaho, she reported she is well acquainted with the history of the wolf plan as well as the legal challenges that have faced livestock owners since its implementation. Ms. Boyle stressed that this bill puts the burden on the rancher or person "taking" the wolf to not only report it, but to find or locate it within 72 hours which may be an impossibility if the wolf was only wounded and possibly left the area. This means the rancher has to take time away from his duties to try and track a wounded wolf which he may never find or if he finds it dead, then he is required to take the carcass to the Fish and Game Director even though it may be decomposing. Addressing committee questions, Ms. Boyle reminded the committee that the wolf issue is very sensitive and ranchers do not want to risk legal problems in trying to protect livestock. She reiterated and emphasized that the greatest concern was the burden of compliance for the rancher to track and find the wolf carcass.

Stan Boyd

Mr. Stan Boyd, representing the Idaho Wool Growers Assn. (IWGA) testified that this organization supports SB 1374 and the proposed amendment. He pointed out that the IWGA feel comfortable with the provisions in this bill.

MOTION:

Rep. Bedke presented a **motion to send SB 1374 to General Orders with committee amendments attached**. Further discussion ensued on the interpretation of the "molesting", as well as reporting requirements. Chairman Stevenson called for a vote. The **Motion Passed**. Rep. Chavez wished to be recorded as voting "No".

ADJOURN:

Having heard and completed all business on the agenda, Chairman Stevenson adjourned the meeting at 3:45 p.m.

Rep. John A. Stevenson, Chairman

Sherry McNett, Secretary

MINUTES

HOUSE RESOURCES & CONSERVATION COMMITTEE

DATE: March 5, 2008

TIME: 1:30 p.m.

PLACE: Room 148

MEMBERS: Chairman Stevenson, Vice-Chairman Wood (35), Representatives Bell, Barrett, Moyle, Eskridge, Bedke, Raybould, Andrus, Shepherd (8), Brackett, Wood (27) Vander Woude, Saylor, Pence, Chavez, King, Shively

**ABSENT/
EXCUSED:** None

GUESTS: Please See Attached Guest Sheet

Chairman Stevenson called the meeting to order at 1:30 p.m. and asked the secretary to take a silent roll while the members read the minutes of the previous meeting. Rep. Saylor made a motion to approve the minutes of March 3rd with clarifying language on the first page. The Motion Passed.

Chairman Stevenson announced that Mr. Nate Fisher would present an update from the Office of Species Conservation (OSC) asked him to introduce those with him. Mr. Fisher stood to introduce Tom Perry, lead counsel for OSC and Tyler Mallard, in-house counsel for the Governor's Office. He then proceeded with his report which was centered primarily on the wolf issue and a new emerging issue, listing of the sage grouse. Mr. Fisher focused on the responsibility the Office of Species Conservation has regarding the preservation of rare and declining species. He explained that management of the wolves are under federal jurisdiction and reported that delisting of wolves is set for March 28, 2008. However, an appeal to prevent that delisting has been filed by a conservation group who are determined to prevent the delisting. Mr. Fisher stated that of 1,500 wolves identified in the region, 732 of them are in Idaho, showing that Idaho has substantially done its part to meet the reintroduction goals. Answering committee questions, Mr. Fisher highlighted the provisions which must be taken in order to sustain wolf levels and clarified that wolves in Yellowstone are included in the reported number of 1,500. He also explained that they are counted through aerial surveys, ground spotting and by the use of radio collars. However, he believes that the actual number of wolves is probably higher than those recorded. He reported that with an increasing wolf population, suitable habitat for them is being used up, causing more livestock problems.

Mr. Fisher remarks turned to the sage grouse , its habitat and the lawsuits filed to list them under the Endangered Species Act. He reported that sage grouse populations have been decreasing due to factors such as range fires, west nile virus, and the surge of energy development. However, Idaho has already spent over \$1 million to protect sage grouse and has one of the largest research programs in the country for sage grouse. Mr. Fisher explained that through the OSC and the Dept. of Fish and Game, a collaborative effort has been taken to develop a comprehensive management strategy for sage grouse conservation. Regarding the lawsuits, Mr. Fisher reported that a federal judge is holding the U.S. Fish and Wildlife Service to an agreement reached with environmentalists that sets a timeline for deciding whether to give the sage grouse special protection. A decision on that issue is expected to come out by May of 2009. He emphasized that listing of the sage grouse would have tremendous effects on federal, state and private land and likened it to the magnitude of the spotted owl listing a number of years ago. Responding to committee questions, Mr. Fisher reported that Idaho has done the best job of gathering data among the eleven (11) states where the sage grouse is found and is in the process of making assessments to deal with this issue. He stressed that reducing threats to the sage grouse by focusing on fire prevention, threats to their habitat, such as noxious weeds and predator control will help to encourage their population growth. Mr. Fisher reported that the sage grouse issue will be a challenge to deal with for years to come if it is placed on the endangered species list.

HJR 3

Rep. Hagedorn took the podium to present HJR 3, the legislation proposing an amendment to the constitution regarding the right to hunt, fish and harvest wild game. This joint resolution was voted on in Wednesday's meeting and held time certain until today. Rep. Hagedorn reported that he took the committee's recommendations to his legal counsel who informed him that those amendments would remove the protections in the resolution. Therefore, he was advised to keep the language as it was written. Rep. Hagedorn reported that this wording has provided protection in other states and not been challenged. The committee again questioned and discussed usage of the words, "preferred" means and "reasonable" rules.

MOTION:

Rep. Barrett made a motion to send HJR 3 to the floor of the House with a **DO PASS recommendation**. Further committee discussion followed and Chairman Stevenson called on others who wished to testify.

Nathan Helm

Nate Helm, the Executive Director of Sportsmen for Fish and Wildlife – Idaho took the podium to testify in favor of HJR 3. He testified that this organization supports HJR 3 and that it's a good step toward protecting

the future rights of Idahoans to hunt, fish and trap.

Douglas Schleis Douglas Schleis, who described himself as a reporter for Wild Idaho News stood to testify against HJR 3. He stated that on the surface it sounds good, but believes it is too broad and will open up problems which will have to be resolved through the courts. Mr. Schleis briefly reviewed the problems he finds in the wording of "reasonable" rules and urged caution in moving forward with this resolution.

SUBSTITUTE MOTION: Rep. King made a substitute motion to **hold HJR 3 in committee**. Further committee discussion followed.

AMENDED SUBSTITUTE MOTION An amended substitute motion to **hold HJR 3 time certain until Tuesday, March 11th** was presented by Rep. Raybould. The committee questioned Rep. Hagedorn again regarding placement of amendments to deal with the concerns of questionable language. Many of them want time to discuss this with other legal counsel to try and ascertain a better course of action. Rep. Hagedorn was agreeable to taking any proposed amendments which the committee would bring to his legal counsel. Chairman Stevenson called for a vote on the amended substitute motion. The **MOTION PASSED** by a majority. Rep. Barrett wished to be recorded as voting "No".

ADJOURN: Chairman Stevenson announced there would be no meeting on Friday, March 7th and adjourned the meeting at 3:00 p.m.

Rep. John A. Stevenson, Chairman

Sherry McNett, Secretary

MINUTES

HOUSE RESOURCES & CONSERVATION COMMITTEE

DATE: March 11, 2008

TIME: 1:30 p.m.

PLACE: Room 148

MEMBERS: Chairman Stevenson, Vice-Chairman Wood (35), Representatives Bell, Barrett, Moyle, Eskridge, Bedke, Raybould, Andrus, Shepherd (8), Brackett, Wood (27) Vander Woude, Sayler, Pence, Chavez, King, Shively

**ABSENT/
EXCUSED:** None

GUESTS: Please See Attached Guest Sheet

A quorum being present, the meeting was called to order at 1:30 p.m. by Chairman Stevenson who greeted the committee and welcomed all in attendance. Rep. JoAn Wood introduced the students visiting from the Jefferson Montessori School in Rigby, Idaho. Chairman Stevenson reminded the committee that business on the Floor of the House was set to convene at 3:30 p.m.

HJR 3 The first item of business was HJR 3, which was held time certain until today. Rep. Hagedorn reported the intent of this legislation is to protect the rights of hunting, trapping and the way wildlife is managed in Idaho. He explained that after a series of discussions regarding language and amendments, the sponsors have decided to hold the legislation until the details can be worked out in an acceptable way that will maintain the integrity of the intent of this legislation. Therefore he asked that HJR 3 and its predecessor, HJR 2 both be held in committee.

MOTIONS: Rep. JoAn Wood presented a motion to **hold HJR 2 in committee**. The **Motion Passed** on a voice vote.

Rep. Raybould made a motion to **hold HJR 3 in committee**. The **Motion Passed** on a voice vote.

HB 604 Rep. Hagedorn presented this legislation dealing with shooting ranges. It adds to the definition of a shooting range, the local regulation of a shooting range and the ability of a local unit of government to regulate noise produced by the shooting range. This bill more clearly outlines and specifies the term "outdoor sport shooting range" and specifically defines the term, "substantial change in use". Rep. Hagedorn reported that previous definitions in code were ambiguous, often prompting court action to decide the interpretation.

Jim Jatkevicius Jim Jatkevicius, Assistant Director of ISSA, testified in favor of HB 604. He stated he is an active pistol shooter with experience at rod and gun clubs where problems have occurred due to lack of noise standards. He reported that this bill is needed to help establish definitions of activities that clubs can undertake, and to protect shooting ranges from lawsuits.

Paul Jasosh Paul Jasosh, representing the Fraternal Order of Police, stood to testify in support of HB 604. Mr. Jasosh stressed that constant training of police officers at shooting ranges is critical to assure their accuracy. In response to committee questions regarding the need for shooting ranges to establish range use hours between 10:00 p.m. and 7:00 a.m., he clarified that because the majority of shootings occur at night, police need to practice in the dark in order to simulate their surroundings. He also explained the need to protect these shooting ranges from lawsuits due to encroaching housing developments and cited a case in Twin Falls which has encountered this problem. Mr. Jasosh reiterated the need for training and urged the committee to pass this bill.

MOTION: Rep. Barrett made a motion to send HB 604 to the floor of the House with a DO PASS recommendation. The Chairman called for a vote and the **Motion Passed**. Rep. Hagedorn will sponsor this bill on the Floor.

HJM 11 Rep. Tom Trail took the podium to present this legislation which is a joint memorial to urge the U.S. Forest Service to exhaust every effort such as mediation, consultation and coordination with private property owners who hold easements pursuant to the Wild and Scenic Rivers Act before initiating litigious efforts against such citizens of the State of Idaho. Rep. Trail outlined the events in northern Idaho which have led to drafting of this legislation. The U.S. Forest Service has filed lawsuits against private property owners who have easements along their property bordering rivers included in the Wild and Scenic River System, thereby restricting the property owner to "limited usage" of his property for livestock or other purposes. Rep. Trail reiterated that HJM 11 is a directive to try to seek the cooperation of the U.S. Forest Service to mediate, and try to work with the private property owners.

Sen. Heinrich Senator Lee Heinrich took the podium to further explain the problems being encountered with the U.S. Forest Service regarding easements. Senator Heinrich cited the case of a family whose ranch was along the borders of the Middle Fork of the Clearwater River who have spent thousands of dollars trying to defend their right to use their property to breed and raise rare dogs. He stated this is not an isolated incident, as many other people have been victimized by the U.S. Forest Service. Senator Heinrich urged the committee to pass HJM 11.

MOTION: A motion to send HJM 11 to the floor with a DO PASS recommendation was presented by Rep. Bedke. The **Motion Passed** on a voice vote.

SB 1348

Jack Lyman, representing the Idaho Mining Association, took the podium to present this bill which deals with water rights and mining operations. Mr. Lyman explained that Idaho law contains ten (10) exceptions to the provisions requiring the forfeiture of water rights due to non-use. This bill would clarify and help interpret one of those exceptions which applies to cases where the non-use is due to circumstances beyond the control of the water right owner. Mr. Lyman stressed that SB 1348 will clarify how this existing exemption applies to water rights related to mining. This legislation is particularly important to the Silver Valley area where mines have huge reserves of silver, lead, zinc and copper. Mr. Lyman reported that prices of these minerals have tripled and even quadrupled in the last five years, making mining ventures here very lucrative. However, the ability to secure their existing water rights will be an important factor as companies consider expansion of mining in Idaho. Mr. Lyman stressed that the provisions in SB 1348 are narrowly drawn with strict requirements to assure that only legitimate mining ventures will qualify for this exception. They will be required to: (1) demonstrate that they have a valuable mineral; (2) have maintained the rights to that mineral; (3) demonstrate that they have maintained the property for future mineral development and **have not put it to some use incompatible with mining**; and (4) they must demonstrate that the non-use of their water right was due to mineral prices. Mr. Lyman noted that these actions would be normal in the course of mining ventures, but would be unusual for water right owners who have no interest in future mineral production. Mr. Lyman also stated that this bill was developed with input from the Idaho Water Users Assn. and in consultation with the Department of Water Resources who requested several changes to the original draft of the bill, all of which have been incorporated into SB 1348. Responding to committee questions, Mr. Lyman explained that this bill respects the actions of the Snake River Basin Adjudication (SRBA) by specifying that final decisions of the SRBA will not be undone by this bill. Simply put, no one in southern Idaho will be able to use this law to reopen a final decree issued by the court in the adjudication. Mr. Lyman advised the committee that a Deputy Attorney General had issued an adverse opinion which he states is "an informal and unofficial expression of views of this Office based on the research of the author".

Justin Hayes

Justin Hayes, Program Director for the Idaho Conservation League, (ICL) stood to testify against SB 1348. He reported the the ICL is not opposed to the general intent of the bill, but cited the Attorney General's opinion regarding unintended consequences. Mr. Hayes provided the committee with a copy of his testimony along with the Attorney General's letter and called for more restrictive language. **(See Attachment)**. The committee discussed the Attorney General's letter, its intent and significance.

- Peter Anderson** Peter R. Anderson, staff attorney for Trout Unlimited took the podium to testify against SB 1348. Mr. Anderson related that he has practiced water law for 22 years and is well acquainted with water rights and litigation in this field. He reported that he can support Section 1 of the bill, but sees problems in Section 2 which he interprets as reviving water rights which will cause huge problems. According to Mr. Anderson, 132,000 water rights have been forfeited and any of those could be revived. His second concern was possible injury to junior water holders, fearing their water may be taken if water from a higher source is diverted. Mr. Anderson proposed an amendment to the bill and passed out a copy to each committee member. **(See Attached)** This amendment would prohibit revival of water rights forfeited prior to the date of passage of this bill. Mr. Anderson warned the committee to give careful consideration to the scope of this legislation.
- Albert Barker** Albert Barker, an attorney representing Hecla Mining Co., testified in support of SB 1348, stating that this bill only pertains to legitimate mining operations who can show that they have a valuable mineral, have maintained the rights to that mineral and have maintained the property for mineral development and have not put it to another use. Then they must show that non-use of their water right was due to mineral prices. Mr. Barker stressed that these stringent requirements make the "revival" water problems referred to by Mr. Anderson a moot point.
- Norm Semanko** Norm Semanko, representing the Idaho Water Users Association, Inc. (IWUA) testified that IWUA, in consultation with the Department of Water Resources worked on fine tuning the language in this bill. Mr. Semanko cited the protections this bill provides and urged its passage.
- Jack Lyman** Mr. Jack Lyman stood to conclude his presentation of SB 1348, saying it would facilitate the expansion of mining in the Silver Valley and secure mining jobs for hundreds of Idaho workers.
- MOTION** Rep. JoAn Wood (35) presented a motion to send SB 1348 to the floor of the House with a DO PASS recommendation. The Chairman called for a vote. The **Motion Passed**. Rep. Raybould will be the floor sponsor. Representatives Chavez and King wished to be recorded as voting "No".
- ADJOURN:** Chairman Stevenson adjourned the meeting at 3:30 p.m., having completed all business on the agenda.

Rep. John A. Stevenson, Chairman

Sherry McNett, Secretary

MINUTES

HOUSE RESOURCES & CONSERVATION COMMITTEE

DATE: March 13, 2008

TIME: 1:30 p.m.

PLACE: Room 148

MEMBERS: Chairman Stevenson, Vice-Chairman Wood (35), Representatives Bell, Barrett, Moyle, Eskridge, Bedke, Raybould, Andrus, Shepherd (8), Brackett, Wood (27) Vander Woude, Sayler, Pence, Chavez, King, Shively

**ABSENT/
EXCUSED:** None

GUESTS: Please See Attached Guest Sheet

The meeting was called to order by Chairman Stevenson at 3:25 p.m. due to business on the Floor of the House running late. The minutes of March 11th will be reviewed and approved at the next meeting. Chairman Stevenson announced HB 619 as the first item of business on the agenda and called on Jane Wittmeyer to present it.

HB 619 Jane Wittmeyer, representing the Intermountain Forest Association (IFA) presented this bill which allows de minimis amounts of water to be taken from a natural water course for use in forest dust abatement without a water right. She advised the committee that the Dept. Of Lands and the Dept. Of Water Resources worked together to craft this bill. Ms. Wittmeyer explained that extreme dust is created by heavy trucks and equipment driving on wilderness logging roads. Watering trucks need to spray the roads to keep this dust down. In order to avoid driving back to a main water source, the watering trucks pump water from a creek or small stream to fill up and continue watering the road. The committee discussed the practicality of this bill, but questioned if any fish might be sucked up with the water. Ms. Wittmeyer explained that a screen was in place to prevent that from happening. Ms. Wittmeyer reported that the bill limits the water pumped to two-tenths (0.2) acre-feet per day from a single watercourse which is a very minimal amount of water. The bill also creates an appeals process for any water right holder who believes they have been deprived of water by this use.

MOTION: Rep. Shepherd moved that HB 619 be sent to the floor with a DO PASS recommendation. A vote was taken and the **Motion Passed** unanimously. Rep. Shepherd will be the floor sponsor.

HB 634 Chairman Stevenson announced that it has come to his attention that HB 634 has some problems and needs more work. Therefore, the sponsors have asked that it be held in committee.

MOTION: Rep. Raybould moved that HB 634 be **Held in Committee**. A voice vote was held, and the **Motion Passed**.

SB 1424 Mr. Norm Semanko, representing the Idaho Water Users Association, Inc. (IWUA) presented this bill which deals with Irrigation Local Improvement Districts. Mr. Semanko reported that this bill would allow people who live in irrigation districts to have better access to irrigation water that is appurtenant to their property, but which is not currently accessible. This would be accomplished by improving the ability of irrigation districts to form local improvements districts (LID's) to provide for such water supplies through connection or reconnection to the irrigation system of the irrigation district. Mr. Semanko made the distinction that this bill deals with irrigation LID's, not municipal or city water. He described a situation where a housing subdivision was built on farmland, with home owners still paying a water right fee for water they cannot access. This bill would let them opt out or help them gain access to the irrigation water. Irrigation districts would be allowed to authorize a preliminary study to determine the feasibility and costs of an LID. Mr. Semanko explained that irrigation districts located in more than one county may publish notice only in the county where the proposed LID is to be located. If sixty percent (60%) of the landowners within the proposed LID protest, then the process is suspended for six months, but the LID process could be recommenced after that time. Mr. Semanko testified that this bill is an excellent way to put available water supplies to work rather than tapping into other water sources without costing the State any money.

Kent Lauer Mr. Kent Lauer, representing the Idaho Farm Bureau Federation, (IFBF) testified that IFBF worked closely with the Idaho Water Users and other to craft this legislation. Mr. Lauer reported that SB 1424 will maximize the use of available water supplies in Idaho and allow people in irrigation districts that want to receive water to be able to do so.

MOTION: Rep. Raybould moved to send SB 1424 to the floor of the House with a DO PASS recommendation. The Chairman called for a vote which was unanimously in favor. **The Motion Passed**. Chariman Stevenson will be the sponsor on the floor of the House.

ADJOURN: Chairman Stevenson thanked all those who participated and with no further business to conduct, the meeting was adjourned at 4:15 p.m.

Rep. John A. Stevenson, Chairman

Sherry McNett, Secretary

MINUTES

HOUSE RESOURCES & CONSERVATION COMMITTEE

DATE: March 17, 2008

TIME: 1:30 p.m.

PLACE: Room 148

MEMBERS: Chairman Stevenson, Representatives Bell, Barrett, Moyle, Eskridge, Bedke, Raybould, Andrus, Shepherd (8), Brackett, Wood (27) Vander Woude, Sayler, Pence, Chavez, King, Shively

**ABSENT/
EXCUSED:** Vice-Chairman Wood (35)

GUESTS: Sharon Kiefer, IDFG; Bob Brammer, Assistant Director of IDL; Dave Goins, journalist with Idaho News Service; and Bonnie Butler, Special Assistant with the Governor's Office

The committee assembled at 2:30 p.m. following completion of business on the floor of the House. Chairman Stevenson called the meeting to order at that time. He requested that the committee read the minutes of March 11th and March 13th as the secretary took a silent roll. The minutes of March 11th were approved upon a motion by Rep. Raybould and the minutes of March 13th were approved upon a motion by Rep. Pence. Chairman Stevenson then called on Senator Schroeder to present his bills.

SB 1280 Senator Schroeder presented SB 1280 which would increase fees for non-resident hound hunter permits from \$100 to \$140. Sen. Schroeder provided each committee member with a handout containing exhibits "A", "B", "C", and "D". **(See Attachment)** Referring the committee to Exhibit A, he explained that in 2005, resident hound hunter permits were increased by 10%, along with other resident licenses and tags. However, non-resident hound hunter permits were not increased at that time. Therefore, this bill seeks to add 10% to the \$127 pre-2005 non-resident fee. Sen. Schroeder reported that the demand for non-resident hound hunter permits exceeds the quota available. Referring to Exhibit D, he reported that the average price of a bobcat pelt is around \$570.32 but has topped up to \$1,800 due to the high quality of fur. Responding to committee inquiries, Sen. Schroeder explained that hound hunters must buy a permit to hunt with their dogs and also buy a tag to hunt cats such as bobcats and mountain lions. Sen. Schroeder referred the committee to a letter dated March 7, 2008 from the Dept. of Fish and Game in which they agree that the demand for non-resident hound hunter permits exceeds the quota. Sen. Schroeder profiled this bill as a "fairness" issue and urged its passage.

Sharon Kiefer

Sharon Kiefer from the Idaho Dept. Of Fish and Game (IDFG) was asked to stand to answer a number of committee questions. She provided the committee with IDFG's letter of March 17, 2008 and briefly reviewed it. **(See Attachment)** She reported that the Fish and Game Commission reviewed SB 1280 and SB 1281 and voted to monitor them. However, she stressed that IDFG has not adopted a position either in support or opposition to these bills. Ms. Kiefer clarified that mountain lion harvest is governed by population quota, not tag sales. She reported that for the 2001-2007 period, the non-resident mountain lion harvest represented 26% of the total mountain lion harvest. The committee questioned if the Outfitters and Guides had been contacted for their position. Ms. Kiefer responded that IDFG had no contact with them. Sen. Schroeder reported that he had not been contacted by them. Ms. Kiefer was questioned about IDFG's plans for raising fees across the board. She responded that IDFG has no immediate plans to raise fees, but it is something they are investigating.

MOTION:

Rep. Fred Wood moved to **send SB 1280 to General Orders**, expressing his concern regarding the impact on a fee increase for non-residents as well as raising future issues regarding this matter. Following further discussion on the ramifications of this bill, Chairman Stevenson called for a vote. The **Motion Passed**. SB 1280 will be sent to General Orders.

SB 1281

Senator Schroeder took the podium to present this bill which would raise the fees for non-resident cougar tags to \$256.75, a 10% increase. Sen. Schroeder stated that based on IDFG data during the last ten (10) years, Idaho sold an average of 723 non-resident cougar tags annually. He reported that cougars are very valuable for their pelts and many non-residents come to Idaho to hunt these big cats. He provided information to committee members from various licensed outfitters reflecting the prices of guided hunts. Sen. Schroeder again discussed the high prices these pelts are bringing in today's fur market and clarified to the committee that he is in the fur business. He also addressed this bill as a "fairness" issue, saying that non-residents need to pay more for the privilege to hunt in Idaho.

MOTION:

Rep. Fred Wood presented a motion to **send SB 1281 to General Orders**. A voice vote was held and the **Motion Passed** unanimously.

SB 1449

Senator Schroeder announced that he would present SB 1449 for Senator Mike Jorgenson who had a previous commitment, making him unavailable. The purpose of this bill is to increase the civil penalty authority of the State Board of Land Commissioners for encroachment violations that cause substantive harm to a lake or to the public trust

values associated with a lake (fisheries, water quality, etc.). Sen. Schroeder outlined the history of a unique problem in Bayview on Lake Pend Oreille which led to drafting this bill. Briefly, a valuable spawning bed for kokanee fish was ruined due to a contractor who had applied for a permit, but proceeded to put in a dock before actually receiving the permit. Sen. Schroeder proceeded to discuss the bill, focusing on the civil penalties which would be raised up to \$10,000 per violation or \$1,000 for each day of a continuing violation, whichever is greater. He related that this substantial increase in fines would be a huge deterrent to future violators. Sen. Schroeder reported that penalties have not been changed since the statute was first passed in 1974. The committee discussed the merits and impact of raising the civil penalties from the present amount of "no more than \$2,500" to "up to \$10,000". Sen. Schroeder stressed that no amount of money can bring back the kokanee which were lost because of the damage to their spawning grounds. He explained that this bill would require that money collected from any civil penalties would be deposited into the General Fund. Money in this fund would be used to restore and enhance resources on the lake where a violation occurred. Senator Schroeder emphasized the importance of this legislation to help protect Idaho's fisheries and lakes and urged its passage.

Bob Brammer

Mr. Bob Brammer from the Idaho Dept. of Lands was asked to clarify some of the facts surrounding the issue of damage to the kokanee spawning ground in northern Idaho. Mr. Brammer clarified that the contractor had applied for a permit which was being processed. However, had the contractor waited to receive it, there would have been restrictions and/or timing conditions to prevent disturbing the spawning beds of the kokanee. Responding to committee questions, Mr. Brammer was unable to state the dollar amount the contractor would have been fined if this law had been in place at the time. Various committee members from northern Idaho discussed the outcry from their constituents over the loss of these valuable fish and their spawning ground. Mr. Brammer deferred to Sharon Kiefer of IDFG to answer technical questions regarding the kokanee.

Sharon Kiefer

Sharon Kiefer, representing the IDFG stood only to give information on the kokanee, not to testify on the bill. She related that these fish are the landlocked form of the sockeye salmon. Ms. Kiefer reported that they are not native to Lake Pend Oreille but was unsure how they were introduced. However, she promised to provide the committee with that information at the next meeting. She explained that the number of kokanee has decreased in the last few years due to a number of factors which IDFG is seeking to control. Ms. Kiefer agreed that there was significant loss of kokanee due to the circumstances cited above.

MOTION: Rep. Fred Wood made a motion to **send SB 1449a to the floor of the House with a DO PASS recommendation.** The **Motion Passed** on a voice vote. Rep. Saylor will sponsor this bill on the floor of the House.

ADJOURN: Chairman Stevenson advised the committee of Wednesday's meeting and with all business on the agenda having been completed, he adjourned the meeting at 3:45 p.m.

Rep. John A. Stevenson, Chairman

Sherry McNett, Secretary

MINUTES

HOUSE RESOURCES & CONSERVATION COMMITTEE

DATE: March 21, 2008

TIME: 1:00 p.m.

PLACE: Room 148

MEMBERS: Chairman Stevenson, Representatives Bell, Eskridge, Raybould, Andrus, Shepherd (8), Wood (27) Vander Woude, Sayler, Pence, Chavez, King, Shively

**ABSENT/
EXCUSED:** Vice-Chairman Wood (35), Reps., Barrett, Moyle, Bedke, Brackett

GUESTS: None

The committee met at 1:00 p.m. following adjournment of business on the floor of the House. Chairman Stevenson called the meeting to order as he welcomed all in attendance. He asked the secretary to take a silent roll as committee members read the minutes of the previous meeting. Rep. Pence made a motion to approve the minutes of March 17th, 2008 as written. They were approved on a voice vote. Chairman Stevenson directed committee members to a Memo in their folders from Sharon Kiefer of Idaho Fish and Game with Information About Pend Oreille Lake Kokanee. **(See Attachment)** This is the information she promised to provide to the committee at the previous meeting. Chairman Stevenson also asked committee members to read the proposed letter to Dirk Kempthorne, Secretary of the U.S. Dept. of the Interior regarding comments on the status of sage-grouse conservation in Idaho. There were no additions or corrections to the letter by the committee. The secretary will finalize the letter for signature by each of the committee members and the letter will be sent to Secretary of the Interior, Dirk Kempthorne.

SB 1470 Senator Clint Stennett stood before the committee to present this legislation which deals with disclaimers of interests of state lands along navigable rivers. Senator Stennett provided committee members with a copy of Attorney General Opinion No. 07-1 and also a list of Rivers Considered Navigable. **(See Attachments)** He proceeded to outline the merits of SB 1470, explaining that this legislation would insure that the State provide for a public access right-of-way of twenty-five (25) feet wide in exchange for the disclaimer of interest. Any agreements in excess or less than a twenty-five (25) foot access would be at the discretion of the State Land Board. Senator Stennett reported that this legislation codifies current guidelines already implemented by the Idaho Dept. of Lands and the State Land Board in disclaimers of interest, and

protects the public access to our rivers. He also pointed out that when the State was granted ownership of the beds of navigable rivers, they relied on surveys done about the time of statehood. However, over the years, river flows have changed or been altered by dams, dikes, and irrigation pumping. Senator Stennett reported that an upland property owner wanting clear title to his property (who relied on the existing high water mark) might find that his property was defined at the meander line on the old surveys done at statehood. This bill makes it possible for the property owner to go to the State and ask for a disclaimer of interest of those lands that are no longer the bed of the navigable river or to allow for an exchange of land elsewhere on the property. If not satisfied, the property owner could go to the District Court to gain quiet title to the property. Senator Stennett testified there would be no fiscal impact to the General Fund and profiled this bill as a means to protect public access to Idaho's rivers.

MOTION: Rep. Fred Wood (27) made a motion to send SB 1470 to the floor of the House with a DO PASS recommendation. Chairman Stevenson called for a voice vote and the **Motion Passed**. Rep. Wood (27) will sponsor this bill on the floor of the House.

ADJOURN: Chairman Stevenson announced that the next meeting would likely be on Tuesday, March 25th or at the call of the Chair. Having completed all business, the meeting was adjourned at 1:30 p.m. by Chairman Stevenson.

Rep. John A. Stevenson, Chairman

Sherry McNett, Secretary