

MINUTES
SENATE RESOURCES & ENVIRONMENT COMMITTEE

DATE: Friday, February 10, 2012

TIME: 1:30 P.M.

PLACE: Room WW55

MEMBERS PRESENT: Chairman Pearce, Vice Chairman Bair, Senators Cameron, Siddoway, Brackett, Heider, Tippetts, Werk, and Stennett

ABSENT/ EXCUSED: None

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

CALL TO ORDER: **Chairman Pearce** called the meeting to order at 1:30 P.M. He asked the Committee for a consensus if they would like to meet at 1 P.M. on Friday's, in the future. It was so agreed.

MOTION: The Committee considered the Gubernatorial reappointment of **Mr. Jim Yost to the Northwest Power & Conservation Council.**

Vice Chairman Bair moved to send the Gubernatorial appointment of Jim Yost to the Northwest Power & Conservation Council to the floor with the recommendation that it be confirmed by the Senate. **Senator Cameron seconded** the motion. The motion **passed** by unanimous voice vote. **Senator Brackett** will be the **sponsor.**

The **Chairman** said there are three RSs on the agenda and they are as follows:

RS 21215C1: The intent of this legislation is to communicate to the President of the United State, the U.S. Secretary of Agriculture, the United States Congress and the U.S. Congressional delegation for Idaho concern that the Secure Rural Schools legislation has not been reauthorized. This has caused critical instability in funding for county road budgets and local school districts.

It further sets out the Community Forest Trust Concept formulated by the counties of Shoshone, Boundary, Clearwater, Idaho and Valley as a possible alternative for national forest land management and asks that a pilot project to determine the feasibility of the concept be included in a reauthorization of Secure Rural Schools.

RS 21194C1: This legislation provides a procedure for absentee voting in irrigation district elections and it has no fiscal impact.

RS 21240: This legislation would direct that funds in the Winter Feeding account be used only for purchasing blocks, pellets, or hay and requires the Idaho Fish and Game Department to submit a yearly report to the Idaho Senate Resources and Environment Committee and the House Resources and Conservation Committee detailing how funds in the feeding account have been expended. There is no fiscal impact to the general fund.

MOTION: **Senator Siddoway** made the **motion** to print RS 21215C1, RS 21194C1, and RS 21240. The motion was **seconded** by **Senator Heider.** The motion **passed** by unanimous voice vote.

SCR 111: Next on the agenda was Senate Concurrent Resolution 111. **Mr. Brian Patton, with the Idaho Department of Water Resources (IDWR)**, spoke regarding this issue. Following is his testimony: "Good afternoon Mr. Chairman and members of the Committee. I am with the IDWR and my role at the Department is to oversee the programs, projects, and actions carried out by the Idaho Water Resource Board. The purpose of Senate Concurrent Resolution 111 would be to approve an appropriation of water by the Idaho Water Resource Board for the purpose of maintaining a minimum lake level in Cocolalla Lake, located near Sandpoint in northern Idaho.

On January 23rd, I previously provided remarks on this matter to this Committee on behalf of IDWR and the Water Resource Board. Since that time, some controversy has developed surrounding this proposal that was not previously evident. On Wednesday of this week, the Bonner County Commissioners voted to oppose this proposal. The Water Resource Board does not want to move forward with this proposal if opposed by the local community. Therefore, the Board will cancel the water right permit and withdraws this submittal to the legislature."

TESTIMONY: Written testimony was received from the **Bonner County Board of County Commissioners and 19 landowners/residents of the Cocolalla Lake** area asking the Committee to deny the application and to oppose SCR 111. Copies are on file.

MOTION: Following a brief discussion, **Senator Tippets** made the **motion** to hold SCR 111 in Committee. The motion was **seconded** by **Vice Chairman Bair**. The motion **passed** by unanimous voice vote.

RS 21271: **Chairman Pearce** said RS 21271 simply rejects the application to appropriate water for minimum lake level relating to Cocolalla Lake.

MOTION: **Senator Siddoway** made the **motion** to print RS 21271. The motion was **seconded** by **Vice Chairman Bair**. The motion **passed** by unanimous voice vote.

S 1283: The **Chairman** said they would now continue the hearing on S 1283 which is legislation that would allow landowners to sell their landowner appreciation tag. He called on **Ms. Sharon Kiefer, Deputy Director, Idaho Department of Fish and Game (IDFG)**.

TESTIMONY: **Ms. Kiefer** thanked the Chairman for the opportunity to amend her testimony of February 8 about S 1283. The Fish and Game Commission discussed this bill on February 9 and does not support it. The Commission considered this bill to be inconsistent with the original intent of the Landowner Appreciation Program to provide hunting opportunity to landowners in controlled hunt Game Management Units that provide important, private, big game habitat and to acknowledge the benefits to public wildlife provided by landowners and their private property.

TESTIMONY: **Mr. Dar Olberding, representing the Idaho Grain Producers Association**, testified in support of S 1283. He stated that he is a member of the Idaho Fish and Game Advisory Committee, and they made a decision; however, he said that he called all the executive board members last night, and they feel that it is a positive way to go (selling the tags). By selling the tags, it could relieve some of the liability problems.

TESTIMONY: **Mr. Benjamin Kelly, representing Food Producers of Idaho**, representing forty agriculture and farm organizations in Idaho, and their respective memberships voted to support S1283 at their weekly meeting. Their letter stated "S 1283 is a positive route to encourage willing landowners the opportunity to benefit from their property as well as increasing important Idaho recreational activities through the Landowner Appreciation Program." They also believe that this bill is a win-win for the Idaho landowner and the sportsman.

- TESTIMONY:** **Ms. Angela Rossmann**, represents the **Idaho Wildlife Federation**. She feels that "selling" wildlife is underpinning their philosophy and would like for this bill to be set aside.
- TESTIMONY:** **Mr. Wyatt Prescott, Executive Vice President, Idaho Cattle Association**, and on behalf of ICA, he said they stand in support of S 1283. They feel that this bill adequately represents the meaning of landowner appreciation.
- TESTIMONY:** **Mr. Wally Butler, Range and Livestock Specialist for the Idaho Farm Bureau Association**, said they are in support of S 1283.
- TESTIMONY:** **Mr. Stan Boyd, Idaho Woolgrowers Association and Idaho Cattle Association**, said they are in support of S 1283 also. He feels it is only fair to the landowners to have the tag(s) and to be able to sell it, as that is a way to recover some of their costs.
- TESTIMONY:** Speaking against S 1283 was **Mr. John Caywood**, representing the **Ada County Fish and Game League**. He stated that the League opposes the sale of LAP tags as recommended in S 1283. The tags were implemented to insure that ranch families could participate in controlled hunts where they owned land and not envisioned to be just another farm income. A copy of his complete testimony is on file.
- TESTIMONY:** Written testimony was received from **Mr. Dale Tustison** regarding S 1283 and he asked the Committee to not support it.
- Senator Siddoway** was asked to "wrap up" the discussion and he said there wasn't a lot that he could add. He urged the Committee members to support this legislation and also to declare, once again, that he has a conflict of interest on this issue, as he is a landowner and a recipient of the tags. He stated that he could profit from the sale of the tags and asked that his declaration be entered into the minutes and spread across the pages of the Journal.
- Senator Brackett** said that he would like to declare a possible conflict of interest, being a landowner, but is not currently enrolled in the program; however, he does have a potential conflict and does intend to vote.
- MOTION:** **Senator Heider** made the **motion** to send S 1283 to the Senate floor with a do pass recommendation. **Vice Chairman Bair seconded** the motion.
- During the discussion following the motion, Senators Tippetts, Werk, and Stennett indicated that they could not support the bill. A roll call vote was requested. Voting in **favor** of S 1283 were **Senators Heider, Brackett, Siddoway, Cameron, Vice Chairman Bair and Chairman Pearce**. Voting **nay** were **Senators Tippetts, Werk, and Stennett**. The vote was 6-3 **in favor** of a do pass recommendation. **Senator Siddoway** is the **sponsor**.
- PASSING OF GAVEL:** **Chairman Pearce** announced that he needed to be excused as he had to speak at a funeral and passed the gavel to **Vice Chairman Bair**.
- Vice Chairman Bair** welcomed **Ms. Teri Murrison, Administrator of the Conservation Commission** who will present slides depicting the "Soil and Water Conservation Update."

SPEAKER:

Ms. Murrison said that it has been a few years since they have reported to this Committee and her goal today is to provide a brief update of their changes over the past few years, highlight their programs and services, and demonstrate the incredible work the Conservation Commission and conservation districts are doing around the state.

After the revisions to their statute during the 2010 session, they set a course to communicate and coordinate better with partners, improve transparency and accountability, and do more with less in light of reduced budgets.

Ms. Murrison said they welcomed new leadership: two new Commissioners and an Administrator. They previously had experienced a high turnover in personnel. The Conservation Commission plans to build on 2012's fresh start and they are going forward productively with their partners. They are adjusting to the 52% reduction in the workforce and are seeking alternative funding sources to supplement the 46% reduction in general funds. Their existing resources are focused on district support services, programs, and administration to operate as efficiently as possible.

Their mission is to facilitate coordinated non-regulatory, voluntary, and locally led conservation by and between federal, state, and local governments (including conservation districts) in order to "conserve, sustain, improve, and enhance soil, water, air, plant, and animal resources." The top priorities of the Commission are as follows: (1) Provide districts with support - both technical assistance and capacity building; (2) Operate the Comprehensive Conservation and Incentive Programs to advance conservation activities in cooperation with federal, state, and local agencies and the owners and managers of privately held lands; and (3) Provide administrative support to Commissioners, districts, technical assistance to field staff around the state.

The Conservation Commission was established by the Legislature in 1939 and came under the Department of Agriculture in 1997. There are five Commissioners appointed in staggered five year terms by the Governor and they also have invited five nonvoting members to advise the Commission.

The Resource Conservation and Rangeland Development Program (RCRDP) provides low interest loans to purchase equipment or install projects that have conservation benefits. Many of the loans have been used to install pivot irrigation systems for water savings. They currently have over 160 active loans and a loan portfolio of close to \$7 million. Since the mid 1990's, they have funded almost 600 loans and over \$31 million dollars worth of conservation has been put on the ground. Due to lack of funding, the Water Quality Program for Agriculture (WQPA) was discontinued. They will continue to seek funding for this important incentive program as districts have told them how valuable this program was to fund projects that implemented Total Maximum Daily Load plans (TMDL). The Conservation Commission is the designated agency for agricultural and grazing components of the TMDL plan development. Plans must incorporate landowners' goals along with the condition of the water shed, and suggest practices or projects to reduce pollutant loads and meet statewide TMDL goals. So far, they have completed 82 plans, have 16 in progress, and will be working on 38 more, pending "start work" notification from the Department of Environmental Quality (DEQ). During FY 2011, the Conservation Commission was directly involved in reducing over 278,000 pounds of pollutants from Idaho's ground water.

The presentation included 25 slides of various projects in various stages and Ms. Murrison commented on each one. (A copy of her complete testimony is on file). In closing, she said they pledged to continue working hard to advance incentive-based, good stewardship in Idaho and to continue working hard to avoid more regulations. She thanked the Committee for their support and their time.

SPEAKER:

The next speaker was **Mr. Bret Rumbeck, Executive Director of Idaho Soil Conservation Districts (IASCD)**. He said that he would share a few things about the 50 Soil Conservation Districts and how vital they are for natural resource conservation in our state. For those who may not know, Soil and Water Conservation Districts are not just in rural or farm communities. The Ada Soil and Water Conservation District serves the Boise area and has an urban conservation focus.

The membership is nearly at 100%. Of the 50 districts, 47 have paid their full membership dues of \$1,500, two paid \$400, and one district has not joined the Association. This is a big improvement from last year as there were just 42 districts who were members. Mr. Rumbeck said that they have made significant improvements in communicating with their membership, the press, the elected officials, and the public at large. Last April, in two newspapers, it was reported that the districts celebrate Earth Day every day, as they work to preserve and enhance Idaho's natural resources day in and day out. They also work hand-in-glove with the Soil and Water Commission to develop their new strategic plan. Districts had the opportunity to comment and make suggestions at every step of the process. He said they want to thank Ms. Murrison and her staff for allowing such an open transparent process.

Mr. Rumbeck showed two videos relating to the work that they do. Time was allowed for questions.

Vice Chairman Bair thanked both Ms. Murrison and Mr. Rumbeck for their presentations.

ADJOURN:

He then adjourned the meeting at 2:50 P.M.

Senator Pearce
Chairman

Juanita Budell
Secretary