

MINUTES
HOUSE RESOURCES & CONSERVATION COMMITTEE

DATE: Monday, March 07, 2016

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

PLACE: Room EW40

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

**ABSENT/
EXCUSED:** Rep. Shepherd

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

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

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

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

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

**ROLL CALL
VOTE:**

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

S 1237:

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

MOTION:

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

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

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

**VOTE ON
MOTION:**

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

S 1340:

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

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

MOTION:

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

- S 1222:** **Lynn Tominaga**, Executive Director, Idaho Ground Water Appropriators, said **S 1222** amends Idaho Code Section 42-5248 to allow non-irrigators (defined as commercial, industrial and municipal rights) to join a ground water district for mitigation purposes and places them on equal footing by clarifying that the joining non-irrigators may be subject to all mitigation plans and activities of the irrigation district. If non-irrigators do not want to join a mitigation plan, they can submit their own to the Idaho Department of Water Resources. Basically, **S 1222** allows a non-irrigator to join a mitigation plan and prevents them from being curtailed.
- MOTION:** **Rep. Vander Woude** made a motion to send **S 1222** to the floor with a **DO PASS** recommendation. **Motion carried by voice vote.** **Rep. Vander Woude** will sponsor the bill on the floor.
- S 1223:** **Lynn Tominaga**, Executive Director, Idaho Ground Water Appropriators, stated **S 1223** amends Idaho Code Section 42-5259 to allow non-member irrigation ground water users to identify terms and conditions for becoming members of a ground water district. Current law says if somebody petitions to join a ground water district only for mitigation, the district has to take them and cannot deny them. **S 1223** allows them to come in if the two parties agree to a contract for mitigation. This is based on a lawsuit giving ground water districts the ability, without obligation, to contract with nonmembers wishing to participate and obtain the benefits of the district's mitigation plans. Under the amended I.C. §42-5259, ground water districts can decline to contract with a nonmember if their board of directors determines it is not in the district's best interest.
- MOTION:** **Rep. VanOrden** made a motion to send **S 1223** to the floor with a **DO PASS** recommendation. **Motion carried by voice vote.** **Rep. Burtenshaw** will sponsor the bill on the floor.
- S 1225:** **Lynn Tominaga**, Executive Director, Idaho Ground Water Appropriators, explained that **S 1225** amends Idaho Code Sections 42-5233, 42-5234 and 42-5235 to allow a ground water district to go into short-term debt of less than 1 year without holding an election or seeking judicial confirmation. Without the amendment, ground water districts are required to hold an election and obtain judicial confirmation for incurring financial obligations such as routine operation expenses. The purpose is to procure funding to meet water calls within the short time frames required.
- MOTION:** **Rep. Miller** made a motion to send **S 1225** to the floor with a **DO PASS** recommendation. **Motion carried by voice vote.** **Rep. Gestrin** will sponsor the bill on the floor.
- S 1224:** **Lynn Tominaga**, Executive Director, Idaho Ground Water Appropriators, states that **S 1224** amends Idaho Code Section 42-5232 to allow groundwater districts to impose assessments based on either the number of acres authorized to be irrigated or on the quantity of water authorized to be diverted (cubic feet per second). The amendment enables the districts to do either.
- MOTION:** **Rep. Miller** made a motion to send **S 1224** to the floor with a **DO PASS** recommendation. **Motion carried by voice vote.** **Rep. Mendive** will sponsor the bill on the floor.

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

Representative Raybould
Chair

Lorrie Byerly
Secretary