

# House Resources & Conservation Committee

Minutes  
2010



## MINUTES

### HOUSE RESOURCES & CONSERVATION COMMITTEE

**DATE:** January 13, 2010

**TIME:** 1:30 PM

**PLACE:** Room EW40

**MEMBERS:** Chairman Stevenson, Vice Chairman Shepherd, Representatives Wood, Bell, Barrett, Moyle, Eskridge, Raybould, Bedke, Andrus, Wood (27), Boyle, Hagedorn, Harwood, Saylor, Chavez, King, Pence

**ABSENT/  
EXCUSED:** Representatives Bedke and Wood (27)

**GUESTS:** Nathan Fowler, Head Start; Alan Heasley, Lewis/Clark Early Childhood Program

**Chairman Stevenson** called the meeting to order at 1:31 p.m. The Chairman introduced the Committee Secretary, Susan Werlinger to the Committee. He also introduced the Committee Page for the first half of the Session, Spencer Brown, who is from the Boise area.

**Chairman Stevenson** announced the Committee meetings will be streamed live to Idaho Public Television's website on the new system.

**Rep. Shepherd** reviewed the Rules Subcommittee assignments and read the Representatives assigned to each Subcommittee.

The Rules Subcommittees are as follows:

**Department of Fish and Game/Outfitters and Guides Subcommittee**

Rep. Fred Wood, Chairman  
Rep. Lenore Barrett  
Rep. Marv Hagedorn  
Rep. George Saylor

**Department of Lands Subcommittee**

Rep. Dell Raybould, Chairman  
Rep. Mike Moyle  
Rep. George Eskridge  
Rep. Judy Boyle  
Rep. Phylis King  
Rep. Donna Pence

**Department of Parks and Recreation Subcommittee**

Rep. JoAn Wood, Chairman  
Rep. Paul Shepherd  
Rep. Ken Andrus  
Rep. Dick Harwood  
Rep. Liz Chavez

**Rep. Pence** mentioned the Sportsman's Caucus will have an

organizational session of the caucus for all Legislators next Tuesday evening, January 19th. It will be a chili feed and will give the Legislators an opportunity to meet and discuss bills and issues of interest to sports men and women. She said more information will be coming forth.

**Chairman Stevenson** announced that the Committee will not meet on Friday, January 15 and the next meeting will be January 19 with the Department of Lands for an overview of their statutory responsibilities.

**ADJOURN:** The meeting adjourned at 1:44 p.m.

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Representative John A. Stevenson  
Chairman

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Susan Werlinger  
Secretary

## MINUTES

### HOUSE RESOURCES & CONSERVATION COMMITTEE Department of Parks and Recreation Subcommittee

**DATE:** January 15, 2010

**TIME:** 10:00 AM

**PLACE:** Room EW40

**MEMBERS:** Chairman Wood (35), Representatives Shepherd, Andrus, Harwood, Chavez

**ABSENT/  
EXCUSED:** Representative Andrus

**GUESTS:** Dustin Hurst, IdahoReporter.com; Tamara Humiston, IDPR; Dave Ricks, IDPR; Troy Elmore, IDPR; Benjamin Davenport, Risch Pisca; Drew Thomas, Risch Pisca; Stephen Goodson, Governor's Office; Jon Osterburg, Governor's Office; Nancy Merrill, IDPR; Lance Hebdon, IDFG; Jeff Caurelt, Veritas Advisors

Chairman Wood (35) called the meeting to order at 9:56 a.m.

**Docket No.  
26-0131-0901**

**Director Nancy Merrill**, thanked the members for the opportunity to be able to speak to the Subcommittee, she introduced the staff that would present the rules.

**Troy Elmore**, Off Highway Vehicle Project Manager, said that last year S 1098 raised the fee for law enforcement by \$1.00 and created a distribution formula for ATV & motorbike users. This rule will explain how the \$1.00 increase will be distributed.

In answer to subcommittee questions, **Mr. Elmore** said this is a statewide program and there are 135,000 motorbikes registered, so the increase should raise \$135,000 annually. He also said that as other programs come online, this formula can be used by other counties as well. Mr. Elmore said there are three components for the distribution of the money and that not all counties have a desire to contribute. He also said that the counties would only need to show intent to be involved.

**Chairman Wood (35)**, said the requirements for sheriffs to participate are listed on Page 47. She said the counties may not qualify if they are not doing these things. She asked if the fund would cover direct costs to do safety classes, vehicle costs supply costs & the other requirements. Mr. Elmore said the fund may not cover all costs, but funds are eligible for all the items listed. He said they have an educational effort and are notifying all the sheriff departments in the state that next year they may qualify.

**Mr. Elmore** answered a concern of counties only needing to show intent

to be a part of the program and then not following through. He said they will be lenient on intent and then will follow up for the first year. The first year will be a grace period to fulfill requirements.

**Docket No.  
26-0120-0901**

**Deputy Director Dave Ricks**, said this rule doesn't allow the discharge of fire arms on state park property except for lawful hunting or exhibition. He said this will clarify the rules they already have in place.

In answering subcommittee questions, **Mr. Ricks** said that target or recreational shooting would be allowed as part of an exhibition and this would cover anything that would endanger people. He said the definition of projectiles would include sling shot, bow and arrow, also paint guns and bullets, and that exhibition means held in an area that was safe for others, and the focus is to protect the public.

**Docket No.  
26-0134-0901**

**Mr. Ricks**, said the rules that provide for a sticker relating to boating activities on state property, will also serve for invasive species. This will allow for one sticker instead of 2 stickers.

**Mr. Ricks** said that H 213, allowed for a \$5.00 fee for non-powered vehicles, that powered in-state vehicles will be \$10.00 and powered out-of-state will have a \$20.00 fee. He said there will be a cost savings to having one sticker instead of two, but there is a separate process, and it would save the state money.

**Mr. Ricks** answered the concern that charging a higher out-of-state fee would cause legal ramifications by saying there were no challenges, and they don't anticipate any. Mr. Ricks said he will check with the AG's office on this situation and will come back to the committee with the answer.

Several Subcommittee members expressed concerns with some of the rules and wanted more time to consider them. Chairman Wood (35) said they could meet again and then take a vote on recommendations to the full Committee.

**ADJOURN:**

The meeting adjourned at 10:17 a.m.

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Representative JoAn Wood  
Chairman

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Susan Werlinger  
Secretary

## MINUTES

### HOUSE RESOURCES & CONSERVATION COMMITTEE

**DATE:** January 19, 2010

**TIME:** 1:30 p.m.

**PLACE:** Room EW40

**MEMBERS:** Chairman Stevenson, Vice Chairman Shepherd, Representatives Wood, Bell, Barrett, Moyle, Eskridge, Raybould, Bedke, Andrus, Wood (27), Boyle, Hagedorn, Harwood, Saylor, Chavez, King, Pence

**ABSENT/  
EXCUSED:**

**GUESTS:** Kathy Opp, Dept. of Lands; Kathy Hagler, Dept. of Lands; Rob Phillips, Dept. of Lands-Advisory Committee; David Groesehl, Dept. Of Lands; Sharon Kiefer, Dept. Of Fish and Game; Lance Hebdon, Dep. Of Fish and Game; Ben Botkin, Times-News; Ed Hawley, Adison Rules; Phil Homer, IASA, Wayne Davis, IASA; Will Ledbetter, MPI; Bert Harley, IEA; Courtney Washburn, ICL; Wally Butler, IFBF; J. Withney, Kittney & Assoc. LLC; Rocky Barker, Idaho Statesman; Jeff Church, Veritas Advisors.

**Chairman Stevenson** called the meeting to order at 1:26 p.m.

**MOTION** **Rep. King** moved to approve the minutes of January 13, 2010. By a voice vote the motion **passed**, the minutes for January 13, 2010 have been approved.

**Chairman Stevenson** introduced the committees new page for the first half of the session, Andrew Nielson, from Oakley, Idaho.

**Chairman Stevenson** explained that the committee will have a presentation from the Department of Lands on how they fit into state government. He introduce Director George Bacon. He said there are three parts to the presentation and Director Bacon will take questions after each section.

**Director George Bacon**, Idaho Department of Lands, expressed his appreciation for the opportunity to be here. He introduced some of the people who will help with presentation.

**Director Bacon** walked through the informational video regarding the Endowment Trust Lands and their purpose.

He said the State Board of Land Commissioners is responsible for governing the Endowment Lands and explained who is on the Board. He said the first part of the presentation will be a general overview of the Endowment Lands, then the Citizens Committee will explain some of the ways they think the revenue from Trust Lands could be improved.

**Deputy Director Cathy Opp**, Idaho Department of Lands explained the overarching mandate as it relates to Endowment Land management.

There is some confusion between management of Endowment Lands and public lands. She explained the ownership of lands across Idaho.

**Ms. Opp** explained the goal of Endowment management and who the beneficiaries are. She said there are nine trustees established, but each trust has to stand on its own, and there is no General Fund monies used by the trusts. She expressed that there is strong support for the endowment mission, but a lot of people don't know why they exist.

**Ms. Opp** explained what land percentage is allocated by the trust and that generally about one-third to one-half of the income goes to the beneficiaries. She said there is a variety of assets that are brought to the portfolio and in 2000 the trust became self sustaining. Ms. Opp explained the beneficiary distributions and that they can improve upon this performance and do better with the Citizens Committee suggestions.

**Ms. Opp** explained the development of the assets management plan for the next 100 years is to maximize returns, and in 2009 they developed the Endowment Land Transaction Advisory Committee to help refine land management. She said they are using private business volunteers on the advisory committee.

In answering questions from the committee members, **Ms. Opp** explained the types of revenue that is generated and put back into the school. She said in the tough timber market they are using the reserve as a buffer to keep distributions consistent. She said having land throughout the state can provide diversity in the regions and with the assets and they look at a lot of different things when investing. Ms. Opp said that management costs are 1% of the total value of the trust and that when looking at land investments they do things that can provide secondary benefits and don't want to do anything today that would jeopardize future benefits.

**Robert Phillips**, Endowment Land Transaction Advisory Committee, said the Committee was set up to conduct a review of the mandates to manage State Endowment Lands. He said they looked at other states and the State Constitution to see how to approach the issue of maximizing the return from the assets.

**Mr. Phillips** said that the Committee drafted recommendations and checked them against commercial and residential scenarios. He reviewed some constraints, saying that lack of diversification is a constraint but diversification can be created over time with modern practice. He said that working with a public land owner is a constraint because there is uncertainty in the process.

**Bryant Forrester**, Endowment Land Transaction Advisory Committee, reviewed the residential portion and said competitiveness of the market will dictate the site that would be selected to be sold. He said planned communities can incorporate all the public entities and are a favored housing type. Mr. Forrester said the size of acreage that can be sold is an impediment.

**Director Bacon** said the Committee did an incredible amount of work on

there own with no compensation. He said the Land Board accepted the report and made decisions to change the way they do business. He also said the Attorney General's office is looking at what changes can be made Constitutionally and Legislatively.

In response to Committee questions, **Director Bacon** said they have always had the option to trade or sell Endowment Lands, and the majority of the Endowment Land that has been sold, was done early in statehood. He said the quickest way to achieve diversity is by buying commercial real estate. Director Bacon also said that there would not be any legislation coming forth until approximately 2012, that it will take time, especially for any Constitutional amendments.

**Dave Groesehl**, Department of Lands, explained that biomass is the portion of the tree that is not used or sold for other higher-valued commercial products and includes other smaller trees, branches and top portions of larger trees. He explained the role of state Trust Lands in providing biomass and securing funding for potential biomass facilities.

**Mr. Groesehl** said an average of 3 to 12 tons of slash is left on site for soil building and stabilization purposes. He said that there is generally 20-30 tons left and this excess is piled and burned. This excess could be made available for biomass markets.

**Mr. Groesehl** said that they consider transportation in an area, the type of logging system that is used for that area and they also consider the market outlets in the area. He said they have built a process where they can predict how much biomass will be generated in an area for the year. He explained the amount of biomass that is taken from a site, for example, 180,000 green tons can be removed and only 70% of that amount is available for biomass. Mr. Groesehl said they are seeing an increase in the market for biomass, but it is still spotty.

**Mr. Groesehl** described the contract mechanisms for selling biomass, there is a direct sale contract to chip the material, in piles. There are service contracts used by the department for non generating activities and they are exploring longer term biomass contracts.

**Mr. Groesehl** said there are distinct benefits in trying to remove biomass material through normal commercial timber sale activities. Many of the purchasers and contractors already have equipment there, and it is a benefit to the soil because the equipment only goes over the soil once. Removing biomass is a benefit because it helps meet slash hazard requirements and smoke abatement requirements. Mr Groesehl explained the issues that they have run up against. There are limitations and Trust Lands are very intensely managed, and don't have the need for large restoration projects.

In answering questions, **Mr. Groesehl** said they have worked with the Department of Commerce to understand the problems with finding biomass end users and they need a better understanding of the supply chain, not only off Trust Lands, but from federal lands and private land also. He said they are trying to understand each others needs. He said there is potential for biomass investors, but they have not made any

guarantees with supply and they may choose to approach us and create a long term site that may be on trust land or not.

In answering questions, **Director George Bacon** said they have negotiated with other entities such as geothermal and wind interests. Entrepreneurs are interested, but not coming forward. He said they have been working with a few geothermal projects and with wind there is a chance to layer the revenue stream, also they could do extended commercial leases which would be for 49 years.

**ADJOURN:**

There being no further business to come before the Committee the meeting adjourned at 2:55 p.m.

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Representative John A. Stevenson  
Chairman

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Susan Werlinger  
Secretary

## MINUTES

### HOUSE RESOURCES & CONSERVATION COMMITTEE

DEPARTMENT OF FISH AND GAME/OUTFITTERS AND GUIDES RULES SUBCOMMITTEE

**DATE:** January 19, 2010

**TIME:** 3:00 p.m.

**PLACE:** Room EW40

**MEMBERS:** Chairman Wood (27), Barrett, Hagedorn, Saylor

**ABSENT/  
EXCUSED:** None

**GUESTS:** Sharon Kiefer, Department of Fish and Game; W. Dallas Burkhalter, Deputy Attorney General, Department of Fish and Game

**Chairman Wood (27)** called the meeting to order at 3:04 p.m.

**Docket No.  
25-0101-0901**

**Jake Howard**, Outfitters and Guides Licensing Board, explained that these are simple rule changes and there has been no controversy. He said that outfitters and the public have had an opportunity to comment on them and there has been no adverse comments or any comments one way or the other on these rule changes.

**Mr. Howard** addressed the specific changes to the rule of adding the website. He said this rule also adds activities to the definitions of Hazardous Excursions, it removes the multiple year license out of the fee rules, and that there has never been an outfitter take advantage of that, so it is an unnecessary rule.

He said that the rule also clarifies outfitter bond cancellations, and gives an explanation of what cancelled means.

**Mr. Howard** said this rule provides a fee for minors in controlled hunts and brings this fee in compliance with all other minor amendment fees. He said this eliminates the rule for an outfitter to submit a cash bond to the board. That the bond creates a liability for the state, so this takes the board out of that process, and it is now handled by a bonding company. He said another change clarifies the authorization for the Executive Director to grant or deny certain license applications.

**Mr. Howard** answered questions from the subcommittee regarding the additions to the Hazardous Excursions saying the rule is not adding anything that they don't already do.

**MOTION:** **Rep. Saylor** made a motion to recommend approval of Docket No. 25-0101-0901 to the full committee. By a voice vote the **motion passed**.

- Docket No.**  
**13-0101-0901**      **Sharon Kiefer**, Department of Fish and Game said this rule defines the duties of the commission chairman and vice chairman, it clarifies duties, and the changes to procedure. She said it changes the order of business, clarifies the use of proxy, and clarifies the changes that were already addressed in regards to the open meeting law that were brought up last session.
- MOTION:**      **Rep. Hagedorn** made a motion to recommend approval of Docket No. 13-0101-0901 to the full committee. By a voice vote the **motion carried**.
- Docket No.**  
**13-0103-0901**      **Sharon Kiefer** said this rule allows the director to delegate more authority in regards to the use of public owned lands. She said this is updating the rule specific to department owned lands, and it gives definitions of designated roads and trails and commercial use.
- In answering questions from the subcommittee, **Ms. Kiefer** said that the department is a private property owner and the land owned by the department are an exception to H 602, because the land was bought with sportsman dollars.
- Dallas Burkhalter**, Deputy Attorney General, Department of Fish and Game, answered questions regarding the status of lands actually held by the Department of Fish and Game, whether they were private or public lands. Mr. Burkhalter said that there are different answers for different properties depending on how they were acquired.
- MOTION:**      **Rep. Hagedorn** moved to hold Docket No 13-0103-0901 until a time when the subcommittee could meet again and the subcommittee questions could be answered. By a voice vote the **motion carried**.
- Docket No.**  
**13-0104-0901**      **Ms. Kiefer** said this rule sets non resident deer tag quotas, outfitter deer set asides tags, and certain elk zone tags.
- MOTION:**      **Rep. Saylor** made a motion to recommend approval of Docket No. 13-0104-0901 to the full committee. By a voice vote the **motion carried**.
- Docket No.**  
**13-0104-0902**      **Ms. Kiefer** said that last year the Legislative body created a veterans big game tag, this rule will implement that status.
- MOTION:**      **Rep. Hagedorn** made a motion to recommend approval of Docket No. 13-0104-0902 to the full committee. By a voice vote the **motion carried**.
- Docket No.**  
**13-0106-0901**      **Ms. Kiefer** said this rule reclassifies the Yellow Stone Grizzly Bear as big game and the Bald Eagle and Peregrine Falcon as non-game species. She said this is still an appropriate classification, even though the Grizzly Bear are back on the Endangered Species List, there are no rules to have a hunting season. She said they are doing this now in order to not have to come back and do it again.
- MOTION:**      **Rep. Hagedorn** made a motion to recommend approval of Docket No. 13-0106-0901 to the full committee. By a voice vote the **motion carried**.
- Docket No.**      **Ms. Kiefer** said this is a complex docket covering many subject matters.

**13-0108-0901** She said it adds grey wolves to the big game rules, it authorizes the over-the-counter sale of certain leftover controlled hunt tags based on dates of the hunt and allows certain hand guns to be used in certain close range hunts. She said it also adds three units to the motorized restriction rule.

In answering questions, **Ms. Kiefer** said they have not had problems with outfitters making the mandatory immediate telephone report on wolf kills to the Department. She said the outfitters understand the importance of reporting so that the numbers in the zones can be tracked for other hunters.

**MOTION:** **Rep. Sayler** made a motion to recommend approval of Docket No. 13-0108-0901 to the full committee. By a voice vote the **motion carried**.

**Docket No. 13-0109-0901** **Ms. Kiefer** said there is interest from senior and disabled hunters to have left over youth turkey hunting tags, this rule provides that opportunity.

**MOTION:** **Rep. Hagedorn** made a motion to recommend approval of Docket No. 13-0109-0901 to the full committee. By a voice vote the **motion passed**.

**Docket No. 13-0111-0901** **Ms. Kiefer** said this is the non biological half of the biennial rule making update of the fishing rules. She said this rule clarifies wording regarding the two pole permit, allows a sliding sinker for sturgeon fishing and allows unlimited poles for boat fishing on certain lakes. She said it also amends requirements for minnow trapping.

**MOTION:** **Rep. Sayler** made a motion to recommend approval of Docket No. 13-0111-0901 to the full committee. By a voice vote the **motion carried**.

**Docket No. 13-0110-0901** **Ms. Kiefer** said this rule allows the possession and sale of bones, that last session bones were not addressed and they have a value so this rule addresses this issue.

**MOTION:** **Rep. Hagedorn** made a motion to recommended approval of Docket No. 13-0110-0901 to the full committee. By a voice vote the **motion carried**.

**Docket No. 13-0114-0901** **Ms. Kiefer** said this proposal is repealing the entire chapter dealing with falconry, that this significant overhaul is consistent with federal rule. She said they worked hand in hand with Federal and State agencies to rewrite these rules.

**MOTION:** **Rep. Hagedorn** made a motion to recommend approval of Docket No. 13-0114-0901 to the full committee. By a voice vote the **motion carried**.

**Docket No. 13-0114-0902** **Ms. Kiefer** said this is the new chapter for the falconry rules.

**MOTION:** **Rep. Sayler** made a motion to recommend approval of Docket No. 13-0114-0902 to the full committee. By a voice vote the **motion carried**

**Docket No. 13-0115-0901** **Ms. Kiefer** said this rule will allow the use of blood tracking dogs with a leash. She said they did have an error that was corrected.

**MOTION:** **Rep. Saylor** made a motion to recommend approval of Docket No. 13-0115-0901 to the full committee. By a voice vote the **motion passed**.

**Docket No. 13-0116-0901** **Ms. Kiefer** said with this docket they are trying to catch the rules up to changing pelt tag requirements, that sometimes the tags are no longer required. She said this ruled will provide those commercial members to have a pelt after 10 days without a tag.

**MOTION:** **Rep. Hagedorn** made a motion to recommend approval of Docket No. 13-0116-0901 to the full committee. By a voice vote the **motion carried**.

**Docket No. 13-0117-0901** **Ms. Kiefer** said this ruled does two things, it prohibits the use of salt to bait bears and allows bait sites to remain though a certain period of dog training.

**MOTION:** **Rep. Saylor** made a motion to recommend approval of Docket No. 13-0117-0901 to the full committee. By a voice vote the **motion carried**.

**Chairman Wood (27)** said they would have a meeting to address the remaining docket that there was a question on right after the full Committee's Thursday meeting.

**ADJOURN:** The meeting adjourned at 4:01 p.m.

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Representative Fred Wood  
Chairman

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Susan Werlinger  
Secretary

MINUTES  
**HOUSE RESOURCES & CONSERVATION COMMITTEE**

**DATE:** January 21, 2010

**TIME:** 1:30 p.m.

**PLACE:** Room EW40

**MEMBERS:** Chairman Stevenson, Vice Chairman Shepherd, Representatives Wood (35), Bell, Barrett, Moyle, Eskridge, Raybould, Bedke, Andrus, Wood (27), Boyle, Hagedorn, Harwood, Saylor, Chavez, King, Pence

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

**GUESTS:** Sharon Kiefer, Idaho Department of Fish and Game; Mike Murphy, Department of Lands; Eric Wilson, Department of Lands; Brad Hunt, O.A.R.; George Bacon, Department of Lands; Tricia Crump, FP; Beth Markley, Idaho Council on Industry & Environment; Jon Osterburg, Governor's Office.

A quorum being present, **Chairman Stevenson** called the meeting to order at 1:29 p.m. Chairman Stevenson said the RS's in the Committee today come from the Department of Lands to be reviewed and introduced.

**RS 19131** **Director George Bacon**, Department of Lands, said this is known as the Timber Supply Stabilization Act and was established in the early 1980's. He said it allows the Board of Land Commissioners to regulate the timber market and limit bidding on timber sales. He said the regulation requires that most of the logs that are purchased in Idaho, also be milled in Idaho. Director Bacon said that over the years the timber industry has changed drastically and that mills need the ability to trade logs and move them out of state in order to survive. Director Bacon also said that the Timber Supply Stabilization Act conflicts with the constitutional requirements of the Department's trust obligations of maximizing long-term revenue from the trust lands and would most likely fail a commerce law challenge. Therefore, the Department has been directed by the Board to request the legislative repeal of the Act.

In answering questions from the Committee, **Director Bacon** said the timber industry is not against this change, but not enthusiastic about it either. He said the industry has consolidated and shrunk and that mills are merchandising the logs more. He said the Land Board is not enforcing the Stabilization Act anyway and it is an advantage to do this repeal.

**MOTION:** **Rep. King** made a motion to **introduce RS 19131**. By a voice vote the **motion carried**.

**RS 19134** **Director George Bacon**, said they currently require the Forest Protective Association to prepare a detailed budget and submit it to Land Board. This change will allow the budget to be submitted on a fiscal basis instead of a calendar year.

**MOTION:** **Rep. Harwood** made a motion to **introduce RS 19134**, by a voice vote

the **motion carried**.

**RS 19136**            **Director Bacon**, said that despite past practices, it is required that a member of the State Board of Land Commissioners serve on the Advisory Committee for the Idaho Geological Survey. He said this legislation will change the requirement to “a member of the State Board of Land Commissioners or their designated representative”.

**MOTION:**            **Rep. Wood (27)** made a motion to **introduce RS 19136**, by a voice vote the **motion carried**.

**RS 19139**            **Director Bacon** said this legislation would allow lease terms of up to 20 years for grazing, farming, conservation, noncommercial recreation and communication site uses on the State Endowment Trust Lands. He said it will also move language dealing with the federal Conservation Reserve Enhancement Program (CREP). Mr. Bacon said it is the hope that longer term leasing would provide an incentive to lessees to invest in improvements on state land, and result in higher annual revenues to the endowments.

In answering questions, **Director Bacon** said that changing the lease to up to 20 years would allow a grazing lessee to make an improvement on the land that will last 15 to 20 years. He said currently a lessee would not want to make that improvement if the lease is up in 10 years. He said it will give them a certainty that their investment would be worth it. Director Bacon also said they could still do a 5 year lease under this change or a shorter lease for certain types of situations.

**Director Bacon** answered more questions from the Committee saying, that Idaho Code requires an expired lease to be bid on at public auction and it costs more to do this every 10 years, that they do know a 10 year lease is too short and that some people don't use the land for what it is intended but they have a schedule of payments for the lease, so there is a certainty of income for these properties.

**MOTION:**            **Rep. Wood (27)** made a motion to **introduce RS 19139**. By a voice vote the **motion carried**, with **Rep. Harwood** requesting to be recorded as voting Nay.

**RS 19148**            **Director Bacon** said the state owns the beds of many navigable rivers and lakes, this legislation would increase the caps on the permit fees for the encroachments on these waters. Director Bacon reviewed the specific fee caps and said the Land Commissioners would set the actual fees under those caps. He said the program has a direct cost from the General Fund, and there is a net loss. The Land Commissioners and Department believe the program should be self sufficient based on user fees and this will increase that revenue. Director Bacon said the total increase to general fund would be \$34,050.

In answering questions, **Eric Wilson**, Department of Lands Program Manager, said that typically these are once in a life time fees, if the foot

print of the dock is not changed, that Statute states a replacement does require a new application if the position of the new dock might impact neighbors. Mr. Wilson said the fee is required by Statute and there are not different grades of permits.

**MOTION:**            **Rep. Bell** made a motion to **introduce RS 19148.**

In answering questions, **Director Bacon** said the actual cost to process a permit is \$300.00 and they will ask the Land Board to raise the fee to this amount, which is well below the cap.

By a voice vote the **motion carried.** **Representatives Harwood, Barrett** and **Shepherd** requested to be recorded as voting Nay.

**ADJOURN**            The meeting adjourned at 2:16 p.m.

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Representative John A. Stevenson  
Chairman

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Susan Werlinger  
Secretary

## MINUTES

### HOUSE RESOURCES & CONSERVATION COMMITTEE FISH AND GAME/OUTFITTERS AND GUIDES RULES SUBCOMMITTEE

**DATE:** January 21, 2010

**TIME:** Upon Adjournment of House Resources and Conservation Committee

**PLACE:** Room EW32

**MEMBERS:** Chairman Fred Wood, Representatives Barrett, Hagedorn, Sayler

**ABSENT/  
EXCUSED:** None

**GUESTS:** Sharon Kiefer, ID Dept. of Fish & Game, Joie McGarvin, ID Conservation Officers Assoc.; W. Dallas Burkhalter, Deputy Attorney General, ID Dept. of Fish & Game

Chairman Wood (27) called the meeting to order at 2:35 P.M. and a silent roll was taken.

**Docket No. 13-0103-0901:** **Sharon Keifer**, assistant director of the Idaho Department of Fish and Game addressed the subcommittee. She provided a report to the committee addressing the three outstanding issues regarding this rule. She explained that the first issue was the most substantive. The subcommittee requested information about the potential conflict between **HB 602**, which deals with the treatment of designated roads and trails, and the rule docket. She explained that the bill concerns those that are political subdivisions of the State and the Department of Fish & Game is not considered a political subdivision.

In response to a question regarding who has determined that the Department of Fish & Game is not a political subdivision, **Dallas Burkhalter**, Deputy Attorney General for the Department explained that this term normally refers to cities and counties and this is defined in a few places in Idaho Code. Rep. Hagedorn explained that he was involved in the crafting of **HB 602** and they were advised to use the term political subdivision to specifically cover the Department of Fish & Game, Department of Lands, Department of Transportation and other state agencies along with cities and counties. He further explained that the Forest Service and the Bureau of Land Management also consider themselves political subdivisions.

In response to a question regarding the federal "2477" roads, **Ms. Kiefer** explained that she is not aware of any Fish & Game properties that would fall under "2477".

Rep. Barrett commented that one of big issues in her district is the issue of closed roads and would recommend rejection of this rule to the full committee.

Rep. Sayler commented that this is a statewide issue and it would be more appropriate to discuss this docket in the full committee.

**Ms. Kiefer** explained that the full Committee could reject part of rule and the Department could work with the Committee on a specific rejection.

Chairman Wood (27) commented that the Department has gone from roads being open unless posted closed to everything is closed unless it is posted open.

There were no questions on the second issue of deleting the provision against prospecting for oil and gas on Wildlife Management areas. This language was deleted because the pending rule now defines "commercial use" and then establishes that use of lands for commercial purpose is prohibited unless authorized by the Commission or under lease, permit, contract, or agreement with the Department. This would cover prospecting for oil and gas.

**MOTION:** **Rep. Saylor** made a motion to recommend approval of **Docket No. 13-0103-0901** to the full committee **with the exception of Section 010 (Definitions) , subsection 04 and Section 100 (Public Use Restrictions), subsection 01. c.** The subcommittee recommends rejection of this part of the docket to the full Committee. On a voice vote, the **motion carried.**

**ADJOURN:** As there was no further business to be brought before the subcommittee, Chairman Wood (27) adjourned the meeting at 2:55 P.M.

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Representative Fred Wood  
Subcommittee Chairman

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Claudia Howell  
Secretary

## MINUTES

### HOUSE RESOURCES & CONSERVATION COMMITTEE DEPARTMENT OF LANDS RULES SUBCOMMITTEE

- DATE:** January 21, 2010
- TIME:** Upon Adjournment of House Resources and Conservation Committee
- PLACE:** Room EW40
- MEMBERS:** Chairman Raybould, Representatives Moyle, Eskridge, Boyle, King, Pence
- ABSENT/  
EXCUSED:**
- GUESTS:** George Bacon, Department of Lands; Eric Wilson, Department of Lands; Mike Murphy, Department of Lands; Kent Lauer, Idaho Farm Bureau; Will Ledbetter, MPI; Jane Whittmeyer, CTPA/SITPA; Jeff Church, Vertitas Advisors
- Chairman Raybould** called the meeting to order at 2:18 p.m. Chairman Raybould said there are four rules that the Department has for committee review, the subcommittee will hear three of the rules today and the other rule will be reviewed later.
- Docket No. 20-0101-0901** **Director George Bacon**, Department of Lands, said this rule relates to the practice and procedures of the State Board of Land Commissioners, it changes the mailing and website addresses. It also provides current telephone and fax number information. He said they have two major administrative sites and in the past have listed all field offices as contact locations. This hasn't worked well in the past because usually the personnel in the field offices can not be reached. This will eliminate the addresses of these offices as contacts, but will still list them on the website.
- MOTION:** **Rep. Pence** made a motion to recommend approval of Docket No. 20-0101-0901 to the full committee, by a voice vote the **motion carried**.
- Docket No. 20-0304-0901** **Director Bacon**, said this is a pending fee rule and gave a background of the rules. He said there were changes made to the rule in 2008, but after the changes were made they received comments from the public and department personnel so they reopened the negotiation on the rule. Director Bacon said they talked to the people that had issues with the rule in 2008 and addressed the issues. He said they made the changes to the rule and hoped now that rules will be better.
- MOTION:** **Rep. King** made a motion to recommend approval of Docket No. 20-0304-0901 to the full committee, by a voice vote the **motion passed**.
- Docket No. 20-0317-0901** **Director Bacon** said this is a fee rule, and it goes hand in hand with other docket the subcommittee just heard. He said the first docket was directed at permitting, this one is directed at leases. He said most of the changes here are similar to the other docket, that it cleans up language.

**Mr. Eric Wilson**, Department of Lands, said there are minor changes in wording and two subject changes, these are to lease modifications and the fee structure.

In answering questions, **Mr. Wilson** said the changes would be inline with other tasks, that they just want to cover costs, which they are doing now. He said currently this relates to a fine per assignment, and they are not proposing any changes to fees.

**MOTION:** **Rep. King** made a motion to recommend approval of Docket No. 20-0317-0901 to the full committee, by a voice vote the **motion carried**.

Chairman Raybould said when they have more information on the other rule they will have the Department of Lands come back. He said they will hear the other rule and make the recommendation to the full committee, so they can have a hearing with some public input.

**ADJOURN:** The meeting adjourned at 2:35 p.m.

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Representative Dell Raybould  
Chairman

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Susan Werlinger  
Secretary

MINUTES

**HOUSE RESOURCES & CONSERVATION COMMITTEE**  
DEPARTMENT OF PARKS AND RECREATION RULES SUBCOMMITTEE

**DATE:** January 21, 2010

**TIME:** 1:00 p.m.

**PLACE:** Room EW40

**MEMBERS:** Chairman Wood (35), Representatives Shepherd, Andrus, Harwood, Chavez

**ABSENT/  
EXCUSED:** None

**GUESTS:** Dave Ricks, Renee' Iverson, Troy Elmore and George Dillard, Department of Parks and Recreation.

**Chairman Wood (35)** called the meeting to order at 1:00 p.m.

**MOTION:** Rep. Chavez moved to approve the minutes of Friday, January 15, 2010. By a voice vote the **motion carried**.

**Docket No.  
26-0120-0901** **Troy Elmore**, Department of Parks and Recreation, answered question from the Subcommittee regarding this rule.

**MOTION:** **Rep. Harwood** made a motion to refer Docket No. 26-0120-0901 to the full committee for review. He said there needs to be a definition of projectile and they would like to hear from the Department on this definition. By a voice vote the **motion carried**.

**Docket No.  
26-0131-0901** **Troy Elmore**, answered questions regarding the amount of ATV users that have registered each year and the amount of revenue the increased fee would bring in each year. He said the funds would be distributed to the qualifying sheriff departments throughout the state.

**MOTION:** **Rep. Chavez** made a motion to refer Docket No. 26-0131-0901 to the full committee for review. By a voice vote the **motion carried**.

**Docket No.  
26-0134-0901** **Troy Elmore** explained that this rule will combine the invasive species sticker with the boating registration sticker, so that there will be one sticker instead of two.

**MOTION:** **Rep. Harwood** made a motion to recommend approval of Docket No. 26-0134-0901 to the full committee. By a voice vote the **motion carried**.

**ADJOURN:** The meeting adjourned at 1:13 p.m.

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Representative JoAn Wood  
Chairman

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Susan Werlinger  
Secretary

## MINUTES

### HOUSE RESOURCES & CONSERVATION COMMITTEE

**DATE:** January 25, 2010

**TIME:** 1:30 p.m.

**PLACE:** Room EW40

**MEMBERS:** Chairman Stevenson, Vice Chairman Shepherd, Representatives Wood (35), Bell, Barrett, Moyle, Eskridge, Raybould, Bedke, Andrus, Wood (27), Boyle, Hagedorn, Harwood, Saylor, Chavez, King, Pence

**ABSENT/  
EXCUSED:** None.

**GUESTS:** Lance Hebdon, Department of Fish and Game; Jeff Church, Veritas Advisors; Benjamin Davenport, Risch Pisca

A quorum being present **Chairman Stevenson** called the meeting to order at 1:30 p.m.

**RS 19119C1**

**Lance Hebdon**, Department of Fish and Game, said this legislation proposes to cleanup language in Code that specifies that both Salmon and steelhead permits may be purchased and specifies the number of permits that can be purchased.

In answering questions, **Mr. Hebdon** said there would be no limit to the number of permits that could be sold. He said currently Idaho Code as written only allows the purchase of a Salmon or a steelhead permit, with this change a person could buy both permits. He said it has been the practice to be able to purchase both, and now with the production of hatchery steelhead increasing they will be able to issue multiple permits.

In answering further questions, **Mr. Hebdon** said that incidental take is on a sliding scale, when there is a high hatchery return, there tends to be a higher natural return, so the percentage of incidental take would also go up.

**MOTION:**

**Rep. Chavez**, made a motion to **introduce RS 19119C1**. By a voice vote the **motion carried**.

**RS 19374**

**Rep. Wood (27)** said the genesis of this RS came from an ad hoc committee meeting with the Department, that the Department is aware of a conflict in Title 36 that describes a penalty for certain wasting of big game animals with other penalties in the title.

Rep. Wood (27) said this legislation just defines the minimum requirements for hunters in the field. He explained the changes this Statute will provide. He said the Code states it is a misdemeanor for certain wasting, but the reality is some forms of wasting are a felony. The language has been changed to "it will be unlawful" and has provided a penalty.

Rep. Wood (27) said this legislation removes the reference to carnivore, that carnivore was never defined and bears were never included. He said instead of adding a category to put them in, they have exempted the species, so this exempts black bear, mountain lion and wolf.

Rep. Wood (27) said this removes the reference to the term carcass, that carcass was not defined. He said the translation of the old statute was the hunter had to bring carcass from the field to the campsite, then bone it out and take the meat from the campsite to home. Now carcass is defined and eliminates that problem in Statute. He said this legislation defines game animal and those portions of game animal that are supposed to be brought from the field. This Legislation also exempts livestock owners and their agents from the wasting statute. Rep. Wood (27) said this eliminates statutory conflicts and provides appropriate definitions and expectations of hunters in the field.

In answering questions, Rep. Wood (27) said that if people want to eat mountain lions, black bears or grey wolves, there is nothing to prohibit this, that hunters can salvage every piece of every animal that is legal to hunt in Idaho. This only gives the minimum expectations. He also said that hunters have an understanding that within 24 hours, all the remains of a game animal that are left in the field will be consumed by predatory animals.

**MOTION:**                    **Rep. Bedke** made a motion **introduce RS 19374**. By a voice vote the **motion carried**.

**RS 19387**                    **Rep. Wood (27)** said this bill came from the Fish and Game Department requesting a three day non resident small game hunting license. This would be an opportunity for non residents to not have to buy a full season hunting license but only a three day license. It would reduce the cost to the hunting public.

In answering questions Rep. Wood (27) gave specifics of similar fishing licenses that are also available to non residents.

**MOTION:**                    **Rep. Bedke** made a motion to **introduce RS 19387**. By a voice vote the **motion carried**.

Chairman Stevenson said on Wednesday the members of the Fish and Game Commission will be here to do a presentation.

**ADJOURN:**                    There being no further business to come before the committee, the meeting adjourned at 2:00 p.m.

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Representative John A. Stevenson  
Chairman

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Susan Werlinger  
Secretary

## MINUTES

### HOUSE RESOURCES & CONSERVATION COMMITTEE

**DATE:** January 27, 2010

**TIME:** 1:30 p.m.

**PLACE:** Room EW40

**MEMBERS:** Chairman Stevenson, Vice Chairman Shepherd, Representatives Wood (35), Bell, Barrett, Moyle, Eskridge, Raybould, Bedke, Andrus, Wood (27), Boyle, Hagedorn, Harwood, Saylor, Chavez, King, Pence

**ABSENT/  
EXCUSED:** Representative Bedke

**GUESTS:** Gary Power, Idaho Fish and Game Commission; Wayne Wright, Idaho Fish and Game Commission; Tony McDermott, Idaho Fish and Game Commission; Cameron Wheeler, Idaho Fish and Game Commission; Randy Budge, Idaho Fish and Game Commission; Virgil Moore, Idaho Fish and Game; Fred Trevey, Idaho Fish and Game Commission; Bob Barowsky, Idaho Fish and Game Commission; Sharon Kiefer, Idaho Fish and Game; Kevin Church, Idaho Fish and Game; Nathan Helm, SFW; Jim Unsworth, Idaho Fish and Game; Jeff Church, Veritas Advisors; Rex Sallabanks, Idaho Fish and Game; John Williams, BPA; Courtney Washburn, ICL; Jon Osterburg, Governor's Office; Tyler Mallard, Governor's Office; Grant Simonds, IOGA; Andy Brunelle, Forest Service; Benjamin Davenport, Risch Pisca

**Chairman Stevenson** called the meeting to order at 1:32 p.m.

**MOTION:** **Rep. Saylor** made a motion to approve the minutes of Tuesday, January 19, 2010 and Thursday, January 21, 2010. By a **voice vote** the **motion carried**.

**MOTION:** **Rep. Wood (35)** made a motion to approve the minutes of the Parks and Recreation Rules Subcommittee for Thursday, January 21, 2010. By a **voice vote** the **motion carried**.

**MOTION:** **Rep. Hagedorn** made a motion to approve the minutes of the Department of Fish and Game/Outfitters and Guides Rules Subcommittee for Tuesday, January 19, 2010 and Thursday, January 21, 2010. By a **voice vote** the **motion carried**.

**MOTION:** **Rep. Eskridge** made a motion to approve the minutes of the Department of Lands Rules Subcommittee for Thursday, January 21, 2010. By a **voice vote** the **motion carried**.

**Chairman Stevenson** said the Committee was happy to have Sharon Kiefer and the full Fish and Game Commission with us today.

**Wayne Wright**, Chairman, Idaho Fish and Game Commission, said he appreciated the opportunity to address the Committee and review what the Commission has done over the past year. He introduced the other Commissioners from their various regions.

Mr. Wright said that three years ago this was a different Commission and they had the opportunity to hire a new Director. He said they found the guy that would make positive changes within the Department. He introduced Director Cal Groen.

**Cal Groen**, Director, Department of Fish and Game, introduced the staff that was present and reviewed the different jobs they are responsible for. He said the Commissioners are the policy setters and they are a good Commission with a lot of heart for wildlife. He said they have been recognized as Commission of the Year by the Western Wildlife Association.

**Mr. Wright** said each commissioner will review the issues relating to each commissioner and their region. He said he will cover non game funding and said no license or tag monies will go to non game funding. He said the Department is required by Statute to manage non game species including plants.

Mr. Wright also covered employee compensation, and said they had made a decision to cut 28 temporary benefitted positions down to fourteen full time positions, that this cleaned up processes in the Department and in the process has saved some money.

Mr. Wright said sportsmen, environmentalists and even ranchers have been involved with habitat restoration and that better habitat is better for all involved. He reviewed some projects of improvement and said they would like to find a mechanism to expand this program.

**Bob Barowsky**, Commissioner, said the Department is required to identify five new kids fishing ponds. He gave an example of one success in Weiser where they worked with the city and local sportsmen groups. The pond is benefitting kids and handicapped people and they are identifying youth from churches and other groups to utilize these ponds.

**Cameron Wheeler**, Commissioner, said the Department's out-of-state hunting license sales have declined and fishing license sales have improved. He explained that the resistance to sales is mainly due to wolves, the fee increase and the general economy. He said the Department is looking at the issue and it should be resolved.

In answering questions, **Mr. Wheeler** said the people that had answered the instate survey have made it clear that wolves have devastated the elk population therefore instate license and tag sales are down also. He said the sale of wolf tags and strong fishing license sales have offset the decline.

**Fred Trevey**, Commissioner, briefly reviewed the history of wolf reintroduction in Idaho. He reviewed the results of the first hunting season this year and what they learned from the hunting season. He said they started early in two zones on September 1, and opened the other zones on October 1. He said there are 12 zones in Idaho and the strategy was to hit the statewide harvest goal of 220 wolves.

Mr. Trevey said in some areas the hunters were more efficient and in other areas the terrain in the area is different and those zones came in at 50%. He said hunters are also more efficient in the open range, and wolves are a major factor in elk mortality. Mr. Trevey said to date, there have been 135 wolves harvested by hunters. Additionally, one wolf was killed illegally during a closed season, three wolves were shot illegally or wounded and not recovered, and one was killed accidentally in a bobcat snare. Also Five wolves were documented to have been either killed illegally or shot and not recovered after September 1, one in each of the following zones: Panhandle, Lolo, Middle Fork, McCall-Weiser, and Sawtooth. These five wolves were counted against the harvest limits for these zones.

**Mr. Trevey** answered questions regarding the pending law suit, saying they do not have a hearing date and the schedule is unknown, but it will most likely be within the next few months. He said that whatever the outcome of the law suit is, the goal is to maintain state control of wolves. He also answered questions regarding the stabilization of the wolf population since the hunting season was implemented, saying the wolf population is basically at the same level as it was a year ago and there are a number of other factors involved in different areas, such as livestock depredation and at the beginning of elk season there was an increase in wolf tags being filled.

**Tony McDermott**, Commissioner, reviewed the wolf parasite issue in Idaho. He said the parasite needs to have two hosts. These are usually an ungulate and another host such as a wolf, coyote or wild dog. He said the parasite can be transmitted to humans through domestic dogs, but is currently not a problem and that it dies quickly when out of the host. He said 60% of wolves have the parasite, but is not a problem if the harvested wolf is handled properly.

Mr. McDermott also reviewed the Farragut shooting range improvements and said a law suit had been brought in 2007 to close the range. He said they had made significant improvements during 2009 to bring the range into compliance and have it reopened. He said the improvements had only been done in a portion of the range, when they ran into financial constraints and are working to improve the rest of the range.

**Gary Power**, Commissioner, said the Big Horn Sheep issue is a long ongoing, multi party issue which started in 2003. He said the Governor created a multi party working group to work on the issue and that last year's SB 1232a amended the Director's duties in order to create a management plan. He said the Department has worked with 16 operators, of which 12 have been certified with plans, three are in the process of a plan, and the remaining one has declined to participate in the process. Mr. Power said it is an issue of who manages the wildlife in the state, the

Federal Government or the State. He said considering the classification of Big Horn Sheep in the State, they are having problems dealing with Federal regulations. He said the Big Horn Sheep Management Plan is due to the Department this year, where they will consider best management practices and they are trying to secure Federal funding for the management.

Mr. Power reviewed the salmon and steelhead run and fishery status and said the run is going very well. He said populations of fish are listed under the ESA which created a problem for recovery funding. He said they have continued to get funding through other sources and that the funding they have received is being put to good use. Mr. Power said in looking over the last decade compared to the 1990's they have had a three-fold increase in natural Chinook returns and the hatchery Chinook return has increased about five times. He said steelhead returns have increased about three times. Mr. Power said they are realizing the benefits of the natural fish return increases. He said they have had the best salmon season in the last 40 years and it is an economic boost for small rural communities.

**Randy Budge**, Commissioner, explained the explosion of the pelican population in southern Idaho and the efforts to manage them. He reviewed the impacts on cutthroat trout during their migrating and spawning times. He said the state has a pelican problem, and the Department had developed a management plan to reduce the number of pelicans. He said this was a reasonable plan maintaining viable numbers of both the bird and fish which they took to the US Fish and Wildlife Services and the plan was rejected. He said now they are in the process of developing an implementation strategy to reduce pelican predation on these fish.

Mr. Budge reviewed the basics of the Motorized Vehicle Rules, saying the issue in eastern Idaho and the proposal to add hunting units to the rule has caused controversy and confusion. He said the most offensive issue for hunters is the increased number of off-road vehicles, so the rule establishes that hunters cannot hunt off non established roads from a motorized vehicle. He said there has been a lot of misinformation about what this rule is and the Department has put out a pamphlet that explains the rule better.

**ADJOURN:** Meeting adjourned at 3:05 p.m.

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Representative John A. Stevenson  
Chairman

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Susan Werlinger  
Secretary

## MINUTES

### HOUSE RESOURCES & CONSERVATION COMMITTEE

**DATE:** February 1, 2010

**TIME:** 1:30 p.m.

**PLACE:** Room EW40

**MEMBERS:** Chairman Stevenson, Vice Chairman Shepherd, Representatives Wood (35), Bell, Barrett, Moyle, Eskridge, Raybould, Bedke, Andrus, Wood (27), Boyle, Hagedorn, Harwood, Sayler, Chavez, King, Pence

**ABSENT/  
EXCUSED:**

**GUESTS:** Dave Ricks, IDPR; Troy Elmore, IDPR; Sharon Kiefer, IDFG; Eric Wilson, IDL; Kathy Opp, IDL; Marc Gibbs, District 31; Beth Markley, Idaho Council on Industry and Environment; Jeff Church, Veritas Advisors; Tricia Crump, FP Intern; Emily Anderson, Governor's Office; Brian Bishop, Trent Hone, Phil Homer, IASA; Benjamin Davenport, Risch Pisca; Kent Lauer, Idaho Farm Bureau; Jack Lyman, IMA; Norm Semanko, Idaho Water Users Assn.

A quorum being present, **Chairman Stevenson** called the meeting to order at 1:31 p.m.

**MOTION:** **Rep. Sayler** made a motion to approve the minutes of Monday, January 25, 2010. By a **voice vote** the **motion carried**.

**Presentation** **Rakesh Mohan**, Office of Performance Evaluation, explained a little bit about the Office of Performance Evaluation and said that each state agency is required to prepare an annual report to the Committee. He said the process didn't work very well, and it was revised in 2005 with legislation. Mr. Mohan said the process works better now and the law strengthened the reporting requirement.

Mr. Mohan explained why there is a need for performance evaluation, that citizens want to hold their government accountable, and that performance measurement is a way that citizens can do this. He said performance evaluation can also be used by lawmakers to effectively monitor their programs to see if the programs are being efficient and effective. Mr. Mohan said clarifying goals and expectations of policy is an advantage of performance measurement. That sometimes legislation is not clear and there is a need to have common understanding of legislation. Mr. Mohan said with the 2005 changes, the Committee has a formal opportunity to ask questions and can set performance expectations of the agency.

Mr. Mohan reviewed a top ten list for effective performance measurement and said it is not a scientific process, it is a political process. Mr. Mohan said even when agencies have done things very well, the Committee can ask them to do things better. He gave an example of how this is a political process. The Committee can look at the effectiveness and efficiency of a program and the intent of why the program is in place.

**Subcommittee Report:** **Rep. Raybould** gave the subcommittee report on the Administrative Rules for the Department of Lands. He said the Subcommittee has met and recommended that all Pending and Pending Fee rules for the Department of Lands be approved except for **Docket No. 20-0314-0901**, Grazing Leases and Cropland Leases, which is referred to the full Committee and will be reviewed Jointly with the Senate at the next meeting.

**MOTION:** **Rep. Raybould** made a motion to **accept the Subcommittee report**. By a **voice vote** the **motion carried**.

**Subcommittee Report:** **Rep. Wood (35)** gave the Subcommittee report on the Administrative Rules for the Department of Parks and Recreation

**Docket No. 26-0120-0901** **Rep. Wood (35)** said the Subcommittee had some concerns with two specific rules and have recommended them to the full committee. She explained the changes to the first rule, Docket No. 26-0120-0901, that there is the addition of the word "projectile" but no definition. She said the Subcommittee would like a definition of projectile.

**Dave Ricks**, Idaho Department of Parks and Recreation, gave an explanation of what a projectile would be. Mr. Ricks answered questions regarding why they made the change to the rule.

**MOTION:** **Rep. Wood (35)** made a motion to **reject Subsection 600 of Docket No. 26-0120-0901**.

**SUBSTITUTE MOTION:** **Rep. Eskridge** made a substitute motion to **approve Docket No. 26-0120-0901**. He said the changes add clarification that it must be harmful to a person. The rule says that no person may purposely or negligently harm another person and there should be some provision to compensate for this.

**Rep. Andrus** spoke in support of the original motion to reject the subsection. **Rep. Hagedorn**, spoke in support of the original motion. He said this appears when reading a lot of rules, and there is confusion on rules and what they really mean. He said if the Committee is confused on the meaning, the public will also be confused. Rep. Hagedorn said the agency needs to define the language and come back with a Temporary Rule.

In answering a question, **Mr. Ricks** said this was originally run as a Temporary Rule and there was confusion on the previous definition. He said this is an attempt to clarify the definition.

By a **voice vote** the **substitute motion failed**. By a **voice vote** the **original motion carried**.

**Docket No. 26-0131-0901** **Rep. Wood (35)** said the Subcommittee had discussions on the \$1.00 fee increase that would go to law enforcement. She said the increase is combined with another fee so that the \$10.00 fee is now a \$12.00. She said the Subcommittee determined that the rule didn't speak to the full fee, it only spoke to the \$1.00 increase that would go to the sheriffs.

**MOTION:** **Rep. Wood (35)** made a motion to **accept Docket No. 26-0131-0901** as written.

**Troy Elmore**, manager of the Off Highway Vehicle Program, said they increased the motorbike registration fee by \$2.00. One dollar of the increase goes to the Department of Lands and the other \$1.00 increase is distributed to sheriffs for off highway vehicle law enforcement programs.

By a **voice vote** the **motion carried**.

**Subcommittee Report:** **Rep. Wood (27)** gave the subcommittee report on the Administrative Rules for the Department of Fish and Game and Outfitters and Guides Licensing Board. He said the Subcommittee had met and there had been no one present to testify against any rule. He said it turned out there are concerns with the rule regarding ATV restrictions being added in certain hunting units. He said he will ask unanimous consent to allow further testimony on that rule.

**Unanimous Consent Request:** **Rep. Wood (27)** made a unanimous consent request to allow further testimony on **Docket No. 13-0108-0901** after hearing the Subcommittee's report. There being no objection, further testimony will be heard on that Docket.

Rep. Wood (27) said the Subcommittee recommends approval of the Administrative Rules for the Department of Fish and Game and the Outfitters and Guides Licensing Board with the exception of Docket No. 13-0103-0901, Section 010 (Definitions), Subsection 04 and Section 100 (Public Use Restrictions), Subsection 01.c.

**MOTION:** **Rep. Wood (27)** made a motion to **accept the Subcommittee report**. By a **voice vote** the **motion carried**.

**Docket No. 13-0108-0901** **Rep. Marc Gibbs**, District 31, said he is speaking on behalf of the constituents in his District. He said that after the Subcommittee had originally met, several Legislators had received a petition with more than 500 signatures that raised an issue with this rule. Rep. Gibbs said there is a concern in his District with the travel restriction in Units 66A and 76, Diamond Creek Zone, because all land in the Diamond Creek Zone is not state or federally owned land. He said it is also composed of private land, BLM land and Department of Fish and Game land. Rep. Gibbs said this language is not new to the hunting public, but the rule is being imposed on additional hunting units.

**Sharon Kiefer**, Department of Fish and Game, clarified concerns from the Committee that the report from the Subcommittee to reject a certain section of a Docket was specifically addressed to Fish and Game controlled or owned lands. Ms. Kiefer said that Rep. Gibbs is speaking to a separate docket dealing with the motorized vehicle rule, adding new zones to the rule that has been around before.

**Rep. Thomas Loertscher**, District 31, said there needs to be a focus on the one aspect of the rule that is a concern to his constituents. The concern is that as they ride four-wheelers, they may have a rifle with them, but no intention of hunting. He said they may be classified as a hunter, if law enforcement should ask. Rep. Loertscher questioned how the rule is it going to be enforced. He said he is acknowledging the concern from his constituents and that sometimes enforcement can become subjective.

Concerns were expressed by the Committee of how to distinguish who is hunting, that there should be better clarification by definition. More concerns were expressed of what the standard for enforcement is, if a person is on a road with an ATV, that they are not going to get a citation unless they are firing from the road.

**Trent Hone** testified in **opposition to the rule** and said he believes the Fish and Game could clarify the rule better. He said there is an understanding that this goes beyond riding off trails and is related specifically to hunting. He said he feels adding Units 76 and 66A takes more hunting opportunities away from the public. He said it is interesting that the Department of Fish and Game claims to have public support even though in all the meetings that he had attended, he saw strong opposition to this rule. Mr. Hone said he believes Fish and Game is using this as an opportunity to pull someone over and cite them. He said that the decision on the rule hasn't been made yet this year, and Fish and Game needs to do more research on these units and the success rate in these units. Mr. Hone said the Fish and Game has implemented this rule against the public with more than 500 people in the area voicing their opposition to the rule. He expressed his appreciation to the Committee to be able to voice his opinion as a hunter that likes to use ATV's to hunt. He said he has already abandoned another hunting area that has implemented this rule.

More concerns were expressed by the Committee as to whether a hunter would be able to shoot off the road and that they cannot hunt from any vehicle. Other concerns from the Committee were that the Legislature changed the way the Department managed roads, and that roads were to be open unless the Department holds a public hearing to have the road closed. The rules are not consistent with the way the Department is managing roads, and if the Department is trying to keep ATV's out of certain areas, the rules are no longer consistent with other laws that have been passed over the years.

**MOTION:** **Rep. Wood (27)** made a motion to **accept Docket No. 13-0108-0901** as written.

**SUBSTITUTE MOTION:** **Rep. Wood (35)** made a substitute motion to **reject Docket No. 13-0108-0901**. Division was requested, **by a show of hands**, the **substitute motion failed**. Division was requested, **by a show of hands**, the **original motion carried**, with **Representatives Wood (35), Barrett, Shepherd and Andrus** requesting to be recorded as voting **Nay**.

**Docket No.  
13-0111-0901**

**Sharon Kiefer** said they have found a misprint in Docket no 13-0111-0901, Rules Governing Fish, on Page 65, Section 201, Subsection 11, use of hands. Somehow, "un" in "unlawful" was taken off and became "lawful," and the Docket now reads that it is lawful to take any fish with the use of hands. She asked for the Committee's rejection of this rule docket so it would refer back to original docket language which would be correct.

**MOTION:**

**Rep. King** made a motion to **approve Docket No 13-0111-0901** except for Subsection 11. By a **voice vote** the **motion carried**.

**RS 19446**

**Rep. Raybould** said this RS is the result of a motion made at the River Governance Committee meeting last summer. The motion was to strike "navigable waters" from the Clean Water Act. He said this would give the Federal Government control over all waters in the US. Rep. Raybould said that each state has gone back to their states to draft a memorial. This RS is the memorial to ask the Federal Government to leave navigable water in the Clean Water Act.

**MOTION:**

**Rep. Wood (35)** made a motion to **introduce RS 19446**. By a voice vote, the **motion carried**.

**RS 19436**

**Rep. Boyle** said this is a simple bill that will add another alternative species for nonresident hunters who are unsuccessful with their deer or elk tag. It will allow nonresidents to take a grey wolf as well.

**MOTION:**

**Rep. Bedke** made a motion to **introduce RS 19436**. By a **voice vote** the **motion carried**.

Chairman Stevenson said the next meeting will be in conjunction with the Senate in the large hearing room to discuss the grazing rule.

**ADJOURN:**

The meeting adjourned at 3:30 p.m.

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Representative John A. Stevenson  
Chairman

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Susan Werlinger  
Secretary

**MINUTES  
JOINT MEETING  
HOUSE RESOURCES AND CONSERVATION COMMITTEE  
SENATE RESOURCES AND ENVIRONMENT COMMITTEE**

**DATE:** February 3, 2010

**TIME:** 1:30 p.m.

**PLACE:** Room WW02

**JOINT COMMITTEE MEMBERS:** Chairman Stevenson, Vice Chairman Shepherd, Representatives Wood (35), Bell, Barrett, Moyle, Eskridge, Raybould, Bedke, Andrus, Wood (27), Boyle, Hagedorn, Harwood, Sayler, Chavez, King, Pence

Chairman Schroeder, Vice Chairman Bair, Senators Cameron, Pearce, Coiner, Siddoway, Brackett, Stennett, Werk

**ABSENT/  
EXCUSED:** Representative Pence, Senator Cameron

**GUESTS:** Jan Sylvester, Idaho PTA; Pat McCoy Rohleder; Gerald Schroder; Courtney Washburn, ICL; Justin Hayes, ICL; Clive Strong, IAGO; Greg Ledbetter; Carl Ellsworth, ICA; Kent Lauer, Idaho Farm Bureau; George Bacon, Dept. Of Lands; Kathy Opp, Dept. Of Lands; Karen Williams, ICA; Darl Glead, ICA; Elias Jaca, ICA; Kristy Sternes, IEBA; Keith Reynolds, Governor's Office; Steve Perey; Beth Markley, ICIE; Dennis Stevenson, Administration; Paul Nettleton; Wally Butler, IFBG; Jon Osterburg, Governor's Office; Roy Sternes; Ressay Sternes; Ken Cole; Drew Thomas, Risch Pisca; Charles Lyons, ICA; Bob Brammer, Dept. Of Lands; Mike Murphy, Dept. Of Lands; Jeff Lord; Mike Roach; Chuck Jones, ICA; Doug Rutan, OCA; Will Ledbetter, MPI.

Chairman Schroeder called the meeting to order at 1:30 p.m. He said the two Committees have come together to have a joint hearing on the Grazing Rule, after the hearing the House members will return to the House side to continue the hearing, and the Senate members will stay to continue their hearing.

**Docket No.  
20-0314-0901**

**George Bacon**, Director, Idaho Department of Lands, said this rule is related to the leasing of State Endowment Lands, that the old process created uncertainty for the lease applicants and law suits for both the applicants and the Department. He said the Attorney General began studying the problem, that these changes to the rule are necessary and will allow the Department to reduce the cost of the various activities covered in this rule.

**Bob Brammer**, Idaho Department of Lands, said they developed a Land Board Subcommittee to review the rules and reduce costs. He said the Subcommittee developed this proposed process and had public hearings on the process, they also had statewide video hearings in order to receive more public comment. After the hearings the Subcommittee made recommendations to the full Land Board and the Land Board approved the changes to the rule. A Temporary Rule was made and the process of rule making began.

**Mr. Brammer** summarized the changes in the rule, he said the leases of Endowment Land for grazing, farming and other uses covered by this rule are not new, but are just being put into Administrative Rule. He said that all applications for conflicted leases, meaning there is more than one application for one certain piece of land, will receive a specific list of criteria. If the applicant can't meet the criteria, the application will be denied. The result is a public auction for the lease, and a penalty for withdrawal from the auction to cover cost of having the auction.

In answering questions from the Joint Committee, **Mr. Brammer** said that during the application process, there are discussions on what the land would be used for, and sometimes land could have multiple uses and multiple revenues. He said this is typically handled on a case by case basis and that the Department is not able to look at all lands but they do prioritize uses. Mr. Brammer also said that conservation is defined and they could determine what revenue could be at risk, that the evaluation and risk assessments are provided in the lease provisions and the applicants would know that up front. He said that if mitigation couldn't be accomplished the application would be denied. Also that the mitigation provisions would be written in the lease and would provide for follow up criteria if that were needed.

Mr. Brammer answered more questions from the Joint Committee regarding improvement evaluation language and the time frame of the application, appeal and auction process. He also answered questions regarding the process of terminating a lease for a change of use of the land and the cost formula for grazing or farming leases as compared to the cost of a commercial lease.

**Carl Ellsworth**, Idaho Cattle Association, spoke **in opposition** to the rule, but said if some deletions in the rule were allowed, he could support the rule. Mr. Ellsworth reviewed the changes the ICA is proposing to the rule. He said these changes could enhance the long term management of the Endowment Lands.

**Charles Lyons**, Idaho Cattle Association, said he stands **in opposition** of the rules as they are written and supports the ICA changes to the rules.

**Jeff Lord**, said he is in support of the rules with the changes as suggested by ICA which will allow the Department and the industry to better manage the Endowment Lands.

**Doug Rutan**, said he had worked in conjunction with ICA on these rules and would like to see them accepted with the proposed changes.

**Wally Butler**, Idaho Farm Bureau, said he had worked on the proposed changes with the ICA and would support the rules with the changes by the Cattle Association.

Chairman Schroeder said the Senate Committee will recess and the House Committee will adjourn and return to their separate Committee meeting rooms to proceed with the action on this rule.

The joint meeting adjourned at 2:20 p.m.

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Co-Chairman John A Stevenson  
Chairman House Resources & Conservation

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Co-Chairman Gary Schroeder  
Chairman Senate Resources & Environment

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Susan Werlinger  
Secretary

## MINUTES

### HOUSE RESOURCES & CONSERVATION COMMITTEE

**DATE:** February 3, 2010

**TIME:** Upon Adjournment of Joint Meeting With Senate Resources & Environment Committee

**PLACE:** Room EW40

**MEMBERS:** Chairman Stevenson, Vice Chairman Shepherd, Representatives Wood, Bell, Barrett, Moyle, Eskridge, Raybould, Bedke, Andrus, Wood (27), Boyle, Hagedorn, Harwood, Saylor, Chavez, King, Pence

**ABSENT/  
EXCUSED:** Representative Pence

**GUESTS:**

**Chairman Stevenson** called the meeting to order at 2:37 p.m.

He expressed his appreciation to the Committee for their attendance in the Joint hearing and he also thanked **Rep. Raybould** and **Rep. Bedke** for their work with the Department of Lands and the Idaho Cattle Association in creating acceptable changes to the rule.

**Docket No. 20-0134-0901:** **Chairman Stevenson** said **Docket No. 20-0134-0901** was properly before the Committee.

**MOTION:** **Rep. Raybould** made a motion to **approve Docket No 20-0314-0901 with the exception of Section 010 Subsection .12 (Herd Stock defined), and Section 020 Subsection .01 (Eligible Applicant), Section 020 Subsection .02.d (Management Proposal), including Subsection .02.d.i and .02.d.ii, Section 021 (Rights Reserved to the Department), including Subsections .01 through .11, Section 040 Subsection .01 (Rental Rates), Section 040 Subsection .02 (Special Uses), Section 050 Subsection .01 (Non-Compliance), all of Section 054 (Cropland Lease Hardship claims), including Subsections .01 and .02.a through 02.g, all of Section 080 (Grazing Management Plans), including Subsections .01 and .02, Sections 081 through 089 (Reserved), Section 090 (Trespass), including Subsections .01, .03 and .04, Section 100 Subsection .02 (Maintenance), Section 102 Subsection .01 ( Existing Improvements), Section 102 Subsection .02 (New Improvements), and Section 111 Subsection .02 (Noxious Weed Control-Responsibility), which will be rejected by the Committee and the rule will need to be renumbered.**

**Clive Strong**, Deputy Attorney General, said in review of the rule making process, there has to be the rejection or exception of a rule section as a whole section, that the Committee cannot reject just a subsection of a rule, as it applies to Subsection .d on page 112.

**AMENDED  
MOTION:**

**Rep. Raybould** amended the motion to **reject** all of **Subsection 090**, on Page 120.

**AMENDED  
MOTION:**

**Rep. Raybould** amended the motion to **accept Section 020.02 Subsection .d**. By a **voice vote** the **motion carried**.

**Chairman Stevenson** thanked ICA for their work in making these rules acceptable.

**ADJOURN**

The meeting adjourned at 2:50 p.m.

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Representative John A. Stevenson  
Chairman

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Susan Werlinger  
Secretary

## MINUTES

### HOUSE RESOURCES & CONSERVATION COMMITTEE

**DATE:** February 5, 2010

**TIME:** Upon Adjournment of the House

**PLACE:** Room EW40

**MEMBERS:** Chairman Stevenson, Vice Chairman Shepherd, Representatives Wood (35), Bell, Barrett, Moyle, Eskridge, Raybould, Bedke, Andrus, Wood (27), Boyle, Hagedorn, Harwood, Saylor, Chavez, King, Pence

**ABSENT/  
EXCUSED:** Representative Moyle, Raybould, Bedke

**GUESTS:** Nancy Merrill, Idaho Dept. Of Parks and Recreation; Tammy Kolsky, Idaho Dept. Of Parks and Recreation; Jeff Church, Veritas Advisors; Bonnie Butler, Governor's Office; Stephen Goodson, Governor's Office.

A quorum being present, **Chairman Stevenson** called the meeting to order at 11:46 a.m.

**MOTION:** **Rep. Saylor** made a motion to approve the minutes of Wednesday, January 27, 2010. By a **voice vote** the **motion carried**.

**MOTION:** **Rep. Pence** made a motion to approve the minutes of Monday, February 1, 2010. By a **voice vote** the **motion carried**.

**Director Nancy Merrill**, Idaho Department of Parks and Recreation, said she is glad to visit with as many Committee members as possible. She said she will give a review of the Department in a nutshell, and explain some pertinent facts of the Department regarding employees, expenses, and lands that the Department holds. She said the Department is embarking on a new business plan, called "moving forward," and they have seen some changes that need to be made and they are up to the task of moving forward in a positive direction. She said the Department's mission is to improve the quality of life in Idaho through outdoor recreation and resource stewardship. Ms. Merrill said the Department has an Advisory Board appointed by the Governor, and she is also an employee of that Board. She said she has brought staff members with her in order to answer any questions that may come up.

Ms. Merrill said there are two different divisions of the Department, Administration and Operations. She said the Department operates 30 state parks, including Dworshak which was scheduled to be closed, classified by primary use as recreational, historic or natural. She said the agency also manages registration programs for snowmobiles, boats and off-highway vehicles.

Ms. Merrill reviewed visitor counts to trails and various parks. She said they work closely with other agencies to manage statewide trail systems and trail programs. She said the snowmobile trail grooming program is managed in conjunction with the counties the trails are in and the Idaho Department of Parks and Recreation touches every county in the state of

Idaho.

Ms. Merrill explained the Economic impact of the state parks and said parks and trails are great in bringing funds back into Idaho.

Ms. Merrill reviewed the education programs managed by the Department; safety with ATV's, motorbikes and boating.

She said the 2009 economy forced the agency to reduce their budget, in order to accommodate the budget reduction they made some decisions that affected maintenance in the parks. She said they looked at their temporary employees for cost cutting and reevaluated their partnerships in management for help in park maintenance.

Ms. Merrill gave an example of Dworshak Park which they thought they would need to close. She said they began the process of closing Dworshak, they also looked at the process of keeping the park open and spoke with the county the park is in to try and keep the park open. She said the Board didn't understand the impact the parks made on the state of Idaho. The Board received more information on these impacts and gave direction for the Department to try and keep Dworshak Park open. She said they will do things differently than what they had done before. This may include having shorter seasons, having fewer people visit the parks, and they may try to get more volunteers and input from public. Ms. Merrill talked about setting up business plans for each park and running the parks like a business, that they are looking at costs and expenditures and looking at what to cut and what they may increase. Ms. Merrill said they have a short period of time to accomplish this and need to make decisions quickly. She said this will be a tight year, but they are working to come up with a plan to move forward with great hope that they can keep every park open. She said even with cuts, they will not jeopardize the health and safety of the people visiting the parks or the people working there. She said they have very determined and able people in the Department that believe they will be able to accomplish these goals. She said they will do the best they can with what they have and will move forward.

In answering questions from the Committee, **Tammy Kolsky**, Department of Parks and Recreation, said in creating the fee increase formula, they looked at what other states are charging, looked at what Idaho is paying, the cost of providing service to those sites, and the number of visitors to the park. She said they are also looking at park companions in some areas. She said their fees are in the middle, compared to surrounding states.

In answering questions from the Committee, **Ms. Merrill** said that it is the goal of the Department to become self sufficient and not rely on General Fund money, that is the recommendation from the Governor and the goal has been approved by the Board. She said that some parks make more money and are more self sufficient, but they may have large unforeseen projects that they may need General Fund money for. She said it will take the next few years to work through and hopefully accomplish this goal.

Ms. Merrill said the registration fees for ATV's, snowmobiles and boats

are used to maintain trails and this part of the Department is doing well. She said they don't necessarily need to raise these fees. She said it's the park and park maintenance areas that are not doing as well and the part they are working on. She said they are also looking into partnering with other state agencies and counties and cities, for help with maintenance on parks around the state.

Ms. Merrill answered concerns about running a park like a business, that the feel of the park may become too commercialized. She said they will keep parks natural and they will not become commercial.

Ms. Merrill thanked the Committee for the opportunity to review the Department and said she would be glad to answer any other questions individually or collectively in the future.

**ADJOURN:** The meeting adjourned at 12:40 p.m.

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Representative John A. Stevenson  
Chairman

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Susan Werlinger  
Secretary

## MINUTES

### HOUSE RESOURCES & CONSERVATION COMMITTEE

- DATE:** February 9, 2010
- TIME:** 1:30 p.m.
- PLACE:** Room EW40
- MEMBERS:** Chairman Stevenson, Vice Chairman Shepherd, Representatives Wood (35), Bell, Barrett, Moyle, Eskridge, Raybould, Bedke, Andrus, Wood (27), Boyle, Hagedorn, Harwood, Saylor, Chavez, King, Pence
- ABSENT/  
EXCUSED:** Representatives Moyle, Bedke
- GUESTS:** George Bacon, Department of Lands; Mike Murphy, Department of Lands; Phil Homer, IASA; Tricia Crump, Whittmeyer and Associates; Jane Whittmeyer, CPTPA/SITPA; Jeff Church, Veritas Advisors; Neil Colwell, Avista; John Williams, BDA; Andy Brunelle, FS.
- A quorum being present, **Chairman Stevenson** called the meeting to order at 1:34 p.m.
- MOTION:** **Rep. Saylor** made a motion to **approve the minutes of Friday, February 5, 2010**. By a **voice vote** the **motion carried**.
- H 408:** **George Bacon**, Director, Idaho Department of Lands, said this legislation would amend Idaho Code, to allow lease terms of up to 20 years for grazing, farming, conservation, noncommercial recreation and communication site uses on state endowment trust lands. He said after recent reviews of the leasing policy & procedures, it was determined that longer term leasing would provide incentives for lessees to invest in improvements on state land and longer term leases would be beneficial and appropriate for these leasing activities. Mr. Bacon said additionally it was determined that provisions related to the federal conservation reserve enhancement program,(CREP), which are covered under 15 year contracts and meets the definition of conservation use, would be more appropriately handled under this proposed section of Code.
- In answering question from the Committee, Mr. Bacon said, if a lessee's management situation changes, it is possible they could enter into a sublease and would work with the Department to do that. Mr. Bacon also explained that many activities may determine different rates of a lease, that the rates are changed annually and are also determined according to market changes.
- MOTION:** **Rep. King** made a motion to send **H 408** to the floor with a **DO PASS** recommendation. By a **voice vote** the **motion carried**. **Rep. King will sponsor the bill on the floor**.
- H 409:** **George Bacon**, said the Department of Lands was contacted by the Idaho Geological Survey to see who would represent the State Board of

Land Commissioners on this advisory committee. He said in reading the Code, it appears to clearly require that a member of the State Board of Land Commissioners serve on the advisory committee. He said that records indicate that the intent of the Board was to be able to designate a representative to serve on the committee. He said the change will provide more effective and efficient participation on the survey.

**MOTION:** **Rep. Harwood** made a motion to send **H 409** to the floor with a **DO PASS** recommendation. By a **voice vote** the **motion carried**. **Rep. Harwood will sponsor the bill on the floor.**

**H 410:** **George Bacon**, said that Idaho Code currently requires forest protection associations to report their budget annually to the State Board of Land Commissioners. This legislation will amend the requirement, so the associations will prepare the budget on a fiscal year instead of a calendar year. The amendment would also require the budget to be submitted to the Land Board before August.

**MOTION:** **Rep. Raybould** made a motion to send **H 410** to the floor with a **DO PASS** recommendation.

**Tricia Crump**, Whittmeyer and Associates, recommended support for the bill and recommended it be sent to the floor with a do pass.

**Jane Whittmeyer**, Whittmeyer and Associates, said this is a good bill and she would stand for any questions.

By a **voice vote** the **motion carried**. **Rep. Raybould will sponsor the bill on the floor.**

**H 411:** **George Bacon**, said this is the Chapter in Code known as the Timber Supply Stabilization Act. It allowed the Land Board to stabilize timber sales by limiting bidders and also required the majority of logs purchased in Idaho to be milled in Idaho. Mr. Bacon said in the process of reviewing existing statute to ensure they were consistent with policy practices, it was determined the Timber Supply Stabilization Act most likely conflicts with the Departments constitutional requirements of maximizing the long-term revenue from forested trust lands. He said by limiting bidders, the act limits potential revenue to the trusts, which ultimately reduces income to public schools. Also the timber industry has changed drastically over the last several years and the ability for Idaho to trade logs with other states is very important in the survival of the Idaho industry. Mr. Bacon said in some regions, some out of state mills are the primary customers of Idaho's timber industry, therefore, based on these factors, the Land Board directed the Department to request the repeal of this Act.

In answering questions from the Committee, Mr. Bacon said it is designated in the timber sale contract that the timber will be removed from the land and that it will be removed within a certain time frame. He said the Act was a stand-alone requirement and they still have the ability to know where the logs are going to be milled, that the repeal of this Act doesn't leave a hole in the way the Department does business on timber sales.

**MOTION:**            **Rep. Sayler** made a motion to send **H 411** to the floor with a **DO PASS** recommendation. By a **voice vote** the **motion carried**. **Rep. Sayler will sponsor the bill on the floor.**

**ADJOURN:**        The meeting adjourned at 1:57 p.m.

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Representative John A. Stevenson  
Chairman

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Susan Werlinger  
Secretary

## MINUTES

### HOUSE RESOURCES & CONSERVATION COMMITTEE

- DATE:** February 11, 2010
- TIME:** 1:30 p.m.
- PLACE:** Room EW40
- MEMBERS:** Chairman Stevenson, Vice Chairman Shepherd, Representatives Wood (35), Bell, Barrett, Moyle, Eskridge, Raybould, Bedke, Andrus, Wood (27), Boyle, Hagedorn, Harwood, Saylor, Chavez, King, Pence
- ABSENT/  
EXCUSED:** None.
- GUESTS:** Renee Iverson, IDPR; Dave Ricks, IDPR; Sharon Kiefer, IDFG; Lance Hebdon, IDFG; Howard Miller, Idaho White Water Assoc.; Jayson Ronk, IACI; Alex LaBeau, IACI; Brian Ward, Idaho River Sports/Idaho White Water Assoc.; Phil Homer, IASA; Dar Olberding, Idaho Grain Producers; Courtney Washburn, ICL; Benjamin Davenport, Risch Pisca; Neil Colwell, Avista Corp.; Grant Simonds, IOGA; Jon Osterburg, Governor's Office; Kent Lauer, Idaho Farm Bureau.
- Chairman Stevenson** called the meeting to order at 1:31 p.m.
- MOTION:** **Rep. Saylor** made a motion to **approve the minutes** of the Joint Meeting, February 3, 2010. By a **voice vote** the **motion carried**.
- MOTION:** **Rep. Saylor** made a motion to **approve the minutes** of February 3, 2010. By a **voice vote** the **motion carried**.
- MOTION:** **Rep. Pence** made a motion to **approve the minutes** of February 9, 2010. By a **voice vote** the **motion carried**.
- HJM 9:** **Rep. Raybould** said this bill is a memorial to the Congress of the United States in opposition to legislation known as the Clean Water Restoration Act, which will remove "navigable waters" from the Clean Water Act and blur jurisdictional authority over the water in the U.S. He said by taking "navigable waters" out, it expands control of all waters in the U.S. to the Federal Government. He said currently the state has jurisdiction over some waters, and does comply with clean water criteria. Rep. Raybould said that opposition to this change would keep jurisdiction in state control. He said this will send a message that Idaho is opposing passage of the changes being made to the Clean Water Act.
- MOTION:** **Rep. Wood (35)** made a motion to send **HJM 9** to the floor with a **DO PASS** recommendation. By a **voice vote** the **motion carried**. **Rep. Raybould will sponsor the memorial on the floor**.

- H 415:** **Sharon Kiefer**, Idaho Department of Fish and Game, said this bill is sponsored by the Department and the purpose of the change is to clarify the purchase of both steelhead and salmon fishing permits. She said the Code currently says “or”, and they want the ability to allow the sale of both permits, as this has already been in practice.
- MOTION:** **Rep. Wood (35)** made a motion to send **H 415** to the floor with a **DO PASS** recommendation. By a **voice vote** the **motion carried**. **Rep. Wood (35) will sponsor the bill on the floor.**
- H 416:** **Rep. Wood (27)** said this legislation deals with Idaho Code Section 36 concerning waste of game animals, the Code reveals a conflict with penalties and is confusing to the hunting public. He said the legislation is in compliance with practices in the field. Rep. Wood (27) reviewed the changes in the bill. He said it does not effect hunter’s voluntary decision of what they retrieve from the field, it clarifies what the minimum requirements are. He said it creates a standard that is easily defined, of what hunters are supposed to bring home as game animals. Rep. Wood (27) said this doesn’t interfere or override any existing Statute. Rep. Wood (27) read a letter of support from Nate Helms, Idaho Sportsmen’s Caucus who was unable to attend the meeting.
- MOTION:** **Rep. Shepherd** made a motion to send **H 416** to the floor with a **DO PASS** recommendation.
- Grant Simonds**, Idaho Outfitters and Guides Association, said he appreciated being included early in the drafting of the bill and the changes increase the exemptions of salvage of one species.
- Sharon Kiefer**, Idaho Department of Fish and Game, said **H 416** is supported by the Fish & Game Commission and any technical information has been submitted by **Rep. Wood (27)**.
- By a **voice vote** the **motion carried**. **Rep. Wood (27) will sponsor the bill on the floor.**
- H 417:** **Rep. Wood (27)** said this bill creates a three day nonresident small game license. He said currently the Department has a full season license, and he reviewed the animals that a nonresident is eligible to hunt under this license. Rep. Wood (27) said it gives a short term opportunity for nonresidents and may attract new nonresident hunters to Idaho.
- Sharon Kiefer** expressed the Fish and Game Commission’s support for this bill.
- Grant Simonds**, said this measure is important to outdoor recreation and to his industry.
- MOTION:** **Rep. Saylor** made a motion to send **H 417** to the floor with a **DO PASS** recommendation. By a **voice vote** the **motion carried**. **Rep. Wood (27) will sponsor the bill on the floor.**
- H 463:** **Rep. Boyle** said this bill will help two things, it will bring revenue for the

Fish and Game Department and it might help deer and elk herds. She said it will add wolves to the nonresident hunting package, if they are unsuccessful in tagging a deer or elk. She said there is a hope that more nonresidents will come to Idaho to hunt if they have an added opportunity. Rep. Boyle said this is existing statute that already allows for a bear or mountain lion to be taken if a nonresident is unsuccessful, and this is only adding wolves to that list.

**MOTION:** **Rep. Barrett** made a motion to send **H 463** to the floor with a **DO PASS** recommendation.

**Sharon Kiefer** said this bill is fully supported by the Commission and she believe creates a new tool for the Department. She said it adds wolves to the list of species for nonresidents to hunt if they are an unsuccessful deer or elk hunter. She said this is generally considered an added value to nonresidents, who pay a lot more to potentially harvest a deer. She said they cannot predict how many nonresidents will use this opportunity.

In answering questions, **Ms. Kiefer** said more deer tags are sold, and the population of bear and mountain lion is stable. She also said nonresidents would have to be unsuccessful in order to take this opportunity and some may opt to not buy the nonresident wolf tag, if they have this opportunity. She said it may increase the number of nonresident elk tags that are sold and encourage nonresidents to harvest wolves if they were unsuccessful harvesting deer and elk.

**Grant Simonds**, said this measure is an added value and they fully support the measure.

By a **voice vote** the **motion carried**. **Rep. Boyle will sponsor the bill on the floor**.

**RS 19556:** **Rep. Boyle** said this legislation would create a license for the small percentage of people who use wildlife management areas but do not have a hunting or fishing license. She said the price is \$10.00 a year for an adult, and they would be given a paper license every year from a vendor, just like a hunting or fishing license. She said it may help the Fish and Game Department make money to help pay for maintenance of the wildlife management areas.

In answering questions, Rep. Boyle said people that just want to hike on Fish and Game land and are not hunting or fishing would have to buy this conservation license. She said the money will go to Fish and Game for specific purposes. In answering more questions, Rep. Boyle said this would be a paper license just like they already administer for hunting or fishing and will be no different for Fish and Game officers than if the officer is checking for hunting and fishing licenses.

**MOTION:** **Rep. Bedke** made a motion to introduce **RS 19556**.

**Rep. Barrett**, spoke in opposition of the motion saying if a person is hunting, they may have something to show for it. Some may not want to

buy a license just to be able to enjoy the area.

**Rep. Eskridge**, said he will vote no on the motion, that all taxpayers help pay for the management areas in some respect and should be able to use public lands that are available.

**Rep. Saylor**, spoke in favor of the motion saying the issue has been talked about for a number of years and he thinks it deserves to be printed and have a hearing.

By a **voice vote** the **motion carried**. **Representatives Eskridge, Barrett and Bell** requested to be recorded as voting **Nay**.

**RS 19560:** **Rep. Boyle** said the purpose of this legislation is to prohibit personal information from being released by the Department of Fish and Game unless consent is released by the individual. She said the Director has said this information was not exempt from the Freedom of Information Act records and many hunters, ranchers and Wildlife Services employees who have killed wolves and reported it have been called by the press and harassed by other members of the public.

**MOTION:** **Rep. Wood (27)** made a motion to introduce **RS 19560**. By a **voice vote** the **motion carried**.

**RS 19221** **Dave Ricks**, Deputy Director, Idaho Department of Parks and Recreation, said they have implemented this program for the invasive species sticker. He said their role is to collect fees and then to disperse those funds to the Department of Agriculture. He said this legislation will allow the program to be self sufficient and reimburse vendors. He said this also clarifies conditions for a discounted outfitters rate and he would ask for support from the Committee.

**MOTION:** **Rep. Hagedorn** made a motion to **return RS 19221 to the sponsor**.

**SUBSTITUTE MOTION:** **Rep. Chavez** made a substitute motion to **introduce RS 19221**.

**Rep. Raybould** said he will support the substitute motion, that he thinks it is important when fighting the invasive species in the state and he thinks the legislation should be introduced.

By a **voice vote** the **substitute motion carried**. **Representatives Barrett and Bell** requested to be recorded as voting **Nay**.

**ADJOURN:** The meeting adjourned at 2:56 p.m.

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Representative John A. Stevenson  
Chairman

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Susan Werlinger  
Secretary

## MINUTES

### HOUSE RESOURCES & CONSERVATION COMMITTEE

**DATE:** February 15, 2010

**TIME:** 1:30 p.m.

**PLACE:** Room EW40

**MEMBERS:** Chairman Stevenson, Vice Chairman Shepherd, Representatives Wood (35), Bell, Barrett, Moyle, Eskridge, Raybould, Bedke, Andrus, Wood (27), Boyle, Hagedorn, Harwood, Saylor, Chavez, King, Pence

**ABSENT/  
EXCUSED:** None.

**GUESTS:** Jim Unsworth, IDFG; Joie McGarvin, Idaho Conservation Officers Assoc.; Benjamin Davenport, Risch Pisca; Norm Semanko, IWUA; Don Drum, PERSI; Lynn Tominaga, IGWA; Jon Osterburg, Governor's Office; Nate Haupel, Governor's Office; Kent Lauer, Idaho Farm Bureau, James Williams, Idaho Farm Bureau.

A quorum being present, **Chairman Stevenson** called the meeting to order at 1:30 p.m.

**RS 19539:** **Norm Semanko**, Idaho Water Users Association, said these RS's were presented by their Legislative Committee, they all relate to water, but because of the substance of the legislation some may need to be referred to other committees. He said the first RS is a simple issue, there can be a decision from any state agency, then a person has 28 days from the issuance to appeal the decision in court. APA rules say it's 28 days from when the decision is served upon you, but the standard of practice is that the 28 days runs from when you get notice. He said this legislation would fix the inconsistency in Statute, and change issuance to service date. Mr. Semanko asked that this be introduced and sent to the State Affairs Committee.

**MOTION:** **Rep. Barrett** made a motion to **introduce RS 19539** and **recommend it be referred to the State Affairs Committee**. By a **voice vote** the **motion carried**.

**RS 19540:** **Norm Semanko** said this legislation is relating to irrigation drains and ditches being considered flood ways and needing a flood plain permit. He said this is occurring at a local level and would clarify that irrigation ditches and drains are not flood ways and activities are not within a flood plain.

**MOTION:** **Rep. Wood (35)** made a motion to **introduce RS 19540**. By a **voice vote** the **motion carried**.

**RS 19541:** **Norm Semanko** said this legislation deals with irrigation districts and the rights of land owners within an irrigation district. He said the law is not clear in regards to trusts, this would make it clear that all corporations would be allowed to vote the same as any other land owner.

Mr. Semanko answered questions regarding an LLC being classified as a trust, saying it is not a corporation as defined in this portion of Code and would be included as a corporation in the existing broad language.

- MOTION:** **Rep. Wood (27)** made a motion to **introduce RS 19541**. By a **voice vote** the **motion carried**.
- RS 19542:** **Norm Semanko** said this issue is very straightforward, they are asking that seasonal employees of irrigation districts be added to this section of Code, so that they would not need to be added to PERSI. He said this will allow irrigation districts to employ seasonal help in a more effective manner. He said the Statute currently only lists counties and cities. Mr. Semanko asked to have this legislation introduced and sent to the Commerce & Human Resources Committee.
- MOTION:** **Rep. Raybould** made a motion to **introduce RS 19542** and **recommend it be referred it to the Commerce & Human Resource Committee**. By a **voice vote** the **motion carried**.
- RS 19544:** **Norm Semanko** said this legislation refers to prescriptive overflow easements, and has to do with easement law. He said if a land owner has a prescriptive overflow easement on their property, the easement owner has the right to flood the property in cases of water storage or other purposes. This legislation also says the easement owner shall not interfere with the reasonable use of the property. Mr. Semanko answered questions from the Committee regarding the land owners right to do things with the property as long as it doesn't interfere with the reasonable right to use the easement.
- MOTION:** **Rep. King** made a motion to **introduce RS 19544**. By a **voice vote** the **motion carried**.
- RS 19545:** **Norm Semanko** said this is similar legislation to the bill they ran last year and would like it referred to the Business Committee. He said this removes the requirement for drainage districts to be included in the competitive bidding process.
- MOTION:** **Rep. Raybould** made a motion to **introduce RS 19545** and **recommend it be referred it to the Business Committee**. By a **voice vote** the **motion carried**.
- RS 19451C1:** **Rep. George Eskridge** said this bill takes away the requirement to have a permit if replacing a dock that is already established.
- MOTION:** **Rep. Raybould** made a motion to **introduce RS 19451C1**. By a **voice vote** the **motion carried**.
- RS 19331:** **Rep. R. J. Harwood** said this will allow the recovery of road-kill animals for their hide. Rep. Harwood reviewed the values of animal hides, and said it seems like a waste to not be able to recover the animal hide when an animal is killed on the road.

Rep. Harwood answered concerns from the Committee regarding the

language “out of season” and “salvage”.

**MOTION:** **Rep. Wood (27)** made a motion to **introduce RS 19331**. By a **voice vote** the **motion carried**.

**RS 19649:** **Rep. Harwood** said this legislation is showing support for having the Governor remove wolves with an Executive Order. He said there are changes to the RS that need to be made, on Page 1, Line 20 delete after “whereas” to “dollars” and on Page 2, line 14 add to use any “legal” means. Rep. Harwood reviewed the effects of wolves on rural communities.

**MOTION:** **Rep. Barrett** made a motion to **introduce RS 19649 with the corrected language**.

**SUBSTITUTE MOTION** **Rep. Sayler** made a substitute motion to **return RS 19649 to the sponsor**. He said that with the pending law suit, he didn’t think they should raise this issue.

**Rep. Barrett** spoke in opposition to the substitute motion, saying she thought this would help the wolf management issue, and they have been dealing with this for many years and this would involve the Governor.

**Rep. Raybould** spoke in support of the original motion, saying that he thought it is an important issue and should be heard in a public hearing.

**VOTE ON SUBSTITUTE MOTION:** Roll call vote was requested on the substitute motion. **Substitute motion failed, 4 Aye, 14 Nay, 0 absent and excused. Voting in favor** of the substitute motion: Reps. Sayler, Chavez, King and Pence. **Voting in opposition** to the substitute motion: Reps. Shepherd, Wood (35), Bell, Barrett, Moyle, Eskridge, Raybould, Bedke, Andrus, Wood (27), Boyle Hagedorn, Harwood and Chairman Stevenson.

**VOTE ON ORIGINAL MOTION:** By a **voice vote** the **original motion carried**.

**RS 19608:** **Chairman Stevenson** said **RS 19608** was properly before the Committee.

**MOTION:** **Rep. Bedke** made a motion to **introduce RS 19608**. By a **voice vote** the **motion carried**.

There being no further business to come before the Committee, the meeting adjourned at 2:23 p.m.

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Representative John A. Stevenson  
Chairman

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Susan Werlinger  
Secretary

MINUTES  
JOINT  
**HOUSE RESOURCES & CONSERVATION COMMITTEE  
SENATE RESOURCES & ENVIRONMENT COMMITTEE**

**DATE:** February 17, 2010

**TIME:** 1:30 p.m.

**PLACE:** Room WW02

**HOUSE MEMBERS:** Chairman Stevenson, Vice Chairman Shepherd, Representatives Wood, Bell, Barrett, Moyle, Eskridge, Raybould, Bedke, Andrus, Wood (27), Boyle, Hagedorn, Harwood, Saylor, Chavez, King, Pence

**SENATE MEMBERS:** Chairman Schroeder, Vice Chairman Bair, Senators Cameron, Pearce, Coiner, Siddoway, Brackett, Stennett, Werk

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

**GUESTS:** Todd Flick, Dupont/Pioneer; Sonna Lynn Fernandez, Idaho Transportation Dept.; Joan Cloonan, ICIE; Becky Johnstone, ICIE; Kliss McNeel, ICIE; Dave Hutchison; CWI; Beth Markley, ICIE; Kent Lauer, Idaho Farm Bureau; Randy MacMillan, ICIE; Jeff Church, Veritas Advisors; Jay Larsen, ITC; Pat McCoy Rohledeer; Neil Colwell; Avista; Dennis Stevenson, Administration; Jan Silvester; Laura Johnson, ISDA; Dick Vandenburg, ICIE; Senator Lee Heinrich, District 8; Rich Hahn, Idaho Power; Jon Osterburg, Governor's Office; Norm Semanko, IWUA; Dar Olberding, Idaho Grain Producers; Brent Olmstead, MPI; James Williams, Idaho Farm Bureau; John Tippetts, Agrium; Stan Boyd, ICA/IWGA; Ray Stark, Boise Metro Chambers.

A quorum being present for the House and Senate Committees, **Chairman Stevenson** called the meeting to order at 1:32 p.m.

**Chairman Stevenson** recognized the House Committee Page, Andrew Nilsen, with it being his last meeting with Committee and expressed his appreciation, saying that Andrew had done a great job and hoped that he would keep us informed of what he would be doing in future.

**Joan Cloonan**, ICIE, said this is the twenty first Gold Room Workshop that they have presented and the first workshop in the Capitol was on global warming. She reviewed several topics of the workshop over the year's and said last years topic was noxious weeds. Ms. Cloonan said this years topic is global competitiveness.

**Becky Johnstone**, ICIE, said Americans want clean air and water, but still want high tech things from foreign countries. She said, how does Idaho develop its technology and stay competitive in the global market. She said they need to make sure they don't do anything with the regulations to hurt Idaho's chances of being competitive globally.

**Jay Larsen**, Idaho Technology Council, said he appreciated the opportunity to talk about technology on a global level, and for Idaho to be able to compete we have to figure out the right equation.

Mr. Larsen asked, should business drive government or government drive business? He said to have success in the new economy, states need to challenge businesses to grow and prosper. He reviewed the innovative ecosystem components and said if you don't have good research, several things will not work in the ecosystem.

Mr. Larsen explained how Idaho is working to keep a competitive advantage and showed there are 29 indicators for this. He reviewed where Idaho is doing well and not well in the indicators.

He said the Idaho Technology Council's mission is to foster the growth and development of technology companies, and reviewed some investors in the Idaho Technology Council industry.

Mr. Larsen reviewed some issues that are going on in the country. He said the Sarbanes-Oxley Act of 2002, introduced an overly complex regulatory environment into U.S. financial markets and put another layer of government in, where there was already a solid layer in place.

He said there is an issue of how the U.S. competes with China. He explained that the closure of coal fired power plants in China, in July 2009 has created new jobs for the U.S.

He said there are issues with the ability to compete globally but EPA regulation causes problems for businesses. He said they have seen this in the forest industry in Idaho and he has spoken to executives in the industry to see if they would bring plants back to the U.S. from foreign countries. The executives have said no because of having to deal with these regulations.

Mr. Larsen said government plays a key role in getting more talent and research, and to compete globally, there needs to be new start ups and new ideas that create new jobs. He said having smaller companies is helpful and he reviewed the ten policies for growing business. He said government must be responsive to economic change.

**Doug Jones**, Growers for Biotechnology, gave a review on using regulation in creative ways, particularly in agriculture. He said the council is founded on agri-science and that Idaho has always been an agricultural state. He said that Idaho is headed into new and good agriculture bio technology. Mr. Jones said that there are home state companies that are the leaders in the country in this field.

Mr. Jones said there are six major bio technology companies in the U.S. and the majority of them do business in Idaho. He said the technology that's coming forward is in drought tolerance and will be a major factor in feeding the world. Mr. Jones said wheat is the last crop in the world that hasn't been significantly modified. He said having research in place and funded is critical for developing biogenetic traits into the wheat. He said

bringing funds from private partnerships to research is critical.

Mr. Jones also said that as Legislators, don't regulate your own industries out of business and to look into investment money in order to bring more money into the state. He said this technology is becoming more widely accepted around the world and as we move into the future there will be more fuels needed, the use of biotechnology to increase fuels is needed and this takes research and investment.

Mr. Jones said to think about the higher education system with research and extension, and be careful that we don't lose that system in a tight budget year. He said it is possible to do something in one year that will take 20 years to rebuild, if it ever gets rebuilt.

In answering questions from the Committees, Mr. Jones said to combat the backlash of bad press for bio genetic foods, the technology needs to be understood that they are not adding genetics to plants, but taking the good genetics of the plants to create better plants and that we are already using this technology. He said educating the general public is a huge project and needs to start in the public school system.

Mr. Jones answered more questions from the Committees, saying that as far as educating the public, labeling is very cumbersome, and it becomes a question of how to do it. Also that people should know what they are buying and consuming but it is very challenging even within the state. State regulators can cause harm by setting regulations in Idaho that may not comply with out of state regulations. Mr. Jones answered questions regarding the accessibility of the products to third world countries, saying research is being done, but people want to be paid for the research and some plants are more suitable to be grown in certain regions and are more acceptable to the diet of the local people. He said he believes Idaho can compete in the global market and the country the seeds are going to could be subsidize for the cost of the seed to feed the country.

**ADJOURN:** The meeting adjourned at 2:52 p.m.

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Representative John A. Stevenson  
Chairman

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Senator Gary Schroeder  
Chairman

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Susan Werlinger  
Secretary

## MINUTES

### HOUSE RESOURCES & CONSERVATION COMMITTEE

- DATE:** February 23, 2010
- TIME:** 1:30 p.m.
- PLACE:** Room EW40
- MEMBERS:** Chairman Stevenson, Vice Chairman Shepherd, Representatives Wood (35), Bell, Barrett, Moyle, Eskridge, Raybould, Bedke, Andrus, Wood (27), Boyle, Hagedorn, Harwood, Saylor, Chavez, King, Pence
- ABSENT/  
EXCUSED:** Representative Moyle
- GUESTS:** Ben Keyes, Canyon County Sheriffs; Mike Murphy, IDL; Dave Dahms, IDPR; Dave Ricks, IDPR; Renee Iverson, IDPR; Howard Miller, Idaho White Water Assoc.; Brian Ward, Idaho River Sports; Nate Fisher, OSC; Craig Mickelson, Idaho Conservation Officers Assoc.; Joie McGarvin, Idaho Conservation Officers Assoc.; Jeff Church, Veritas Advisors; Benjamin Davenport, Risch Pisca-IOGA; Will Ledbetter, MPI; Phil Homer, IASA; Amy Ferriter, ISDA; Lloyd Knight, ISDA; Gordeon Tolman, Governor's Office; Brenda Tominaga, IGWA; Charles Lyons, ICA; Sydney Sallavanks, Idaho Press Club; Wally Butler, Idaho Farm Bureau; John Williams, BPA; Jeremy Pisca, IAD; Neil Colwell, Avista Corp.; John Eaton, Realtors; Kent Lauer, Idaho Farm Bureau, Sharon Kiefer, Idaho Fish and Game.
- Chairman Stevenson** called the meeting to order at 1:32 p.m.
- MOTION:** **Rep. Pence** made a motion to approve the minutes of February 11, 2010. By a **voice vote** the **motion carried**.
- MOTION:** **Rep. Raybould** made a motion to approve the minutes of February 15, 2010. By a **voice vote** the **motion carried**.
- H 531:** **Rep. Boyle** said this bill will help protect people from being harassed and protecting citizens is one of the main reasons for government. She gave an example of emails that were received by the hunter who killed the first wolf in Idaho. She said the bill will place into the Public Records Act an exemption that a person's personal information would be held confidential unless that person allows those records to be released by the Department of Fish and Game.
- Rep. Boyle** said language was stricken from the bill in the drafting process and she would like to have this sent to General Orders to add that language back in.
- MOTION:** **Rep. Hagedorn** made a motion to send **H 531** to **General Orders** with committee amendments attached. The amendment being on Page 6 line 1, following "tags" insert, "shall be confidential and not subject to disclosure pursuant to the provisions of Chapter 3, Title 9, Idaho Code,".

**Sydney Sallavanks**, Idaho Press Club, spoke in **opposition** to the bill. She said that reporters use this type of information all the time, to confirm people are hunters and anglers. She gave examples of how the press uses information from the Department of Fish and Game.

**Charles Lyons**, Idaho Cattle Association, said he feels Rep. Boyle has addressed the concerns of those who are protecting their livelihood and for hunters that want to take this hunting opportunity.

**Jeremy Pisca**, attorney for Ricsh Pisca Law Firm, thanked Rep. Boyle for sitting down with them and talking through the issue. He said they acknowledge that people are being harassed and that the harassment is incomprehensible, but instead of closing public records, he thinks they should go after the ones that are doing the harassing. He said they are not just talking about wolf tags, they are talking about any license issued by the Fish and Game Department. He said he believes government should be open and the public should be able to see what government is doing. Mr. Pisca said that animals are assets to the state of Idaho and the public should have the right to know what is going on with their assets. He said there are legitimate reasons for records to remain open and hunters and anglers are often the ones reporting violations on hunting and fishing licenses. Under this legislation the only way for anybody to find out if a violator has a license is if the violator agrees to have his records open. He said it would be better to go after the people doing the harassment and not close the records of government.

In answering questions from the Committee, Mr. Pisca said the bill is so much more broad than just releasing the name of someone legally shooting a wolf and the press gets information from the public and then is able to investigate. He thinks the public should have the ability to investigate people who are doing something illegal. Mr. Pisca answered more questions from the Committee, saying this bill is not just alienating the press it is also alienating the public and that he thinks there is a better way to do it, rather than close down the public's ability to monitor their government.

Mr. Pisca addressed concerns from the Committee that there was not a concern about this before, that the public has never been interested in who purchased a deer or elk tag. He said there is a fundamental premise that government is open and has the Public Records Act and that he is opposed to the general principal of public records being closed.

**Wally Butler**, Range & Livestock Specialist, Idaho Farm Bureau, said the bottom line is there is a huge issue with government keeping records in bulk form and he does stand **in favor** of this bill.

**Sharon Kiefer**, Department Of Fish and Game, said this issue has raised substantial concern and in review of the current status of law, the Department may withhold home address and phone numbers but the Department cannot withhold names and businesses. She said the bill would expand this exemption and with the amendment the Department would need written consent from the license holder and would be broader

than just harvesting hunters. She said there is a concern with record confidentiality and with the amendment it would effect disclosure for law enforcement purposes and child support information.

**Rep. Shepherd** seconded the motion. By a **voice vote** the **motion carried**. **Representatives Saylor, Chavez and King** requested to be recorded as voting **Nay**. **Rep. Boyle will sponsor the bill on the floor**.

**H 533:**

**Dave Ricks**, Department of Parks and Recreation, said this bill adds necessary resources to allow the invasive species program to pay for itself and reimburse vendors. He said there was an emergency clause last year that impacted the bill and implemented the program when the bill was signed. He reviewed the fees that are associated with the program. He said law enforcement had to monitor whether people had the stickers and either tell them to get the sticker or fine them. Mr. Ricks said last year they didn't have a vendor fee, this bill adds \$2.00 for a vendor fee. Vendors will collect \$1.50 of the vendor fee which will increase the vendors and the Department will be able to sell more stickers. He said it also adds an administrative fee of the remaining 50 cents for the Department.

In answering questions from the Committee, Mr. Ricks said boaters can work around the issues of the stickers not sticking well to soft sided boats and that there is no combined business plan between the Department of Parks and Recreation and the Department of Agriculture for this program.

**Howard Miller**, Idaho White Water Assoc., said he enjoys what Idaho has to offer as a recreationist and understands the need to fight the problem of invasive species. He said his concern is with how this is effecting non-motorized boat users, that the extra money will not be going to the Department of Agriculture for the invasive species program, it goes for administrative fees. He said there is a problem with the number of vendors that are selling the sticker and the process of finding vendors is a burden on the Department of Parks and Recreation. He believes he has a better plan and would like the opportunity to sit at the table to try and solve these issues.

**Brian Ward**, Idaho River Sports, said he is not in support of the increase in costs but he is in support of fighting invasive species. He said he would rather be a vendor for free and see the \$1.50 go to combating invasive species.

**Neil Colwell**, Avista Corp., said the threat of invasive species is a problem and he commends the effort to put this through last year and get it started. He said it is now getting more standardized and he would like to see vendors begin recouping their costs.

**Lloyd Knight**, Department of Agriculture, said he commends the Parks and Recreation Department for their effort last year in making sure vendors got stickers to distribute. He reviewed the process of how the invasive species program will be implemented this year, there is a monitoring program, and there will be more outreach this year.

**Rep. Anderson**, mentioned that boaters can go online to get the sticker and the Departments have had a plan and it is working well. He said that any vessel could be a vector of transportation for the invasive species. He said that Idaho is doing this differently than other states who have added personnel and they decided to go to the private sector and hire vendors. He think this is a better more economical plan.

**MOTION:**

**Rep. Wood (27)** made a motion to send **H 533** to the floor with a **DO PASS** recommendation.

**SUBSTITUTE MOTION:**

**Rep. Hagedorn** made a substitute motion to **hold H 533** in Committee.

**Rep. Hagedorn** said Idaho needs to be protected against invasive species, and the issue and concern is that they started the program last May in the middle of boating season. He said the new boating registrations have been sent out this January, and he is uncomfortable that the Departments don't have a good plan for invasive species and that will be a problem in waterways this year. He said they have not consolidated ideas from the Department of Parks and Recreation, the Department of Agriculture and the users and if they pass this, there will be another bill next year that will be another band-aid. He said he thinks there is a need to have all the entities get together and solve the issues.

**Rep. Eskridge** spoke in favor of the original motion, saying the issue is not the business plan, the issue is getting the sticker to the public.

**Rep. Barrett** said the argument is well made in support of the substitute motion and they have not had input from the users.

**Rep. Pence** said she appreciates arguments of the need to have a business plan but doesn't think they should sacrifice this years bill. She is in support of the original motion.

**Rep. Hagedorn** said this bill only creates a few more dollars for vendors to sell the stickers and up to this point they have gotten along fine with out the extra money.

**Rep. Saylor** said the plan may not be perfect but they have made a good start and this bill will allow the progress to continue. He sees many boats coming into Lake Coeur d' Alene from out of state and this program is important.

**Rep. Eskridge** said they have had volunteer vendors that were selling stickers, and they will lose those volunteers this year, so the Department will sell less stickers and the end result is, we will lose money.

**VOTE ON SUBSTITUTE MOTION:**

By a **roll call vote** the **substitute motion failed, 5 Aye, 11 Nay, 2 Absent/Excused. Voting in favor** of the substitute motion: Reps. Shepherd, Wood (35), Barrett, Boyle, and Hagedorn. **Voting in opposition** to the substitute motion: Reps. Bell, Eskridge, Raybould, Andrus, Wood, Harwood, Saylor, Chavez, King, Pence and Stevenson. Reps. Moyle and Bedke were absent and excused.

- VOTE ON ORIGINAL MOTION:** By a **voice vote** the **original motion carried**, **Rep. Barrett** requested to be recorded as voting **Nay**. **Reps. Anderson and Stevenson will sponsor the bill on the floor.**
- H 561:** **Rep. Eskridge** said this bill eliminates the fee for a replacement dock if replacing an existing dock of the same size and in the same place as the original dock. He said he did change the fiscal note, that the fees do go into the General Fund. He said the legislation would be saving money and would be more reasonable for the public.
- MOTION:** **Rep. Wood (35)** made a motion to send **H 561** to floor with a **DO PASS** recommendation.
- Mike Murphy**, Idaho Department of Lands, spoke **in favor** of the legislation and thanked Rep. Eskridge for getting the bill before the Committee.
- By a **voice vote** the **motion carried**. **Rep. Eskridge will sponsor the bill on the floor.**
- H 562:** **Rep. Harwood** said the intention of this bill was to make it simple, that if you see a dead furbearer on the road you could pick it up and salvage the hide. He said there is concern from conservation officers and the Department of Fish and Game, so they added the definition of a salvaged furbearer. He said the bill had been changed by others, and the bill now creates more bureaucracy.
- UNANIMOUS CONSENT REQUEST** **Rep. Harwood** asked Unanimous Consent Request to hold **H 562** in Committee. There being no objection, **H 562** will be held in Committee.
- S 1265:** **Jake Howard**, Outfitters and Guides Licensing Board, said this bill was started in the Senate and passed without opposition. He said it only involves the outfitters industry, and has been presented to the industry for comment. He said the Idaho Outfitters and Guides Association supports the bill. Mr. Howard said the bill is clarifying existing language to remove only big game outfitters. He said it has the support from the industry and only effects the industry.
- Mr. Howard answered questions from the Committee, saying this will open it up to any outfitters that do business including fishing and the Board follows a due process when there are any conflicts.
- Roger Hills**, Attorney for the Licensing Board, said for reasons of game harvest it is helpful in this section. He said the Boards intention was to open this up for other outfitters and not just for big game outfitters.
- MOTION:** **Rep. King** made a motion to send **S 1265** to floor with a **DO PASS** recommendation. By a **voice vote** the **motion carried**. **Rep. Wood (35)** requested to be recorded as voting **Nay**. **Rep. King will sponsor the bill on the floor.**
- S 1266:** **Mr. Howard** said this bill clarifies that the outfitter year expires on March

31st, that this is a standard date and the outfitter licensing process is centered around that date. The Outfitters and Guides Association and industry supports this legislation.

**MOTION:** **Rep. Sayler** made a motion to send **S 1266** to the floor with a **DO PASS** recommendation, by a **voice vote** the **motion carried**. **Rep. Sayler will sponsor the bill on the floor.**

The meeting adjourned at 3:22 p.m.

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Representative John A. Stevenson  
Chairman

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Susan Werlinger  
Secretary

## MINUTES

### HOUSE RESOURCES & CONSERVATION COMMITTEE

**DATE:** February 25, 2010

**TIME:** 1:30 p.m.

**PLACE:** Room EW40

**MEMBERS:** Chairman Stevenson, Vice Chairman Shepherd, Representatives Wood (35), Bell, Barrett, Moyle, Eskridge, Raybould, Bedke, Andrus, Wood (27), Boyle, Hagedorn, Harwood, Saylor, Chavez, King, Pence

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

**GUESTS:** Norm Semanko, Idaho Water Users Assn.; Jim Unsworth, IDFG; Wally Butler, IFBF; Mike Edmondson, OSC; Dan Steenson, Ringert Law; John William, BPA; Jeff Church, Veritas Advisors; Kent Lauer, Idaho Farm Bureau; Stephen Goodson, Governor's Office; Beth Markley; Idaho Council on Industry & Environment; Brenda Tominaga, IGWA/IIPA

A quorum being present, **Chairman Stevenson** called the meeting to order at 1:33 p.m.

**Nate Fisher**, Office of Species Conservation, thanked the Committee for the opportunity to provide an update on endangered species in Idaho. He introduced Clive Strong, from the AG's Office and Dr. Jim Unsworth, from Fish and Game who will both help with the presentation. Nate also introduced the staff from OSC.

Mr. Fisher said they are prepared to talk about the top five species of concern in Idaho. He said they will show both the good and bad effects of the Endangered Species Act.

Mr. Fisher said their involvement with Slickspot Peppergrass goes back to 2002 when it was listed on the Endangered Species Act. He said they have spent a tremendous amount of time, effort, & money over the last 7 years on this issue. He said Slickspot is only found in Idaho and the process of listing is lengthy and complicated.

Mr. Fisher said the state has pro-actively developed CCA's to preserve this species and in 2007 it was determined that it no longer needs protection because the levels were stable. A lawsuit was brought by Western Watersheds to list the species. He said last year the Governor and the agency filed a lawsuit against the listing of the species.

Mr. Fisher said the topic will move to the conservation of Sage Grouse. He gave an update on Sage Grouse activities, saying they are primarily in the southern portion of the state, and there are different priority areas for Sage Grouse. He gave a quick update of the time line of the listing of Sage Grouse.

Mr. Fisher said Bull Trout have been on and off the petition to be listed

and was finally listed in 2005. He reviewed the area where Bull Trout are in Idaho, they are mostly in northern Idaho. He said Bull Trout mingle very well with salmon, and some of the same things that are helping salmon recovery can help Bull Trout.

Mr. Fisher reviewed the process of the proposed designation of Bull Trout on the ESA and the proposed critical habitat process. He said the waters and streams in Idaho where Bull Trout live, are mostly on federal land. He said restrictions on land use activities near Bull Trout on federal land can be of concern.

Mr. Fisher gave a legal update on the wolf issue. He said in May of 2009 wolves were delisted. He said the environmental plaintiffs filed a preliminary motion. He said they are in the preliminary merit phase of the litigation. Mr. Fisher said in September 2009, Idaho began its first wolf hunting season and the Idaho hunt continues until March 31, 2010. Mr. Fisher deferred to Dr. Unsworth for the biological update.

**Jim Unsworth**, Department of Fish and Game, said populations of wolves are about the same as they were last year. He said they believe populations have started to level off at least in some parts of the state. He said there has been a lot of undocumented mortality, there have been approximately 400 mortalities this year and the population is staying at about 820.

Dr. Unsworth gave a summary of the wolf hunt, that the limit was set at 220 animals, and the number taken is 129-158, as of today. He said sportsmen aren't taking as many wolves in the timbered areas and it is difficult for hunters to take wolves in these areas. He also said they are also still having difficulty in elk herd populations in these areas. Dr. Unsworth reviewed the number of wolves taken in specific zones and said there were more wolves taken during deer and elk seasons, but with the closure of the seasons, the number of wolves taken has tapered down. He said the control for livestock depredation has been more aggressive and they are trying to solve the problem by removing depredating wolves. He said they will put more emphasis on livestock depredation.

Dr. Unsworth said the sportsmen respect the wilderness and as far as the effect on elk, they are not seeing an impact in zones that have productive elk numbers, they are seeing an impact in areas such as the Lolo area, where elk numbers aren't productive. He said they sold 26,000 wolf tags last year because most people found it to be a unique opportunity, but they don't expect to see that high of a number this coming year.

Dr. Unsworth answered questions, explaining the process for estimating or counting wolves in Idaho. He said there are 135 radio collared wolves in all parts of the state in different packs, they find these collared animals and do an estimate of pack size, then add in an estimator for lone wolves and this gives them a minimum estimate of wolves in Idaho. He also said they may be able to increase the number of tags in areas with less productive wolf harvests with other options, such as trapping, in order to increase harvest goals.

**Nate Fisher**, reviewed the salmon issues and the recovery effort. He said

most of the efforts are focused on recovery of the species. He reviewed the number of adult returns, saying there is an increase in steelhead returns and the public can fish for steelhead in the fall and spring seasons. He said the Fall of 2009 yielded one of the largest steelhead returns. Mr. Fisher said one of the most endangered species in Idaho is the Sockeye Salmon, which cannot be fished for. Mr. Fisher said the Office of Species Conservation is currently working on funding for a sockeye hatchery, and predict there will be an increase in the number of fish returns.

**Clive Strong**, AG's office, said the National Marine Fisheries Services adopted a biological opinion, which was challenged. He said it is an adaptive management plan and if they are not seeing the goals and objectives of the biological opinion, it lays out guidelines to meet those objectives. He said the adaptive management plan is to be incorporated into the biological opinion, which would be resubmitted but they expect more challenges to it. He said they are hopeful for court approval after the incorporation of the management plan.

**Chairman Stevenson** discussed two letters with the committee, he said one of the letters was sent concerning the effects of disease in wolves. He said they hope to have a report at a later date concerning this issue. Chairman Stevenson said the other letter is concerning the bull trout habitat listing, which is in public comment until March, he would like to know if the Committee would like to have a letter of comment from the Committee on this issue. He said it may be important to have comments from the Committee on the issue. He said when the letter is drafted, the Committee will be able to look at it and those that want to sign can do so and we will be able to forward it on.

**H 556:**

**Norm Semanko**, Idaho Water Users Association, said this legislation has to do with activities on flood ways and what constitutes a flood way. He said they didn't contemplate this issue would be a problem because the description of development in Code is very clear. He said now the interpretation of the description is being changed, so they are adding additional language to clarify development. Mr. Semanko said on the second page the definition of flood way is also very clear but they felt compelled to make it more clear that drainage ditches and canals are not flood ways, and they are clarifying what the law already states. He said this will make the definitions more clear.

In answering questions, Mr. Semanko gave an example of a letter regarding the requirement of a flood plain permit for work being done in the area. He also said that he thought the cities and counties may have a concern, and they do talk regularly with the appropriate people, but have not sat down with them regarding this change.

**MOTION:**

**Rep. Pence** made a motion to send **H 556** to the floor with a **DO PASS** recommendation. By a **voice vote** the **motion carried**. **Rep. Pence will sponsor the bill on the floor.**

**H 557:** **Mr. Semanko** said this bill will make clear that land owners in the form of a trust will be able to vote the same as other land owners in the irrigation districts. He said previously there was a question brought about LLC's, and the issue will be brought to their legislative committee for review and they may come back with legislation next year to address this question. He asked for support on this issue dealing with trusts.

**MOTION:** **Rep. Raybould** made a motion to send **H 557** to the floor with a **DO PASS** recommendation. By a **voice vote** the **motion carried**. **Rep. Hagedorn will sponsor the bill on the floor.**

**H 559:** **Mr. Semanko** said they have been hearing about this issue for over a year now regarding storage reservoirs. He said there are several ways to obtain the right to a dam, one is through prescriptive easement. He said the issue is what the underlying landowner who is flooded can continue to do with his property. Mr. Semanko said they are inserting "reasonable", so the use of the land cannot substantially interfere with the use of the easement. He said there is not an emergency clause and this is not retroactive.

**MOTION:** **Rep. Wood (27)** made a motion to send **H 559** to the floor with a **DO PASS** recommendation. By a **voice vote** the **motion carried**. **Rep. Wood (27) will sponsor the bill on the floor.**

**Chairman Stevenson** said the Committee had sent a bill, **H 531**, to General Orders with committee amendments. He said in drafting another amendment, Legislative Services added a non Committee amendment to the Committee amendments. He said he will look for direction from the Committee to whether these other amendments could also be amendments from the Committee.

**MOTION:** **Rep. Boyle** made a motion to have both the amendments as Committee amendments. **Rep. Hagedorn** seconded the motion. By a **voice vote** the **motion carried**.

The meeting adjourned at 2:53 p.m.

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Representative John A. Stevenson  
Chairman

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Susan Werlinger  
Secretary

MINUTES  
JOINT MEETING  
**HOUSE RESOURCES & CONSERVATION COMMITTEE**  
**SENATE RESOURCES & ENVIRONMENT COMMITTEE**

**DATE:** March 1, 2010

**TIME:** 1:30 p.m.

**PLACE:** Room WW02

**HOUSE MEMBERS:** Chairman Stevenson, Vice Chairman Shepherd, Representatives Wood, Bell, Barrett, Moyle, Eskridge, Raybould, Bedke, Andrus, Wood (27), Boyle, Hagedorn, Harwood, Saylor, Chavez, King, Pence

**SENATE MEMBERS:** Chairman Schroeder, Vice Chairman Bair, Senators Cameron, Pearce, Coiner, Siddoway, Brackett, Stennett, Werk

**ABSENT/ EXCUSED:** Representatives Moyle, Bedke and Senators Cameron, Werk.

**GUESTS:** William Jones, Idaho ATV Assn; Bill Brower, Over the Hill Gang; Dave Claycomb, IDPR; John Pierotti; Ten Ransom, SOAR; Sharon Kiefer, IDFG; Rex Green, ISIADA; Andy Brunelle, Forest Service; Dallas Burkhalter, IDFG-DAG; Virgil Moore, IDFG; Lance Hebdon, IDFG; Jon Heggen, IDFG; Amy Smith, ITD; Mike Roach, US. SR. Risch; Eric Bair, IFBF; Brenda Tominaga, IGWA/IIPA; Jeff Church, Veritas Advisors; Rusty Faircloth, Mountain Home ATV Club/Idaho State ATV Assoc.; Tony Varilone, SOAR; Craig Shuler, SOAR; Bill Dart; Mike Roberts; Mark Sauerwald; Cheri Sauerwald; Terry Heslin, BLM; Pat Barclay, ICIE; Courtney Washburn, ICL; Brad Smith, ICL; Steve Stuedner, Drabe Cooper; Keith Reynolds, DGM; Wally Butler, IFBF; Beth Markley, Idaho Council on Industry & Energy; Carl Claycomb; Lee Pibrek; Stephen Goodson; Governors Office.

A quorum being present, **Chairman Schroeder** called the meeting to order at 1:32 p.m.

He said there have been a multitude of inquires on this issue, and the Committee recognizes this is the place to come and discuss the issue. He said some have indicated they want to speak to the rules, but the rules have already been approved, now the Committees will deal with statutory language. He said there will be brief opening comments from the agencies, then they will allow public comment.

**Chairman Stevenson** said because of the number of emails they have been receiving they felt it was important to have this discussion on the issue.

**Sharon Kiefer**, Department of Fish and Game, introduce members of Fish and Game that were present to answer questions. She said the Department of Fish and Game has no authority to unilaterally close the road on any land but their own. She said she would like to address the established roadways in Title 36 as well as Title 13 of the Department Rules. Ms. Kiefer said the Commission does have statutory authority to regulate the taking of big game, and the authority to establish rules. She

said the definition of established roadways is one of three key terms in the rule, full-sized vehicle and hunter is also defined in the rule. Ms. Kiefer said the rule does not apply to an unarmed person watching animals or taking photographs. She explained the rule for off road use of vehicles by hunters, saying the motorized vehicle rule restriction is in addition to other access rules and lands in particular to landowners. She reviewed the exceptions to the rule, to carry camping gear, to retrieve harvested game, as an aid to a disabled hunter, and on private property. Ms. Kiefer explained why Fish and Game created the rule and said it does not apply to established roadways. She gave a definition of hunting from a vehicle to distinguish the difference in the rules.

**Terry Heslin**, BLM, Trails and Travel Management Lead, thanked the Committees for the opportunity to speak to them. He gave a brief background and said the demand for multiple use access is increasing. He said finding the appropriate balance for all these activities is addressed through implementation. Mr. Heslin said outreach and enforcement are essential. He said the development of rational travel management plans is fundamental and reviewed several travel management plans implemented for ATV usage. He said there are still a number of travel management plans not implemented yet.

**Andy Brunelle**, U. S. Forest Service, said there are three things related to off highway vehicles and forest management. He gave an update on the travel management plans, and the outreach efforts. He said they are working with off road vehicle users on the safety issues. Mr. Brunelle said in 2005 the Secretary of Agriculture required all National Forests to complete and develop a system for travel management. He said motor vehicles use the map which distinguishes the areas and types of vehicles that can use the road systems in the areas. Mr. Brunelle said on a forest by forest basis, individual ranger districts create the maps and today all the National Forests have developed maps. He said the Forest Service is ready for recreational use this summer season. Mr. Brunelle said there are five separate law suits filed against three different forests on travel plans. He said they are moving toward completion of the maps and getting information out to users on where they can go. Mr. Brunelle reviewed other issues the Forest Service has worked on in the last year. He said they have been in communication with off highway vehicle user groups on the issue of requiring drivers licenses. He said if they are on trails they do not need a drivers license and they are good for this use. He said the Forest Service is not concerned about this usage, they are concern with ATV use on other highways and commercial roadways and intermingling with other vehicles.

**Tony Varilone**, Soda Springs, Idaho, former Forest Service employee said he would like to speak to the issue of the right to keep and bear arms on the streets of Idaho, that it is a right in the state to do that. He believes the Fish and Game want to take that right away if riding an ATV. He said if you are carrying a loaded gun on an ATV, it is considered a method of take and he believes the Fish and Game is in error. He said a hunter can pack their camp in but can't carry a loaded fire arm. Mr. Varilone said land owners can't take a loaded fire arm on their property in their truck, even if they are hunting and he believes this is a violation of rights. Mr. Varilone said he is opposed to the ATV rule and that Fish & Game should

have no authority to restrict this where hunters or land owners should have control. He said the rule singles out only one form of travel and there is no difference between using an ATV and using a horse. He said ATV's are not a method of take and the Fish and Game Department continue to make the point that it is. He said the Fish and Game are restricting private land owners and ATV users.

**Craig Shuler**, Soda Springs, Idaho, said he is distressed over the Fish and Game rule and the Fish and Game doesn't think this is an access issue but it is, because the rule takes away hunting access. He said Fish and Game has an in house bias against motorized vehicle users and they appear to be blaming motorized vehicles for the decline in deer populations. He said he believes this is a game management issue.

**Bill Brower**, Over the Hill Gang, said they started the club a year ago and are in opposition to the rule. He said ATV users Pay fees and taxes on motorized vehicles and horsemen and hikers pay nothing. He said elderly people can't walk into the trails, and he doesn't think this is right.

**Ted Ransom**, Iona, Idaho, said he disagrees with the basic opinion of what the Fish and Game has been putting out on vehicle usage. He would like to see source documents for this rule. He said all the maps showing which areas are closed seem to be in southern Idaho. He said it seems they could find a road in north Idaho that could be closed to 4-wheelers. He said the Department of Parks and Recreation take money to build roads and one particular road is closed from August to December. He said tax payers spend money for these roads and then they are closed. He says he thinks they ought to have a chance to use trails that they are paying for.

**Chairman Schroeder** said he appreciated the people that came from Soda Springs, and expertise that are represented. He said they do have an issue and will work on this during the interim. He said they want to hear the issues and want to bring some resolution.

**Bill Dart**, Caldwell, said he has been involved with the motorized vehicle issue for several years. He said the issue is there are conflicts between recreational riders and hunters and the Fish and Game says the restrictions will help reduce hunters success rate. But this is backwards because hunters on ATV's are less successful than non ATV users. Mr. Dart said he has been involved in travel management plans, and has seen most of the restrictions during hunting seasons. He said they say it is to provide animal security and animal protection, yet there are no restrictions on horses or other vehicles. He said there are no studies backing up the effect on population trends by motorized recreation.

**Rusty Faircloth**, President, Mountain Home ATV Club, said he is an avid ATV enthusiast and no other agency has done more to restrict ATV usage than the Fish and Game. He said it is obvious the Fish and Games has a goal to limit the number of trails available to Idaho hunters. He referenced an MOU among several state and federal agencies and said the Fish and Game has added another layer of restrictions to trail use other than the federal travel management plan restrictions already in place. He gave

specific details of restrictions in certain areas saying elk population declines are caused by wolves not motorized travel. Mr. Faircloth said the Fish and Game continuing to restrict access is not in our best interest and that ATV registrations have increase 10%. He said if the Fish and Game continue to limit opportunities, they will not be able to pursue recreational activities. Mr. Faircloth said the motorized recreational users are a major contributor to state and local communities and that motorized recreation is an answer to stimulate the economy, motorized recreation has a place in the state of Idaho. He said an ATV is a way to transport to your favorite hunting spot, not a means of take, and would they allow the regulation of where horses could be taken?

**William Jones**, said he believes the facts and figures are all wrong, what will spook a deer or other animal is not going to be an ATV. An ATV is not a means of take, it is a way to get to a hunting or fishing area or to an area to take pictures. He said people will recreate in Idaho and there is money to be made from recreation. He said the Fish and Game need to get their facts and figures straight and they need to learn to manage game before they begin to manage trails.

**Mark Sauerwald**, Mountain Home ATV Club member, said the rule isn't the main issue, the issue is that ATV's are a mode of travel not an aid to hunting. He said the Fish and Game have defined hunting just as Idaho Code does, this adds a point to the definition of while in possession of a hunting weapon and appropriate tags and permits. Mr. Sauerwald said this is not included in Idaho Code but is on the Fish and Game website. He said the mere carrying of a fire arm or license is not an act of hunting. He said the trails in question are open trail systems and his wife can drive down these trails during hunting season legally, but if a hunter is going to hunt on the trails the same day, that is illegal. He said cross country travel is illegal today, and there are documented surveys put out by Fish and Game that there are not too many people hunting on the trails. He said hunters using ATV's are less successful than hunters not using ATV's, but there is no official study. Mr. Sauerwald said most people are opposed to this rule than in favor of it. He said this rule does not allow travel across country, or shooting from an ATV, it is only speaking of travel on an ATV. He said with the definition of aid to hunting it would be a violation if a person is riding on the trail. He said the rule is unfair, and the Fish and Game closes trails to hunters but other recreational users are allowed to use the trails. He said he hopes the rule can be eliminated or revised.

The meeting adjourned at 3:03

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Representative John A. Stevenson  
Chairman

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Senator Gary Schroeder  
Chairman

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Susan Werlinger  
Secretary

## MINUTES

### HOUSE RESOURCES & CONSERVATION COMMITTEE

- DATE:** March 3, 2010
- TIME:** 1:30 p.m. or Upon Adjournment
- PLACE:** Room EW40
- MEMBERS:** Chairman Stevenson, Vice Chairman Shepherd, Representatives Wood, Bell, Barrett, Moyle, Eskridge, Raybould, Bedke, Andrus, Wood (27), Boyle, Hagedorn, Harwood, Saylor, Chavez, King, Pence
- ABSENT/  
EXCUSED:** Representatives Bedke, Wood (27), Boyle.
- GUESTS:** Lance Hebdon, IDFG; Drew Thomas, Risch Pisca; Mike Kane, ISA.
- Chairman Stevenson** called the meeting to order at 2:04 p.m.
- MOTION:** **Rep. Pence** made a motion to approve the minutes of February 17, 2010  
By a **voice vote** the **motion carried**.
- MOTION:** **Rep. Saylor** made a motion to approve the minutes of February 23, 2010.  
By a **voice** vote the **motion carried**.
- Chairman Stevenson** recognized the page for the last part of the session, Brittany Kircher from Nampa, he said they appreciate the help she has been to the committee.
- H 598:** **Chairman Stevenson** said **Mr. Semanko** is out of town and **Rep. Raybould** will present this bill. **Rep. Raybould** said this is a bill that adds language to the section of Code that requires the bonding of directors of water districts. He said currently each member must post their own bond. He said the practice has been that instead of bonding, the district acquires a liability insurance covering the members of the board. **Rep. Raybould** said this bill makes that action official and eliminates the requirement of posting a bond. He also said this bill will make is so they could do either a bond or the insurance coverage and brings Code up to date with another section that also references this issue.
- MOTION:** **Rep. Hagedorn** made a motion to send **H 598** to the floor with a **DO PASS** recommendation. By a **voice vote** the **motion carried**. **Rep. Raybould will sponsor the bill on the floor**.
- S 1329:** **Michael Kane**, Idaho Sheriffs Association, said this bill deals with the mandatory duties of people involved in accidents with boats. He said every person involved in a boating accident must respond to law enforcement if there is death, injury or damages of \$500 or more. He said this will change the amount of damage from \$500 to \$1,500, the amount of damage done in an accident has increased.

- MOTION:** **Rep. Harwood** made a motion to send **S 1329** to the floor with a **DO PASS** recommendation. By a **voice vote** the **motion carried**. **Rep. Harwood will sponsor the bill on floor.**
- S 1282:** **Lance Hebdon**, Department of Fish and Game, said this bill is sponsored by the Department and specifies the antler scoring system as defined by Boone and Crockett is used by the state of Idaho to define trophy mule deer, white-tailed deer and elk in Idaho Code. He said this clarifies that the state has adopted the scoring application as their own standard.
- Mr. Hebdon answered questions, saying that although the scoring system is copyrighted by Boone and Crockett, the Boone and Crockett club encourages its use for these purposes.
- MOTION:** **Rep. Hagedorn** made a motion to send **S 1282** to the floor with a **DO PASS** recommendation. By a **voice vote** the **motion carried**. **Rep. Hagedorn will sponsor the bill on the floor.**
- S 1283:** **Mr. Hebdon** said this bill is sponsored by the Department. He said this bill would modify statute to allow the equivalent of an Idaho hunter education certificate from another country to meet the hunter education requirement for getting a hunting license in Idaho. Mr. Hebdon gave the example that there are several provinces in Canada that offer equivalent hunter education. He said this is a customer service bill and will make Idaho more consistent with other states.
- MOTION:** **Rep. Saylor** made a motion to send **S 1283** to the floor with a **DO PASS** recommendation. By a **voice vote** the **motion carried**. **Rep. Saylor will sponsor the bill on the floor.**
- S 1284:** **Mr. Hebdon** said this bill is sponsored by the Department and directs the remittance of fines and forfeitures of wildlife violations to be used for hunter and archery education and improvements of shooting ranges. He said the bill increases the ceiling for shooting ranges to not exceed \$125,000 per year. He said no single range can receive all of the money in a year. Mr. Hebdon said use of the fund would still require Legislative appropriation.
- Mr. Hebdon answered questions from the Committee regarding current plans for an increase in the number and improvements of shooting ranges in the Treasure Valley, and how much is collected in fines and forfeitures. He said the program is a grant and all local ranges would be able to apply for these grants for improvements and there is approximately \$114,000 in funds collected annually.
- MOTION:** **Rep. Hagedorn** made a motion to send **S 1284** to the floor with a **DO PASS** recommendation. By a **voice vote** the **motion carried**. **Rep. Hagedorn will sponsor the bill on the floor.**
- S 1285:** **Mr. Hebdon** said this bill is sponsored by the Department, it would allow for a youth small game license, controlled hunt turkey permit to be issued to a qualifying youth who is the age of nine, if the youth will be ten at the time of the hunt. He said they believe adding this provision encourages

youth hunting, and they do not believe this will affect overall opportunity for controlled hunt turkey permits.

**MOTION:**

**Rep. Wood (35)** made a motion to send **S 1285** to the floor with a **DO PASS** recommendation. By a **voice vote** the **motion carried**. **Rep. Wood (35) will sponsor the bill on the floor.**

**Chairman Stevenson** informed the Committee that **H 556** went to General Orders from the House floor. He said the Water Users Association met with people involved in the issue and it was determined amendments were needed to make clear who controls the water ways. He said these will not be Committee amendments.

The meeting adjourned at 2:30 p.m.

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Representative John A. Stevenson  
Chairman

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Susan Werlinger  
Secretary

## MINUTES

### HOUSE RESOURCES & CONSERVATION COMMITTEE

- DATE:** March 9, 2010
- TIME:** 1:30 p.m. or Upon Adjournment
- PLACE:** Room EW40
- MEMBERS:** Chairman Stevenson, Vice Chairman Shepherd, Representatives Wood, Bell, Barrett, Moyle, Eskridge, Raybould, Bedke, Andrus, Wood (27), Boyle, Hagedorn, Harwood, Saylor, Chavez, King, Pence
- ABSENT/  
EXCUSED:** Representative Shepherd
- GUESTS:** Sharon Kiefer, IDFG; Phil Homer, IASA; Craig Mickelson, Idaho Conservation Officers Assn.; Bill London, ICOA; Joie McGarvin, ICOA; Mike Murphy, IDL; Jeff Church, Veritas Advisors; Drew Thomas, Risch Pisca; Cal Groen, IDFG; Wally Butler, IFBF.
- Chairman Stevenson** called the meeting to order at 1:33 p.m.
- MOTION:** **Rep. Pence** made a motion to approve the minutes of February 25, 2010. By a **voice vote** the **motion carried**.
- MOTION:** **Rep. Raybould** made a motion to approve the minutes of March 3, 2010. By a **voice vote** the **motion carried**.
- S 1286:** **Sen. Gary Schroeder**, said this bill amends Idaho Code and transfers racoons from the fur bearer classification to the predatory wildlife classification. He said the classification will allow for the hunting and trapping of racoons, with a take of as many as you want. He said racoons are common and this only classifies them as predatory wildlife.
- MOTION:** **Rep. Wood (35)** made a motion to send **S 1286** to the floor with a **DO PASS** recommendation.
- Sharon Kiefer**, Department of Fish and Game, said the Commission does support this bill to reclassify racoons as predatory wildlife. She said they are currently classified as furbearer and there is no limit on the number that can be taken. She said the season for racoon is open year around. She said this type of unprotect wildlife may be taken at any time, with an unlimited amount. Ms. Kiefer said racoons already have a liberal take and the Department does not think this will have any effect on the recreational amount taken now. She said in the case of property destruction and depredations, no license will be required. She said the Commission fully supports this change.
- By a **voice vote** the **motion carried**. **Rep. Wood (35)** will sponsor the **bill on the floor**.

**S 1328:** **Sen. Schroeder** said the rules do not allow animals classified as unprotected or predatory wildlife to be released. He said the bill allows for the release of these animals in the county of origin. He said he has spoken with people who deal with live animals, and the people want to be able to release these animals alive. He said currently they cannot legally release them alive, they have to kill them. This allows people to go and find a place for the animal to be released, if they can find someone to release it. He said it is restricted to predatory wildlife such as skunks, racoons, porcupines and marmots.

**MOTION:** **Rep. Chavez** made a motion to send **S 1328** to the floor with a **DO PASS** recommendation.

**Bill London**, Idaho Conservation Officers Assn., said skunks and racoons are a problem, normally other groups, such as the Humane Society talk to them and make them aware if they are going to release an animal, they also get permits to move the animals.

**Sharon Kiefer** gave a description of the Code which prohibits the release of animals into the wild except by permit. She said live release is generally not encouraged by the Department and is evaluated on a case by case basis. She said there are rules and statute on the books that allow the capture but not release of animals into the wild. Ms. Kiefer said discouraging live release has been a long standing policy. She said **S 1328** would change this context to provide that predatory or unprotected wildlife could be captured and released alive with a permit. She said the Department will monitor this legislation. She said the bill will allow for control agents and land owners to release animals and they realize people are likely illegally releasing animals. She said release of wildlife could effect other animals on the property and they can't predict how many animals will be released due to this bill. She said it is difficult to predict if this will increase the Department's responsibility and believes it would be a better function for counties and municipalities.

**By a voice vote the motion carried. Rep. Chavez will sponsor the bill on the floor.**

**S 1342:** **Sen. Schroeder** said there has been discussion with the chief of law enforcement and an explanation to taxidermists of what this law is. He said Fish and Game rules state for the sale or barter of wildlife parts must be accompanied by a written statement showing said wildlife was lawfully harvested. He said there is no statutory authority for what is written in the rules, that a license is required to do the original taxidermy. He also said the record keeping statement talks about giving a wildlife receipt for the purchase of parts, but doesn't speak to bears and mountain lions. He said he got involved in this issue a while ago and there is no obligation for record keeping. He said he found out there is no statutory language for this rule. He said he spoke to people involved in the original agreement, and they agreed that it has worked well all this time. He said this bill will put into law what they thought was there all along.

**Sharon Kiefer** said there are two primary statutes that cover taxidermy report requirements. The first deals with the records the seller must provide the buyer. She said statutory authority doesn't describe the pieces of the animals, just that the seller must provide a statement that the wildlife was legally taken. She said the other section deals with the records the fur buyer must keep. She said currently the statute requires retention of records for two years of what wildlife the taxidermist has received or purchased. Ms. Kiefer said **S 1342** allows the Department to require the taxidermist and fur buyers to keep for two years, records of black bear skins, cougar skins or other parts of these animals. She said it does codify the IDAPA rule that shows legal acquisition of the animals. She said this modification does bring additional clarity and does allow the Department to require the licensees to submit the records to the Department. Ms. Kiefer said the Department will adapt their rules to comply with this Code change, if the bill should pass.

**MOTION:** **Rep. Raybould** made a motion to send **S 1342** to the floor with a **DO PASS** recommendation. By a **voice vote** the **motion carried**. **Rep. Raybould will sponsor the bill on the floor.**

**H 407:** **Mike Murphy**, Idaho Department of Lands, said Idaho Code Chapter 13 establishes ownership of beds and encroachments, and the Department is responsible for reviewing permits and inspections. He said the program is currently losing money. He said this Legislation is relating to fees and the Department would like to have the program be self sustaining and get away from taking from the General Fund. Mr. Murphy said with this legislation the Department would increase rates for one and two family docks and put this change into the rule making process for next year.

Mr. Murphy answered question from the Committee saying the \$1,000 is a cap to be set into rules for that particular permit process. He said they want the cap higher so they will not have to come back later and change it again. He said the permit is a one time fee and if the family leaves the dock in place they will not have to pay additional fees. He also said the actual costs are greater than the cap is right now, this is why they would like to raise the cap. He said the reason it is costing so much now to issue these permits is because with single family docks they have to check the impact of the dock on adjacent land owners. He said they need to spend time communicating with the neighbors and then review and issue the permit, it is costing the Department \$300 for each permit. He said they have discussed the increases and the changes for making this a dedicated program, and the fees will be at the forefront in the rule making process.

**Rep. Eskridge** said the fees that are being set are outside the cap in the rule making process. They have amendments to the bill that would set the fees within the cap.

**MOTION:** **Rep. Eskridge** made a motion to send **H 407** to **General Orders** with committee amendments attached. **Rep. King** seconded the motion.

Rep. Eskridge answered concerns from the Committee regarding the

amendment and if this is put back into rule making and the fee increases will it come back to the Committee for review. Rep. Eskridge said the Committee will be able to monitor the fees through the rule process.

Roll Call Vote was requested on the motion. By a **roll call vote the motion carried, 9 Aye, 7 Nay, 2 absent and excused. Voting in favor of the motion:** Reps. Bell, Eskridge, Raybould, Wood (27), Saylor, Chavez, King, Pence and Stevenson. **Voting in opposition to the motion:** Reps. Wood (35), Barrett, Moyle, Bedke, Andrus, Boyle and Hagedorn. Reps. Shepherd and Harwood were absent and excused. **Rep. Eskridge will sponsor the bill on the floor.**

**H 532:**

**Rep. Boyle** said the conservation license will allow people who do not hunt or fish to help with costs on Fish and Game lands. She said sportsmen have always carried this responsibility and sportsmen dollars were used to purchase the land that is used for non licensed activities. Rep. Boyle reviewed a list of all the Wildlife Management Areas (WMA) and percentage of the sportsmen use on the land. She said this also gives an idea of what the non-sportsmen use is on the land. She said it is an issue of fairness to the sportsmen. Rep. Boyle reviewed the cost of the permit saying it is \$20.00 for non residents and \$10.00 for residents 18 or older and kids are free. She said if this passes and a person is out on Fish and Game land without a conservation license, after lots of education and signage, that person will get an infraction. She said the Department believes the license will raise about \$250,000 a year. This money will be used to fix and maintain facilities on the land and for weed control on Fish and Game property. She said she feels this is fairness to the hunters, fishermen and trappers, who currently have to pay for everything.

Rep. Boyle answered questions from the Committee saying that it doesn't say in bill that it is for adults 18 or older, she said the intent is that it is for adults and the Commission can set this by rule. She also said that due to some management agreements a fee can't be charged on specific Fish and Game lands. Rep. Boyle answered more questions saying, the money from the non game license plate ran short on funds a year ago and they had to use sportsmen dollars on non game programs. Rep. Boyle said people with a hunting or fishing license would not need the additional permit to use these lands and it would effect out-of-state visitors, there would also be good signage at the sights and education. She said it would be no different than an out-of-state visitor coming to fish and needing a fishing license.

**Cal Groen**, Director, Department of Fish and Game, gave a policy overview and said last year they talked about the problem with revenues. He said the Commission and sportsmen have advocated that sportsmen dollars be used for sportsmen activities. He said the Fish and Game Department is a user fee based agency and if you use it, you should pay for it. He said he feels the conservation permit contributes to the solution of lack of revenue and ensures that all that benefit pay. Mr. Groen said ninety percent of wildlife in the state are not hunted or fished for but the Department is mandated to manage them. He said the Department would like to stay a user fee agency and this bill will bring a solution to the management issues of lands owned by the Department. He said one

percent of the Department's budget come from the public in wildlife license plates and state non-game income tax check-off money. He said non-license buyers are taking over half the use of the WMA, including boating areas. He said hunter groups support this, they feel they need relief and want their money to go to hunting activities.

Mr. Groen answered questions from the Committee, saying they try to limit conflict on Fish and Game lands with other uses and hunting and fishing by regulating the hunting and fishing seasons. He said there are several fishing lakes that the Department has built and manages that have boating and other activities other than fishing. Mr. Groen answered more questions regarding the fishing access areas being compensated for with fishing licenses, saying they do get money for boating access areas, but there is more use on access areas than just fishing.

**Sharon Kiefer** said the Department owns and manages a complex diversity of lands to support wildlife, hunting, fishing and trapping. She said these lands include several fishing access sights which they have found other people heavily using for other activities and boating. She said the public is using these sights for other purposes and not just accessing the water. Ms. Kiefer said there are 34 WMAs and the Department owns and manages 2/3 of these areas, the others are managed by agreement with other land owners. She said the Department estimates 50% of the usage on WMAs are used for hunting, fishing or trapping, the other 50% of usage is for other purposes. She said people are using these areas for riding, hiking, walking, bird/and wildlife watching, camping, picnicking and recreational boating, anything you can attribute to outdoor activities is happening on Fish and Game lands. She said the maintenance and operations of this land is expensive and is paid for by licensed hunters and anglers. She said there is a public interest in lands because the Department pays a lower tax rate as compared to development, but the Department pays the same as farmers and ranchers. She said **H 532** gives the Department authority to look at each property on a case by case basis. She said the bill does give rule making authority for exemptions such as children, family members and the disabled, and the legislature would approve these rules and there would be another option for public comment. Ms. Kiefer reviewed what the fees would be used for and briefed the Committee on the mounting concern for money to manage game that is not hunted for. She said the fee is competitively priced, and there would be a \$57.00 penalty for an infraction that could be mail in. She said the Department does support the bill.

Ms. Kiefer answered questions from the Committee, saying the Department does have a choice to pay taxes on the land and they do recognize that it is a lower value. She said a majority of fishing boat ramps do not have a fee and with this bill they will have the ability to look at each access, some are highly used for fishing, others have a high use of recreational boating.

**Craig Mickelson**, Idaho Conservation Officers Assn., urged support for the bill. He said **H 532** is supported by wildlife conservation officers. He said the result of the increase in recreational use of WMAs is a reduced amount of time that conservation officers can spend on protecting game species for hunters and fishermen who currently pay all the bills. Mr.

Mickelson said there are also 18 sportsmen groups that support this bill as well, and he asked again for support of the legislation.

**Rep. Boyle** said they have been working for two years on this bill, trying to make it better, and she appreciates the work by the Department. She said the legislature has been trying to move toward fee based funding for programs and this is a new concept for everyone. She hoped the Committee could support the bill.

**MOTION:** **Rep. Eskridge** made a motion to **hold H 532** in committee.

**Rep. Barrett** said she would support the motion.

**SUBSTITUTE MOTION:** **Rep. Saylor** made a substitute motion to send **H 532** to the floor with **DO PASS** recommendation.

**AMENDED SUBSTITUTE MOTION:** **Rep. Hagedorn** made an amended sub motion to send **H 532** to **General Orders** to clarify the permit is for adults only. **Rep. Saylor** seconded the motion.

**Rep. Eskridge** commended the Department on what they are trying to do, but he thinks it is too broad. He gave an example of rate paying by Bonneville Power and that the public is paying for maintenance on these lands through their power bills. He said there is a loss of tax revenue on these lands because the Department doesn't pay tax on buildings or land that is less than ten acres. He said if the Department develops campgrounds providing water and other facilities they should charge a campground fee. He said they should not be getting it from the general public if they never use it.

**Rep. Hagedorn** spoke in favor of the amended sub motion, saying people holding a fishing or hunting license are the general public also, and should be treated equally. It is an unfair practice to have those that don't contribute use the same areas as those who pay for it. He said the bill provides a lot of discretion to the Fish and Game to do this. He said the only thing missing is to ensure that each member of an entire family doesn't need to pay the \$10.00 fee.

**Rep. Wood (35)** spoke in support of the original motion, saying with respect to the person bringing the legislation, that she felt like this will be very unpopular with her people at home. She said she feels it is the wrong time to have this in this economy. She said it is too comprehensive and could be amended but will support the motion.

**Rep. Saylor** said he could support the amended substitute motion and that change is hard but this change is going out to those who use the land but are not paying for it. He said in looking at the list of usages and costs, he thinks there is an inequity here, and the users should help pay for the land management. He said the wildlife belong to the people of the state and this is a good concept.

Roll Call Vote was requested on the amended substitute motion. By a **roll call vote** the **amended substitute motion carried, 9 Aye, 5 Nay, 4**

**absent and excused. Voting in favor of the motion:** Reps. Moyle, Bedke, Wood (27), Boyle, Hagedorn, Harwood, Saylor, Chavez and Stevenson. **Voting in opposition to the motion:** Reps. Wood (35), Bell Barrett, Eskridge and Raybould. Reps. Shepherd, Andrus, King and Pence were absent and excused. **Rep. Boyle will sponsor the bill on the floor.**

The proposed amendments will read that “an adult in a family with a conservation license would stand for all of the immediate family”.

The meeting adjourned at 3:51 p.m.

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Representative John A. Stevenson  
Chairman

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Susan Werlinger  
Secretary

## MINUTES

### HOUSE RESOURCES & CONSERVATION COMMITTEE

- DATE:** March 11, 2010
- TIME:** 1:30 p.m. or Upon Adjournment
- PLACE:** Room EW40
- MEMBERS:** Chairman Stevenson, Vice Chairman Shepherd, Representatives Wood, Bell, Barrett, Moyle, Eskridge, Raybould, Bedke, Andrus, Wood (27), Boyle, Hagedorn, Harwood, Saylor, Chavez, King, Pence
- ABSENT/  
EXCUSED:** Representatives Moyle, Bedke, Harwood and King.
- GUESTS:** Sharon Kiefer, IDFG; Jeff Church, Veritas Advisors; George Bacon, IDL; Jeremy Chou, IFA; Dennis Tanikuni, Idaho Farm Bureau; Zach Harge, Capitol West; Wally Butler, IFBF; Jerry Deckard, A.L.C.; Andy Brunelle, Forest Service.
- A quorum being present, **Chairman Stevenson** called the meeting to order at 2:20 p.m.
- MOTION:** **Rep. Pence** made a motion to approve the minutes of Monday, March 1, 2010. By a **voice vote** the **motion carried**.
- MOTION:** **Rep. Saylor** made a motion to approve the minutes of Tuesday, March 9, 2010. By a **voice vote** the **motion carried**.
- Chairman Stevenson** referred to a letter prepared by the Office of Species Conservation dealing with Bull Trout that will be sent as a committee letter for comment. He said anyone that would desire to not have their signature on the letter will need to let the secretary know, as soon as possible.
- SCR 118:** **Sen. Gary Schroeder** said the Department of Fish and Wildlife Services came to put wolves in Idaho. He said the federal government didn't care what Idaho thought and put them in Idaho, now we have to deal with them. He said Idaho deals with large carnivores such as bear and cougar and now we deal with wolves. He said even though we have been dealing with wolves, we are now being sued every time we turn around. Sen. Schroeder said wolves have made an impact on wildlife, especially in the Lolo Zone. He said Idaho is at ground zero in the wolf program and the Fish and Game Department has gained some expertise in managing them. He said they had agreed to a certain number of wolves and now that number has increased. He said he feels it is important for the legislature to take a position on communicating with other states, and agencies on wolf management. This legislation is asking & allowing the Department of Fish and Game to communicate with other states on these issues.

**Sharon Kiefer**, Idaho Department of Fish and Game, said the bill urges the Department and the Governor's Office of Species Conservation to bring dialog with other agencies and states for wolf management. She gave an example of current collaboration requirements. She said they have attended meetings and assured that wolf management is a high priority topic. She said the legislation will provide the Department with continued participation opportunities on issues relating to wolf management.

**MOTION:** **Rep. Wood (27)** made a motion to send **SCR 118** to the floor with a **DO PASS** recommendation. By a **voice vote** the **motion carried**. **Rep. Wood (27)** will sponsor the bill on the floor.

**S 1355:** **Rep. Eskridge** said this legislation equalizes the responsibility of payment of the stumpage assessment between the timber buyer and seller, rather than the buyer having to pay the entire assessment. He said the Board of Scaling Practices is an independent state agency whose primary purpose is to enhance log scaling standards and license scaling practitioners. The board's funding comes from an assessment on timber sales in the state. **Rep. Eskridge** said this would provide sufficient funding by dividing the assessment equally between private timber owners and timber purchasers. He said this legislation also exempts assessments on State Endowment lands and Forest Service timber sales. He said this will not have a fiscal impact on the General Fund, the assessment will be reduced with both the purchaser and seller contributing and is anticipated to go into a dedicated fund. He said the bill has support of several associations and agencies and does not have any opposition.

**George Bacon**, Department of Lands, said this allows for the funding of two employees who license every scaler in the state. He said currently the Department cannot fund two employees, but with only one employee, if they are out, there is no one to do the job. He said with this additional funding they will be able to hire two.

Mr. Bacon answered questions from the Committee, saying the two people who do this are responsible for certifying the scalers in the state, they license the scalers and do random checks to make sure everyone is still within state standards. He said the cap on the assessment remains at \$.20, they are just assessing more people.

**Jeremy Chou**, representing Intermountain Forestry Assn., spoke **in support** of the legislation, saying this is agreed upon in the industry and the industry's own people would not raise the assessment to an amount that would be unreasonable.

**Dennis Tanikuni**, Idaho Farm Bureau Federation, spoke **in support** of the bill saying, the bill creates a shared assessment for the timber seller and timber buyer. He said currently the assessment is paid entirely by the purchaser of the timber. He said the Scaling Board needed to raise revenue in order to keep their second employee. He said the Senate sponsor, **Sen. Heinrich**, has explained the legislation to the Farm Bureau and to the industry.

**Jerry Deckard**, representing Associated Logging Contractors of Idaho, spoke **in support** of the bill, saying timber owners and timber purchases will be assessed and they are please to pay the assessment.

**MOTION:** **Rep. Shepherd** made a motion to send S 1355 to the floor with a **DO PASS** recommendation. By a **voice vote** the **motion carried**. **Rep. Eskridge will sponsor the bill on the floor.**

**HCR 58:** **Rep. Eric Anderson** said this resolution is to engage the Defense Council to investigate the feasibility of gaining control and providing maintenance and operation of Forest Service and BLM holdings in Idaho. He said 60% of land in Idaho is held by the Forest Service or BLM and they don't pay taxes. Rep. Anderson walked though the legislation. He said in relating to biomass, developers would like to come and develop in the state, but are unable to because of the federally owned lands. He said the reality is to let Idaho take over the maintenance and operations of this land. He said state parks are well managed, the forests look good, the diseased timber has been taken out of the state forests, but when looking at the federal lands, they have not been managed as well. He said it is our responsibility to protect the state's assets.

Comments from the Committee included, agreement with the concept that the state could manage forests as well or better than the Federal Government, but there is concern with the cost to do this, the feasibility of a study and if it can be done, it could bring money to schools which would be something we should do. More comments from the Committee included the Constitutional Defense Fund was set up to pursue the states constitutional sovereignty but there is a limit to what that money could be used for. That the actions taken would have to be legal actions and that may be the only way to do it, that it will be challenged, but Idaho has the responsibility to ask the Council to pursue the feasibility of a study.

Other comments from the Committee included, pulling information together and getting a legal opinion on the approach of being able to manage lands, that there needs to be an understanding of the differences of federal, state and private lands and if this were feasible they would need to expand the Department of Lands. There was support from the Committee on studying the feasibility of pursuing this, but legal action will be expensive, and that expense would not include the actual management of the land. But a study showed that the state managed state lands seven times cheaper than the Federal Government managed their land. Other comments from the Committee included the use of the word feasible, that the "feasibility" is what they would want to know and that this will be opposed, like we are opposed with anything, but it is worth having this Resolution in order to study the feasibility of this land management.

**MOTION:** **Rep. Eskridge** made a motion to send **HCR 58** to the floor with a **DO PASS** recommendation.

**Wally Butler**, Idaho Farm Bureau Federation, spoke **in support** of the Resolution, saying it will open a dialog with agencies, regarding the

Federal Lands Task Force and the amount of information available there and with several other organizations. He said the Constitutional Defense Council may not have time to work on something like this but could put together a task force to work on it.

Roll call vote was requested on the motion. By a **roll call vote the motion carried, 11 Aye, 3 Nay, 4 absent and excused. Voting in favor of the motion:** Reps. Shepherd, Wood (35), Bell, Barrett, Eskridge, Raybould, Andrus, Wood (27), Boyle, Hagedorn and Stevenson. **Voting in opposition to the motion:** Reps. Saylor, Chavez and Pence. Reps. Moyle, Bedke, Harwood and King were absent and excused. **Rep. Anderson will sponsor the bill on the floor.**

The meeting adjourned at 3:23 p.m.

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Representative John A. Stevenson  
Chairman

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Susan Werlinger  
Secretary

## MINUTES

### HOUSE RESOURCES & CONSERVATION COMMITTEE

**DATE:** March 15, 2010

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

**PLACE:** Room EW40

**MEMBERS:** Chairman Stevenson, Vice Chairman Shepherd, Representatives Wood, Bell, Barrett, Moyle, Eskridge, Raybould, Bedke, Andrus, Wood (27), Boyle, Hagedorn, Harwood, Saylor, Chavez, King, Pence

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

**GUESTS:** Jim Unsworth, IDFG; Jay O'Laughlin, University of Idaho; John Chatburn, OER; Tricia Crump, Food Producers; Ben Davenport, Risch Pisca; Kent Lauer, Idaho Farm Bureau.

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

**MOTION:** **Rep. Saylor** made a motion to approve the minutes of Thursday, March 11, 2010. By a **voice vote** the **motion carried**.

**Jay O'Laughlin**, University of Idaho, Policy Analysis Group, gave a background on the Policy Analysis Group, saying the group was created by the legislature. He gave details of how the group does business and acknowledged the advisory Big Horn/Domestic Sheep committee's current members.

Mr. O'Laughlin reviewed the map of the area where Big Horn Sheep are, saying Big Horn Sheep are widely distributed throughout the west. He said the main thing they are addressing is the interaction between Big Horn and domestic sheep. He said the main point is to reduce risk of domestic sheep transmitting disease to Big Horn Sheep which involves separating the sheep to avoid contact.

He reviewed the situation map for the issue and explained that policy and analysis is in the center. Mr. O'Laughlin reviewed the decision process and events and said the issue dates back to the 1970's. He gave a chronicle of the events and said it is a two decision process, one federal and one state. He reviewed the federal and state decision processes.

Mr. O'Laughlin reviewed the responsibilities of the Department of Fish and Game for wildlife population management and said people have divided opinions on the issue, some are pro Big Horn Sheep and some are pro domestic sheep. He said there are two collaborative processes ongoing at this time, the updated statewide Big Horn Sheep Management Plan and the Payette National Forest Plan Amendment. He summarized the interest group perspective and said American Indian Tribes have an interest in this issue.

Mr. O'Laughlin reviewed the disease transmission hypothesis and gave a review of the CAST report on the Big Horn Sheep and domestic sheep disease transmission risk.

He said in conclusion that the Payette National Forest Plan Amendment will be appealed and perhaps litigated. He said he hoped the information in the report will help Idahoans understand the issue.

**Jim Unsworth**, Department of Fish and Game, answered questions from the Committee, saying that part of the working group is in collaboration with other states and Canada and most are watching what Idaho is doing regarding the Governor's Task Force on the issue. He also said the advisory group is updating the plan and will have new numbers of Big Horn Sheep out soon, there are around 3,500 total in Idaho including the Rocky Mountain and Owyhee populations.

**Mr. O'Laughlin** said Idaho's land is 64% federally owned and reviewed the map of Idaho land ownership. He said land exchanges have benefits and challenges and land exchanges or land swaps mean land is traded instead of being bought or sold. He explained the types of land exchanges and gave several examples of land exchanges and how land exchanges work. Mr. O'Laughlin said the ownership pattern of land is a checkerboard and is reflected on the land itself. He said there are land exchanges in the works right now and he reviewed the Bureau of Land Management objectives and missions. He said BLM is required to have multiple uses of land and reviewed the exchange process the BLM must follow. He said there are also multiple uses of Forest Service land and they are also bound by the same procedures. Mr. O'Laughlin explained the Idaho Department of Lands' objective is to create revenue for the Endowment Lands beneficiaries and the authority for the Department of Lands to do land exchanges is in Idaho Code. He explained the Department of Fish and Game's mission to manage and protect wildlife and fisheries in the state. He said they do get involved in land exchanges on occasion and are also authorized by Idaho Code. He explained the process in Idaho Code that these agencies go through.

Mr. O'Laughlin explained the benefits of public land exchanges and reviewed recent land exchange transactions from 1996 to 2007. He said the exchanges have gone down from a decade ago in both federal and state agencies and that the trend is down, because most exchanges have already been made and quality land to do exchanges is not as available.

He reviewed the challenges to land exchanges, saying there are costs involved in doing land exchanges. He reviewed the options for overcoming the challenges, saying one is to not engage in land exchanges, but to buy and sell land instead. He said the benefits are numerous for completing exchanges, but they can be challenging and sometimes controversial.

Mr. O'Laughlin answered questions from the Committee, saying it is an important issue when land exchanges are grouped together in one county and that discussion with the county commissioners depends on the specific exchange and is difficult to generalize. He said there is an exchange of titles when land is exchanged.

Mr. O’Laughlin explained wood bio-energy, saying he is involved in several energy alliances, such as the Western Governors Association, and others. He said he is also the chairman of the Forestry Task Force and it has nine other members. He explained that using wood as an energy source is cost effective and reliable and that nation wide, wood provides 2% of consumed energy, but in Idaho wood provides almost 5% of consumed energy. Mr. O’Laughlin said that more than 40% of Idaho is covered in forest lands and it is classified as timberland.

Mr. O’Laughlin reviewed the woody biomass categories and definitions. He said the 2008 Western Governors Association determined that forest biomass is sustainable and gave the biomass supply estimates from each county in Idaho. He said for the western states biomass consists of thinnings and logging residue (slash) and in Idaho, private logging residue makes up to 1.2 million dry tons of biomass. He said these two types make up almost 90% of biomass.

Mr. O’Laughlin said instead of burning logging slash, it could be ground up and converted to energy. He said forest thinnings are primarily on public Forest Service lands, and the 2005 Forest Service report called for a need of additional work force to do the work. He said not all biomass areas are going to be available because of roadless areas and there are stocking level minimums and lodgepole pine and spruce fir are not available.

He explained the barriers and challenges to removing wood energy, there are high harvest and transportation costs and lack of a long term reliable supply. He reviewed the economics, saying that combining removal of more valuable timber products with biomass removal can make it more feasible. Mr. O’Laughlin said the biggest expense is biomass transport, transport time translates to dollars and time on the road and the longer the trucking time is the less money you will make. If there is between 50 and 90 miles of transport, you will lose money. He said 25 miles to transport biomass is ideal but beyond 50 miles it is difficult to sustain income.

Mr. O’Laughlin explained the challenge of lack of long term reliable supply, saying that 70% of Idaho’s National Forest lands are not available for timber harvest.

Mr. O’Laughlin listed the wood bio-energy recommendations, they are create business tax credits, create biomass removal incentives, expand the “fuels for schools” program, change federal biomass definitions and increase community support. He said wood biomass energy has byproducts, such as restoring forest health, fire resilience, restoring wildlife habitat and revitalizing western economies. Mr. O’Laughlin explained the forest’s role in climate change mitigation and the impacts of climate change. He said we can use woody biomass to create energy.

Mr. O’Laughlin answered questions from the Committee, saying the cause for the dramatic decline of national forest timber use is from a whole host of reasons and society has changed its mind on what national forests are supposed to be used for. He said there are concerns of managing endangered species and ecological uses on national forests are now more important than providing timber products. He said environmentalist issues are a major cause of national forest issues and the demise of lumber

companies and it is a problem all western states face. He answered more questions regarding ugly logging practices being a part of what contributed to the environmental movement to discontinue logging, saying that bad logging had been done in the past and if given any lead way it could happen now, but there are forest practices in place that help control this and we need to get over the stigma of those bad logging practices and move forward.

Mr. O'Laughlin answered other questions from the Committee regarding Idaho creating a large sustainable biomass industry without accessing federal lands, saying yes, that there is logging residue from timber harvest that are being left and burned in the forest, creating air pollution and there are opportunities to use what the forest produces that is already available.

**ADJOURN:** The meeting adjourned at 3:22 p.m.

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Representative John A. Stevenson  
Chairman

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Susan Werlinger  
Secretary

MINUTES

**HOUSE RESOURCES & CONSERVATION COMMITTEE**

**DATE:** March 23, 2010

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

**PLACE:** Room EW40

**MEMBERS:** Chairman Stevenson, Vice Chairman Shepherd, Representatives Wood (35), Bell, Barrett, Moyle, Eskridge, Raybould, Bedke, Andrus, Wood (27), Boyle, Hagedorn, Harwood, Saylor, Chavez, King, Pence

**ABSENT/  
EXCUSED:** Vice Chairman Shepherd, Representatives Barrett, Moyle, Bedke, Andrus, Wood (27), Hagedorn

**GUESTS:** None.

**Chairman Stevenson** called the meeting to order at 1:55 p.m.

**MOTION:** **Rep. Wood (35)** made a motion to approve the minutes of Monday, March 15, 2010. By a **voice vote** the **motion carried**.

**Chairman Stevenson** said the Committee had just received S 1407, and the plan is to have a short meeting tomorrow, March 24<sup>th</sup> at noon to hear the bill. He said the bill came from the Finance Committee and creates a special fund for the Water Resources Board. Chairman Stevenson said it will be a public hearing and there may be public testimony, but the Committee will try to review it quickly so there won't be any conflict with other Committee meetings.

**Rep. Bell** explained the difference between dedicated fund and General Fund monies and the type of fund this bill is setting up. She said it is a revolving fund for Water Resources Board, and the funds go out to pay for specific projects. She said this specific fund is designed to hold donations and will not be a fund that will co-mingle with General Fund monies.

**Rep. Raybould** said the Department wants to start recharge projects, this bill is asking the canal companies and others to participate. They can donate funds and participate. He said they need to have a place to put these donated funds, and those that don't want to participate don't have to. He said it should only take a few minutes to review the bill, if there is no opposition.

**ADJOURN:** The meeting adjourned at 2:07 p.m.

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Representative John A. Stevenson  
Chairman

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Susan Werlinger  
Secretary

## MINUTES

### HOUSE RESOURCES & CONSERVATION COMMITTEE

**DATE:** March 25, 2010

**TIME:** 1:30 P.M. or Upon Adjournment of the afternoon Floor Session

**PLACE:** Room EW40

**MEMBERS:** Chairman Stevenson, Vice Chairman Shepherd, Representatives Wood, Bell, Barrett, Moyle, Eskridge, Raybould, Bedke, Andrus, Wood (27), Boyle, Hagedorn, Harwood, Sayler, Chavez, King, Pence

**ABSENT/  
EXCUSED:** Rep. Moyle

**GUESTS:** Alex LaBeau, Idaho Assoc. of Commerce and Industry; Lynn Tominaga, Idaho Ground Water Appropriators, Inc.; Teresa Molitor, Great Feeder Canals; Norm Semanko, Idaho Water Users; Gary Spackman, Idaho Dept. of Water Resources

**Chairman Stevenson** called the meeting to order at 4:00 P.M.

**S 1407:** **Rep. Patrick** presented **S 1407** to the Committee. He explained that the purpose of this legislation is to establish a fund in the State Treasury to facilitate the implementation of Phase I of the Eastern Snake Plain Aquifer Comprehensive Aquifer Management Plan (CAMP) which was adopted in the 2009 legislative session. The funding goals for Phase I call for funding participation from water users contingent upon a percentage of total funds being contributed by the state. This legislation specifically recognizes and allows for voluntary contributions from water users to provide a portion of the funds necessary to implement Phase I. The legislation also provides that all moneys in the fund are appropriated continuously to the Water Resource Board for plan development as well as for personnel costs, operating expenditures, capital outlay and water projects. The legislation also provides that the State Treasurer shall invest the idle moneys in the Secondary Fund, and the interest earned on such investments shall be retained by the fund.

Rep. Patrick further explained that this legislation gives the authority to private entities to voluntarily contribute to a secondary fund to use for water projects. The fund would also provide a place to put the interest from the sale of the Pristine Springs property.

In response to a question regarding the need for a separate fund when there is an existing revolving fund for CAMP, **Rep. Patrick** explained that the separate fund would just be for a different source and would not contain state money. He further explained that there would be no requirement for anyone to put money into this fund. It would be voluntary. He explained that the fund would be a place to hold money from Idaho Power and some spring users that want to contribute.

**Rep. Patrick** clarified that the only money available now is the interest on

the money from the sale of the Pristine Springs property. He also clarified that this fund could be audited or appropriated by the Legislature.

**Rep. Patrick** explained that this fund is not tied to the CAMP process. The legislation just creates a place to put private money.

**Rep. Barrett** commented that the Statement of Purpose for **S 1407** is confusing as it refers to Phase I of CAMP.

**Rep. Raybould** explained that the Statement of Purpose for **S 1407** gives a background of the CAMP program. He further explained that this legislation was drafted as a result of a meeting with water users and the Governor. He explained that the Governor called the group together as the CAMP plan would not be finished before the Legislature adjourned. The Governor asked the water users if there were any projects that the group would voluntarily contribute to. He explained that the second paragraph of the Statement of Purpose outlines the purposes of this fund. He further explained that there is a need to have money in the fund before projects can begin and this bill sets up a depository that the Water Resource Board can spend for these projects.

**Rep. Raybould** clarified that this bill would not be circumventing the CAMP process. He further explained that CAMP is not ready yet to make assessment or fees and many projects are ready to begin and users do not want to wait.

**Gary Spackman**, Director of the Idaho Department of Water Resources testified in support of **S 1407**. He explained that he was involved in the meeting with the Governor and participants of CAMP. He explained that one of the purposes of that meeting was to engage the water users and ask them what their commitment was to go forward with water projects. He explained that a large majority of the water users were supportive. He explained that **S 1407** offers a mechanism for the projects that have been contemplated and is a place to put this money for those projects identified by the users. He explained that it is necessary to have a separate account during this bridging time and the intent was to set up an account for voluntary contributions and for future CAMP projects. He also explained that the purpose of the legislation is to allow for voluntary contributions to come in as a bridge used by Water Resource Board and private entity contributions that would be matched by the State.

**Mr. Spackman** explained that CAMP is not broken, it has been delayed. He clarified that by establishing this secondary fund, it would allow for some of the current water projects to go forward. He also clarified that money would have to be appropriated annually into the CAMP fund created by the Legislature. He also clarified that the other fund for CAMP is a revolving development fund and would not require an annual appropriation.

**Rep. Bedke** explained that monies put into the fund created by **S 1407** would not be able to be held back. He further explained that the money would be put into lockbox out of reach.

**Mr. Spackman** explained that current water projects will be assessed and

those contributions made by individual proponents will be expended from this fund and there will be a match from Water Resource Board. He further explained that the Board could look at proposal and fund specific projects, or fund a certain amount of money and that there is a possibility of entities making some money.

In response to a question about the interest on the money from the Pristine Springs property, **Mr. Spackman** explained that there was money appropriated by Legislature for the purchase of land in the Magic Valley called Pristine Springs. The cost of the land was \$26 million and the Water Resource Board loaned the Ground Water Users \$10 million. He explained that the annual payment is \$1.2 million and this money resides in a revolving account. He clarified that 40% of the money is state and 60% is private. He explained that there is a cooperative spirit that is out there and water users have much at stake and want something to go forward.

In response to a question regarding why a second fund is being created by **S 1407** apart from the revolving fund that is already established, **Mr. Spackman** explained that there is a concern that the money that would be voluntarily contributed would be deluded in the revolving fund and the users felt that the contributions should be protected for these projects. He further explained that the revolving account is used for many purposes, and by establishing a second account, this would ensure money is separated and not spent on any other projects.

**Rep. Bell** explained that **S 1407** is strictly an accounting mechanism and has nothing to do with the CAMP fund. She further explained that private funds could be put in this secondary fund and would not co mingle with state funds. She explained that there is a need for a fund to be set aside as a financial management tool. She reported that this legislation came from the JFAC committee.

**Rep. Bedke** explained that there are projects that can start this year and the water users want a separate account to address these projects.

**Rep. Hagedorn** commented that he felt that this legislation would do harm to the CAMP process and he wants to see the process work.

**Rep. Andrus** expressed his concern regarding language on line 37 of the bill regarding facilitation services. **Mr. Spackman** explained that he has not spoken to members on his board concerning the possible cost for facilitation services but expressed his personal commitment that these costs would be minimal.

**Rep. Chavez** commented that while she understood the need for recharge projects, she was uncomfortable with the word "appropriate" several times in the legislation and wondered if money would have to be appropriated to this fund in the future.

**Mr. Spackman** explained that those users who do not voluntarily contribute to this fund could still see a benefit from the projects in some way.

**Rep. JoAn Wood** expressed her concern with the language in the bill

regarding facilitation services and the fact that there is no funding limit. She suggested possible amendments to this section. **Mr. Spackman** responded that the account would allow for flexibility and explained that it is the Legislature's prerogative to amend the bill if they see fit.

**Rep. Bedke** commented that facilitation saves on lawyer's fees.

**Mr. Spackman** clarified that the Water Resource Board would have access to this fund as projects go forward.

**Rep. Fred Wood** explained that according to the testimony heard in the JFAC committee, **S 1407** is strictly a new bank account, developed on the advice of the Attorney General. He further explained that there is an issue about co mingling private donations and state funds in the revolving fund. How they would be spent would create an issue. He further explained that the description of the bank account for the CAMP funds currently does not fit and this legislation just creates a separate bank account.

In response to a question as to how water projects are chosen to be completed, **Mr. Spackman** explained that the projects would be prioritized based on presentations for discussion and approval. There could be a separate account that the entities maintain, but the match would be by the state. He explained that the Implementation Committee that reviews these projects consists of a cross section of water users.

**Alex LaBeau**, president of the Idaho Association of Commerce and industry testified **in support of S 1407**. He explained that he worked over two years on CAMP and also serves on the Implementation Committee. He explained that the Committee will look at projects on a case by case basis and the Board will make the ultimate decision. He explained that there are a lot of projects that want to get under way and currently there is no consensus on CAMP. He explained that **S 1407** is a bridge legislation. He also explained that Idaho is on the cutting edge on water agreements and the state cannot let this process falter.

In response to a question regarding if mandatory fees will be dropped if this bridge legislation works, **Mr. LaBeau** explained that he could not answer this at this time. He further explained that they need a year to make that determination.

**Norm Semanko**, Executive Director of the Idaho Water Users Association, testified **in support of S 1407**. He explained that it has been difficult to get agreement on the CAMP plan, but the plan will not go anywhere until the projects are implemented. He explained that this legislation would allow water users to fund some of these projects in the interim. He further explained that in the CAMP agreement, the state needs to be responsible to help fund.

**Mr. Semanko** explained that if the project money were to be co mingled with the money in the revolving account, the users would not need to contribute to the fund. In response to a question regarding if the Water Users would support this legislation if sideboards and an implementation date were added, Mr. Semanko explained that as long as it satisfies the purpose of the legislation, he would be happy to look at it. He further explained that the

Water Users want the legislation to move forward.

**Rep. Saylor** commented that **S 1407** is a bridge with no other side. He further commented that this bill was drafted without involvement of the CAMP committee. **Rep. Boyle** clarified that it is the Water Resource Board who would approve the water projects.

**MOTION:**

**Rep. Raybould** made a motion to send **S 1407** to General Orders. He explained that he would like to strike the word “facilitation” on page 1, line 37 of the bill and replace it with “management.”. He explained that moving this plan along to recharge the aquifer is very important to the state. He further explained that the facilitator would be a manager.

**Rep. Harwood** commented that he is concerned that there is no cap on contributions in the legislation and is also concerned that this legislation would be throwing the CAMP process out the window.

**Rep. Hagedorn** spoke in support of the motion. He explained that he felt there were additional amendments that he would propose including adding an emergency clause.

**Rep. Bedke** spoke in support of the motion. He offered to work with interested parties to address possible amendments to the bill. He explained that there is a need to move on this issue.

**Lynn Tominaga**, Executive Director of the Idaho Ground Waters Users testified **in support of S 1407**. He explained that his group will be the group putting up the voluntary money for the funding of water projects. He further explained that the Legislature could sweep money out of funds and the reason for this secondary fund is to make it harder for the Legislature to sweep these funds. He reported that the Water Users view this fund as being able to finance projects and this fund is one that will help them resolve these issues. He further reported that the Water Users have spent over \$5 million in legal issues, and there is a need to use this money for projects.

**Rep. Andrus** spoke in support of the motion. He explained that he was not comfortable with changing a lot of the language and encouraged the Committee to accept the bill as is.

**VOTE ON MOTION:**

**On a voice vote, the motion carried.**

**ADJOURN:**

There being no further business to be brought before the Committee, **Chairman Stevenson** adjourned the meeting at 6:05 P.M.

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Representative John A. Stevenson  
Chairman

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Claudia Howell  
Secretary

MINUTES

**HOUSE RESOURCES & CONSERVATION COMMITTEE**

**DATE:** March 29, 2010

**TIME:** At the Call of the Chair

**PLACE:** Room EW40

**MEMBERS:** Chairman Stevenson, Vice Chairman Shepherd, Representatives Wood, Bell, Barrett, Moyle, Eskridge, Raybould, Bedke, Andrus, Wood (27), Boyle, Hagedorn, Harwood, Saylor, Chavez, King, Pence

**ABSENT/  
EXCUSED:** Representatives Bell, Barrett, Moyle and Bedke

**GUESTS:** None.

**Chairman Stevenson** called the meeting to order at 3:04 p.m.

**MOTION:** **Rep. Pence** made a motion to approve the minutes of Tuesday, March 23, 2010. By a **voice vote** the **motion carried**.

**MOTION:** **Rep. Hagedorn** made a motion to approve the minutes of Thursday, March 25, 2010. By a **voice vote** the **motion carried**.

**ADJOURN:** The meeting adjourned at 3:06 p.m.

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Representative John A. Stevenson  
Chairman

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Susan Werlinger  
Secretary