

**AGENDA**  
**HOUSE RESOURCES & CONSERVATION COMMITTEE**  
**1:30 P.M.**  
**Room EW40**  
**Tuesday, January 11, 2011**

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<b>SUBJECT</b>	<b>DESCRIPTION</b>	<b>PRESENTER</b>
	Organizational Meeting	

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***If you have written testimony, please provide a copy of it to the committee secretary to ensure accuracy of records.***

COMMITTEE MEMBERS

Chairman John Stevenson  
Vice Chair Paul Shepherd  
Rep JoAn Wood  
Rep Lenore Barrett  
Rep Mike Moyle  
Rep George Eskridge  
Rep Dell Raybould  
Rep Scott Bedke  
Rep Ken Andrus  
Rep Fred Wood  
Rep Judy Boyle  
Rep Marv Hagedorn  
Rep R. Harwood  
Rep Marc Gibbs  
Rep John Vander Woude  
Rep Donna Pence  
Rep Elfreda Higgins  
Rep Roy Lacey

COMMITTEE SECRETARY

Susan Werlinger  
Room: EW62  
Phone: (208) 332-1136  
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MINUTES  
**HOUSE RESOURCES & CONSERVATION COMMITTEE**

**DATE:** Tuesday, January 11, 2011

**TIME:** 1:30 P.M.

**PLACE:** Room EW40

**MEMBERS:** Chairman Stevenson, Vice Chairman Shepherd, Representative(s) Wood(35), Barrett, Moyle, Eskridge, Raybould, Bedke, Andrus, Wood(27), Boyle, Hagedorn, Harwood, Vander Woude, Gibbs, Pence, Higgins, Lacey

**ABSENT/  
EXCUSED:** Representative(s) Wood(27), Vander Woude

**GUESTS:** Jeff Church, Veritas Advisors; Dennis Stevenson, Rules Coordinator

**Chairman Stevenson** called the meeting to order at 1:30 p.m. He welcomed the committee members to the first meeting. Chairman Stevenson introduced the page for the first half of the session, **MJ Veselka** from Rigby, Idaho.

**Chairman Stevenson** reviewed the Subcommittee assignments for administrative rules.

These are: Water Resources & Parks and Recreation, **Rep. Raybould**, Chairman; **Rep. Andrus**, **Rep. Gibbs**, **Rep. Vander Woude** and **Rep. Lacey**.

Department of Lands, **Rep. Shepherd**, Chairman, **Rep. Barrett**, **Rep. Eskridge**, **Rep. Bedke**, **Rep. Boyle** and **Rep. Higgins**.

Department of Fish and Game, **Rep. Wood(27)**, Chairman, **Rep. Wood(35)**, **Rep. Moyle**, **Rep. Hagedorn**, **Rep. Harwood** and **Rep. Pence**.

Proofreaders for the Committee minutes will be, **Rep. Boyle** from the majority and **Rep. Higgins** from the minority. **Chairman Stevenson** reviewed the upcoming tentative schedule for Committee meetings and Subcommittee meetings. He said we would like to try and start each meeting at the posted time, if possible. He also introduced the new members of the Committee and the guests in the audience introduced themselves.

There being no further business to come before the Committee, the meeting adjourned at 1:46 p.m.

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Representative Stevenson  
Chair

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Susan Werlinger  
Secretary

AGENDA  
HOUSE RESOURCES & CONSERVATION COMMITTEE  
WOOD(27) SUBCOMMITTEE  
Fish and Game Rules  
1:30 P.M.  
Room EW40  
Thursday, January 13, 2011

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DOCKET NO.	DESCRIPTION	PRESENTER
13-0102-1001	Rules Governing Public Safety	Sharon Kiefer, Dept. of Fish and Game
13-0104-1001		
13-0104-1002	Rules Governing Licensing	
13-0106-1001	Rules Governing Classification and Protection of Wildlife	
13-0108-1001	Rules Governing the Taking of Big Game Animals in the State of Idaho	
13-0109-1001	Rules Governing the Taking of Game Birds in	
13-0109-1002	the State of Idaho	
13-0110-1001	Rules Governing the Importation, Possession, Release, Sale, or Salvage of Wildlife	
13-0116-1001	The Trapping of Predatory and Unprotected	
13-0116-1002	Wildlife and the Taking of Furbearing Animals	
13-0117-1001	Rules Governing the Use of Bait for Taking Big Game Animals	

***If you have written testimony, please provide a copy of it to the committee secretary to ensure accuracy of records.***

COMMITTEE MEMBERS

Chairman Fred Wood  
Rep JoAn Wood  
Rep Mike Moyle  
Rep Marv Hagedorn  
Rep R. Harwood  
Rep Donna Pence

COMMITTEE SECRETARY

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MINUTES  
**HOUSE RESOURCES & CONSERVATION COMMITTEE**  
**WOOD(27) SUBCOMMITTEE**  
Fish and Game Rules

**DATE:** Thursday, January 13, 2011

**TIME:** 1:30 P.M.

**PLACE:** Room EW40

**MEMBERS:** Chairman Wood(27), Representatives Wood(35), Moyle, Hagedorn, Harwood, Pence

**ABSENT/  
EXCUSED:**

**GUESTS:** W. Dallas Burkhalter, DAG-IDFG, Sharon Kiefer, IDFG; Lance Hebdon, IDFG; Joie McGarvin, Idaho Conservation Officers Assoc.; Brad Hunt, OAR; Dennis Tanakuni, Idaho Farm Bureau; Jeff Church, Veritas Advisors

**Chairman Wood(27)** called the meeting to order at 1:30 p.m.

**Sharon Kiefer**, Department of Fish and Game, introduced other people present to answer questions if necessary.

**Docket No. 13-0102-1001:** **Ms. Kiefer** said this rule docket implements **S1283** that was passed in 2010 which allows recognition of hunter education certification from other countries.

In response to questions, Ms. Kiefer said the rule requires that the education from other countries has to be consistent or more advanced than our state hunter education program and that there are about 30 countries that meet our requirements.

**MOTION:** **Rep. Moyle** made a motion to recommend approval of **Docket No. 13-0102-1001** to the full Committee. By a **voice vote** the **motion carried**.

**Docket No. 13-0104-1001:** **Ms. Kiefer** said this docket implements changes to the landowner appreciation program, it redefines the eligibility requirements for the Landowner Appreciation Program and restricts commercialization of the tags.

Ms. Kiefer answered questions regarding the eligibility of landowners according to the size of their property and the order in which landowners are drawn.

**MOTION:** **Rep. Moyle** made a motion to recommend approval of **Docket No. 13-0104-1001** to the full Committee. By a **voice vote** the **motion carried**.

**Docket No. 13-0104-1002:** **Ms. Kiefer** said this docket made updates and clarifications in the language of the rule, that it is a housekeeping docket.

**MOTION:** **Rep. Hagedorn** made a motion to recommend approval of **Docket No. 13-0104-1002** to the full Committee. By a **voice vote** the **motion carried**.

**Docket No. 13-0106-1001:** **Ms. Kiefer** said this docket implements **S1266** passed in 2010, which adds raccoons as predatory wildlife and corrects language.

**MOTION:** **Rep. Wood(35)** made a motion to recommend approval of **Docket No. 13-0106-1001** to the full Committee. By a **voice vote** the **motion carried**.

**Docket No. 13-0108-1001:** **Ms. Kiefer** said this docket implements **H416** which amends the definition of edible meat and expands the species exempt from waste. She said this updates language, clarifies hunts and liberalizes the hunting report requirements.

**MOTION:** **Rep. Hagedorn** made a motion to recommend approval of **Docket No. 13-0108-1001** to the full Committee. By a **voice vote** the **motion carried**.

**Docket No. 13-0109-1001:** **Ms. Kiefer** said this is a new rule by the Fish and Game Commission which would not allow upland gamebirds to be taken from any watercraft. She said there had been several comments regarding this rule throughout the rule making process, that were considered by the Commission.

Ms. Kiefer answered questions regarding the nature of the comments and the areas of the state the comments came from.

**MOTION:** **Rep. Moyle** made a motion to recommend rejection of **Docket No. 13-0109-1001** to the full Committee. By a **voice vote** the **motion carried**.

**Docket No. 13-0109-1002:** **Ms. Kiefer** said this rule was written to implement **S1285** which allows nine year old hunters to apply for controlled hunt turkey permits if they will be 10 years only during the actual hunt.

**MOTION:** **Rep. Moyle** made a motion to recommend approval of **Docket No. 13-0109-1002** to the full Committee. By a **voice vote** the **motion carried**.

**Docket No. 13-0110-1001:** **Ms. Kiefer** said this rule implements **S1328** and **S1342** which were passed in 2010. She said it allows the Department to require records from taxidermy's and adds reporting requirements for purchase of raw mountain lion and black bear parts. She said it also clarifies legal methods of take.

**MOTION:** **Rep. Hagedorn** made a motion to recommend approval of **Docket No. 13-0110-1001** to the full Committee. By a **voice vote** the **motion carried**. **Rep. Wood(35)** and **Harwood** requested to be recorded as voting **NAY**.

**Docket No. 13-0116-1001:** **Ms. Kiefer** said this rule implements **S1286**, reclassifying raccoons as predatory wildlife and clarifies other definitions.

**MOTION:** **Rep. Wood(35)** made a motion to recommend approval of **Docket No. 13-0116-1001** to the full Committee. By a **voice vote** the **motion carried**.

**Docket No. 13-0116-1002:** **Ms. Kiefer** said this docket establishes rules for the placement of traps and snares near public travel ways.

**MOTION:** **Rep. Pence** made a motion to recommend approval of **Docket No. 13-0116-1002** to the full Committee. By a **voice vote** the **motion carried**.

**Docket No. 13-0117-1001:** **Ms. Kiefer** said this rule clarifies the definitions of bait and "game animals," and allows incidental take of wolves near bear bait sites.

**MOTION:** **Rep. Hagedorn** made a motion to recommend approval of **Docket No. 13-0117-1001** to the full Committee. By a **voice vote** the **motion carried**.

There being no further business to come before the Subcommittee, the meeting adjourned at 2:27 p.m.

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Representative Fred Wood  
Chair

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Susan Werlinger  
Secretary

AGENDA  
HOUSE RESOURCES & CONSERVATION COMMITTEE  
1:30 P.M.  
Room EW40  
Monday, January 17, 2011

<b>SUBJECT</b>	<b>DESCRIPTION</b>	<b>PRESENTER</b>
	Idaho Council on Industry and Environment	Pat Barclay, Executive Director

***If you have written testimony, please provide a copy of it to the committee secretary to ensure accuracy of records.***

COMMITTEE MEMBERS

Chairman Stevenson  
Vice Chair Shepherd  
Rep Wood(35)  
Rep Barrett  
Rep Moyle  
Rep Eskridge  
Rep Raybould  
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MINUTES  
**HOUSE RESOURCES & CONSERVATION COMMITTEE**

**DATE:** Monday, January 17, 2011

**TIME:** 1:30 P.M.

**PLACE:** Room EW40

**MEMBERS:** Chairman Stevenson, Vice Chairman Shepherd, Representative(s) Wood(35), Barrett, Moyle, Eskridge, Raybould, Bedke, Andrus, Wood(27), Boyle, Hagedorn, Harwood, Vander Woude, Gibbs, Pence, Higgins, Lacey

**ABSENT/  
EXCUSED:**

**GUESTS:** Norm Semanko, Idaho Water Users; Jessica Barrie, Idaho Water Users; Todd Hatfield, Hatfield Log Homes; John & Gail Blattler, Chris Pentico, Kent Lauer, Idaho Farm Bureau; George Bacon, Dept. of Lands; David Groesehl, Dept. of Lands; Eric Wilson, Dept. of Lands; Kathy Opp, Dept. of Lands; Suzanne Budge, SBS Assoc., LLC

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

**MOTION:** **Rep. Higgins** made a motion to approve the minutes of January 11, 2011. By a **voice vote** the **motion carried**.

**Norm Semanko**, Idaho Water Users Association, stated the Council's mission and introduced the others present to speak to the Committee. **Roy Eiguren**, Sullivan, Reberger & Eiguren; **Jack Lyman**, Idaho Mining Association, and **Joan Cloonan**, DEQ Board Member and Environmental Consultant.

**Roy Eiguren** spoke about the Administrative Procedures Act (APA) and reviewed the rule making process. He described what a rule is and the separation of powers. He explained that the APA gives the Legislature the authority to amend, modify or reject rules and that Idaho is one of only a few states that has this authority.

**Jack Lyman** discussed the issue of stringency and that all Idaho Environmental Law Acts contain stringency in one form or another. He reviewed each Act and the specific statutory provisions related to stringency in each Act.

**Joan Cloonan** spoke about guidance and rulemaking at the Idaho Department of Environmental Quality(IDEQ). She said the first page of every rule packet has a listing of authorities under which the rules are promulgated. She said that guidance is written documentation of how the agency interprets a rule. She gave an example of Wastewater Reuse, that the rule sets the standards and the guidance describes and suggests ways to get there. Ms. Cloonan said that a Legislative-approved rule has the force and effect of law but the guidance policy is not law.

Ms. Cloonan answered several questions from the Committee regarding guidance policy not being reviewed by the Legislature and if it is guidance, it may not be followed. She also answered questions regarding how DEQ works differently than other agencies and that DEQ has no authority to use the guidance as law. That guidance is the agencies interpretation of the regulations and anyone has the ability to challenge it if they feel they are interpreting the regulations incorrectly.

Ms. Cloonan said that guidance cannot have mandatory language. Guidance is how the agency implements a rule and Federal and State Governments have a very different perspective on guidance documents. She said that guidance is not the law.

There being no further business to come before the Committee, the meeting adjourned at 2:30 p.m.

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Representative Stevenson  
Chair

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Susan Werlinger  
Secretary

MINUTES  
**HOUSE RESOURCES & CONSERVATION COMMITTEE**  
**SHEPHERD SUBCOMMITTEE**  
Department of Lands Rules

**DATE:** Monday, January 17, 2011

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

**PLACE:** Room EW40

**MEMBERS:** Chairman Shepherd, Representatives Barrett, Eskridge, Bedke, Boyle, Higgins

**ABSENT/  
EXCUSED:**

**GUESTS:** Todd Hatfield, Hatfield Log Homes; George Bacon, Dept. of Lands; Jeremy Chou, Riley Associates; Kathy Opp, Dept. of Lands; David Groeschl, Dept. of Lands.

**Chairman Shepherd** called the meeting to order at 2:42 p.m.

**Docket No. 20-0211-1001** **David Groeschl**, Dept. of Lands, said this rule will repeal the Timber Supply Stabilization Act of 1989, that the Act was repealed by the 2010 Legislature and is obsolete.

**MOTION:** **Rep. Bedke** made a motion to recommend approval of **Docket No. 20-0211-1001** to the full Committee. By a **voice vote** the **motion carried**.

**Docket No. 20-0214-1001** **David Groeschl** said the proposed changes to this rule are to authorize the Department of Lands to sell state timber as delivered products, to expand state timber auction to allow additional bidding methods, to authorize the Director to set permit rates and values and to clarify existing rules for state timber purchasers and the Department of Lands.

In response to questions, Mr. Groeschl said that both methods of bid seem to favor small businesses and would increase bidder activity by smaller niche markets and small businesses.

**Todd Hatfield**, Hatfield Log Homes, said his business stands to benefit as a purchaser on these rule changes, but he is opposed to the changes because he will be eliminated as a logger from the process. He said with these changes the Land Board will be dealing with the private sector in marketing timber and will bankrupt some small loggers. Mr. Hatfield said the Department of Lands has not proven an increased benefit to the Endowment to warrant the changes that are proposed in this rule.

In response to questions from the Subcommittee, Mr. Hatfield clarified the process of delivered product sales.

**Mr. Groeschl** explained the different methods of oral auctions and sealed bid auction. He also said that the Department is looking for flexibility in the way they sell the products, he gave examples of delivered products sales. He said they are not looking to replace oral auctions with sealed bid auctions, they are just looking for more flexibility.

Committee members expressed concerns on how an area is logged, if buyers need more specific types of logs, and that there would be a management problem. Other concerns would be problems in breaking the logging up to other buyers and changing to a sealed bid would discourage small businesses. Other concerns that were expressed were that the proposed changes would apply to a very limited scope and there is a need for the process and return to the Endowment to be better. Also that this would narrow the qualified people to harvest the product and the cost would be higher to buyers, which would not benefit the Endowment.

**MOTION:** **Rep. Boyle** made a motion to recommend rejection of **Section 16 and Section 023 of Docket No. 20-0214-1001** to the full committee. By a **voice vote** the **motion carried**.

**Docket No. 20-0304-1001** **Eric Wilson**, Department of Lands, said this rule change will allow the replacement of some single and two-family docks without a permitting process. This rule change will also allow the Department to raise the application fees for some encroachment types and will lower the application fee for small domestic waterlines. He reviewed the figures for the fee changes.

**MOTION:** **Rep. Bedke** made a motion to recommend approval of **Docket No. 20-0304-1001** to the full Committee. By a **voice vote** the **motion carried**, with **Rep. Barrett** requesting to be recorded as voting **NAY**.

There being no further business to come before the Subcommittee, the meeting adjourned at 4:26 p.m.

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Representative Paul Shepherd  
Chair

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Susan Werlinger  
Secretary

AGENDA  
HOUSE RESOURCES & CONSERVATION COMMITTEE  
1:30 P.M.  
Room EW40  
Wednesday, January 19, 2011

<b>SUBJECT</b>	<b>DESCRIPTION</b>	<b>PRESENTER</b>
<b>RS 19944</b>	Water right licenses	Shelley Keen, Dept. of Water Resources
<b>RS 19983C1</b>	Water, transfer application fees	Gary Spackman, Shelley Keen, Dept. of Water Resources
<b>RS 20034C1</b>	Drilling permits	Gary Spackman, Tom Neace, Dept. of Water Resources
<b>RS 19959C3</b>	Water, notice	Shelley Keen
<b>RS 19969</b>	Water/lapsed permits to appropriate	Shelley Keen
<b>RS 19989</b>	Injection wells	Tom Neace, Dept. of Water Resources
<b>RS 20096C1</b>	Watermasters	Tim Luke, Dept. of Water Resources

***If you have written testimony, please provide a copy of it to the committee secretary to ensure accuracy of records.***

COMMITTEE MEMBERS

Chairman Stevenson  
Vice Chair Shepherd  
Rep Wood(35)  
Rep Barrett  
Rep Moyle  
Rep Eskridge  
Rep Raybould  
Rep Bedke  
Rep Andrus  
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Rep Gibbs  
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Rep Higgins  
Rep Lacey

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MINUTES  
**HOUSE RESOURCES & CONSERVATION COMMITTEE**

**DATE:** Wednesday, January 19, 2011

**TIME:** 1:30 P.M.

**PLACE:** Room EW40

**MEMBERS:** Chairman Stevenson, Vice Chairman Shepherd, Representative(s) Wood(35), Barrett, Moyle, Eskridge, Raybould, Bedke, Andrus, Wood(27), Boyle, Hagedorn, Harwood, Vander Woude, Gibbs, Pence, Higgins, Lacey

**ABSENT/  
EXCUSED:**

**GUESTS:** Dave Goins, Idaho News Service; Tom Neace, Dept. of Water Resources, Brian Patton, Dept. of Water Resources, Tim Luke, Dept. of Water Resources; Shelley Keen, Dept. of Water Resources; Mark Duffin, Idaho Sugarbeet Growers; Wally Butler, Idaho Farm Bureau Federation; Roger Batt, Idaho Ground Water Assoc., Dan Steenson, Ringert Law; Jeremy Pisca, Risch-Pisca PLLC; Jesse Taylor, Paris Hills Agricom

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

**MOTION:** **Rep. Higgins** made a motion to approve the minutes of Monday, January 17, 2011. By a **voice vote** the **motion carried**.

**RS 19944:** **Shelley Keen**, Dept. of Water Resources, said this proposal is a result from the 2009 Zero-Based Budgeting review and the Department currently issues about 200 water right licenses per year, but there is a backlog of licenses of about 3,000. He said there are two statutory requirements with no practical purpose for the administration of the water right licenses. Mr. Keen reviewed the two requirements and said this legislation would do away with these requirements.

**MOTION:** **Rep. Wood(35)** made a motion to **introduce RS 19944**. By a **voice vote** the **motion carried**.

**RS 19983C1:** **Mr. Keen** said the Department has a back log of water right transfer applications, that it takes months, sometimes years to get an application processed through the Department. He said since 2007 there has been an increase in efficiencies and the Department has processed the majority of the transfers. He said the backlog is still close to 200 transfer obligations and they believe they can't sustain the current effort of progress with less staff due to budget constraints. He also said an improved economy will only create an influx of more transfers and for these reasons they are proposing to double the transfer application fees in order to afford an additional two people to work on transfer applications. Mr. Keen reviewed the fee increase details and said the last fee change was in 2000.

**MOTION:** **Rep. Raybould** made a motion to introduce **RS 19983C1**.

Questions were asked by Committee members regarding the number of FTP's the Department had and the number of positions that were not filled.

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

**RS 20034C1:** **Tom Neace**, Department of Water Resources, reviewed the current fees for domestic and industrial wells. He said the Department is proposing to increase the fee for a domestic well to \$200. This would provide a uniform fee for the drilling of all cold water wells. Mr. Neace said the increase of the fee for domestic wells will provide adequate funding to reduce the burden on the general fund and will add funding for the on-site inspections of seal installation during well construction.

**MOTION:** **Rep. Higgins** made a motion to introduce **RS 20034C1**. By a **voice vote** the motion carried.

**RS 19959C3:** **Shelley Keen**, said that the Department provides notice of a new water right application in three ways, they advertise in the newspaper, post the notice on their web site and there is a statutory obligation to send it in weekly mailings to subscribers. Mr. Keen said in the past there were 200–300 subscribers to their weekly mailing, today there are no subscribers to the mailing. This proposed legislation would remove the mailing requirement from statute and replace it with the requirement to publish the water right application on the internet.

**MOTION:** **Rep. Hagedorn** made a motion to introduce **RS 19959C3**. By a **voice vote** the motion carried.

**RS 19969:** **Mr. Keen** said each year the Department reinstates about 10 water right permits that have been lapsed for over 60 days. He said many of these that are lapsed have been lapsed for years. Mr. Keen said to reinstate the permit and issue a water right license, the Department must confirm the beneficial use of water established before the permit lapsed, not the water use evident today. He said confirming the historic beneficial use is often labor intensive. He reviewed the two options the permit holder has for requesting reinstatement. Mr. Keen said this proposed legislation would remove one of the options, which would eliminate the pressure on the Department to do field examinations which are already backlogged, and would make the process more efficient. This would also require a \$250 application fee to request reinstatement which would cover the costs involved in reinstating a lapsed permit.

**MOTION:** **Rep. Gibbs** made a motion to introduce **RS 19969**. By a **voice vote** the motion carried.

**RS 19989:** **Tom Neace**, said this legislation is a proposal to revise Idaho Code dealing with waste disposal and injection wells. He said there is a modification of the definition of an injection well and a removal of the exemption for shallow injection wells that are used for storm water from building roof drains. He said they are also updating the definitions for Irrigation Waste Water to include precipitation runoff, and updating the definition of Sanitary Waste to exclude industrial, municipal, commercial or other nonresidential process fluids. Mr. Neace said failure to correct these conflicts could jeopardize State primacy for the UIC Program and the Federal funding for the program.

The Committee expressed concerns with the definition of injection well, that any hole could be defined as an injection well, and that this needed to be more clear.

**MOTION:** **Rep. Raybould** made a motion to return **RS 19989** to the sponsor, to make a change in the language to clarify the definition of injection well. By a **voice vote** the motion carried.

There being no further business to come before the Committee, the meeting adjourned at 2:42 p.m.

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Representative Stevenson  
Chair

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Susan Werlinger  
Secretary

AGENDA  
HOUSE RESOURCES & CONSERVATION COMMITTEE  
RAYBOULD SUBCOMMITTEE  
Dept. of Water Resources Rules  
Upon Adjournment of the Full Committee  
Room EW40  
Wednesday, January 19, 2011

DOCKET NO.	DESCRIPTION	PRESENTER
37-0310-1001	Well Driller Licensing Rules	Tom Neace, Dept. of Water Resources
37-0203-1001	Fee Rule-Water Supply Bank Rules	Brian Patton, Dept. of Water Resources

***If you have written testimony, please provide a copy of it to the committee secretary to ensure accuracy of records.***

COMMITTEE MEMBERS

Chairman Dell Raybould  
Rep Ken Andrus  
Rep Marc Gibbs  
Rep John Vander Woude  
Rep Roy Lacey

COMMITTEE SECRETARY

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MINUTES  
**HOUSE RESOURCES & CONSERVATION COMMITTEE**  
**RAYBOULD SUBCOMMITTEE**  
Dept. of Water Resources Rules

**DATE:** Wednesday, January 19, 2011

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

**PLACE:** Room EW40

**MEMBERS:** Chairman Raybould, Representatives Andrus, Gibbs, Vander Woude, Lacey

**ABSENT/  
EXCUSED:**

**GUESTS:** Tom Neace, Dept. of Water Resources, Brian Patton, Dept. of Water Resources, Roger Batt, Idaho Ground Water Users Association

Chairman Raybould called the meeting to order at 2:48 p.m.

**Docket No. 37-0310-1001:** **Tom Neace**, Department of Water Resources, said this proposed rule change was brought to the Department by the drilling community to change the continuing education credits required for license renewal for licensed drillers. The requirements will be reduced from the current sixteen units to fourteen units to coincide with the number of credits available through the various seminars and workshops. He said definitions and application requirements relating to experience and compliance history of the applicant renewing or obtaining a license will also be updated to be consistent with Idaho Code.

**MOTION:** **Rep. Andrus** made a motion to recommend approval of **Docket No. 37-0310-1001** to the Full Committee. By a **voice vote** the **motion carried**.

**Docket No. 37-0203-1001:** **Brian Patton**, Department of Water Resources, said this rule imposes a lease application filing fee of \$250 per water right up to a maximum of \$500 for overlapping water rights. Mr. Patton said the Department does not have sufficient funding from the general appropriation to subsidize the operation of the Idaho State Water Supply Bank for the Water Resources Board and has limited staff resources available to operate the Bank. He said there has been more interest and activity in the Water Supply Bank and they are back logged in applications. Mr. Patton said this increase in the application fee would be enough to fund the Bank at moderate operating levels.

**Chairman Raybould** said because of questions that have come to him regarding the fee structure, he wanted to make it clear that this fee increase does not apply to the Water Districts Rental Pool. Mr. Patton said this was correct, that it would not apply to Water Districts Rental Pools around the state.

**MOTION:** **Rep. Gibbs** made a motion to recommend approval of **Docket No. 37-0203-1001** to the Full Committee. By a **voice vote** the **motion carried**.

There being no further business to come before the Subcommittee, the meeting adjourned at 3:03 p.m.

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Representative Dell Raybould  
Chair

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Susan Werlinger  
Secretary

AGENDA  
HOUSE RESOURCES & CONSERVATION COMMITTEE  
1:30 P.M.  
Room EW40  
Tuesday, January 25, 2011

<b>SUBJECT</b>	<b>DESCRIPTION</b>	<b>PRESENTER</b>
<b>RS 19945</b>	Geothermal resources, land leases	Kathy Opp, Dept. of Lands
<b>RS 19947</b>	Geothermal resource leases	Kathy Opp
<b>RS 19948</b>	Geothermal Leases, Surface Area	Kathy Opp
<b>RS 19950</b>	Geothermal resources, bonding	Kathy Opp
<b>RS 20129</b>	Study, natural resource issues	Rep. Stevenson

***If you have written testimony, please provide a copy of it to the committee secretary to ensure accuracy of records.***

COMMITTEE MEMBERS

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Vice Chair Shepherd  
Rep Wood(35)  
Rep Barrett  
Rep Moyle  
Rep Eskridge  
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MINUTES  
**HOUSE RESOURCES & CONSERVATION COMMITTEE**

**DATE:** Tuesday, January 25, 2011

**TIME:** 1:30 P.M.

**PLACE:** Room EW40

**MEMBERS:** Chairman Stevenson, Vice Chairman Shepherd, Representative(s) Wood(35), Barrett, Moyle, Eskridge, Raybould, Bedke, Andrus, Wood(27), Boyle, Hagedorn, Harwood, Vander Woude, Gibbs, Pence, Higgins, Lacey

**ABSENT/  
EXCUSED:** Representative Wood(35)

**GUESTS:** Kathy Opp, Dept. of Lands; Bob Brammer, Dept. of Lands; Lt. Ben E Keyes, Canyon County; Ben Botkin, Times News; George Bacon, Dept. of Lands; Patrick Hodges, Dept. of Lands; Keith Reynolds, DFM; Roger Seiber, Capitol West; Teresa Molitor, Central Consulting; Eric Wilson, Dept. of Lands; Scott Nichols, US Geothermal; Benjamin Davenport, Risch Pisca

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

**MOTION:** **Rep. Boyle** made a motion to approve the minutes of Wednesday, January 19, 2011. By a voice vote the **motion carried**.

**MOTION:** **Rep. Hagedorn** made a motion to approve the Fish and Game Rules Subcommittee minutes of Thursday, January 13, 2011. By a **voice vote** the motion carried.

**MOTION:** **Rep. Barrett** made a motion to approve the Dept. of Lands Rules Subcommittee minutes of Monday, January 17, 2011. By a **voice vote** the **motion carried**.

**RS 19945:** **Kathy Opp**, Department of Lands said this proposed legislation will amend Idaho Code to eliminate a conflict which defines geothermal leases as a commercial purpose and allows commercial leases up to a forty nine year lease term. She said current statutory language limits the duration of geothermal leases to 10 years and ten years is not enough time for most projects to recoup their investment.

**MOTION:** **Rep. Eskridge** made a motion to introduce **RS 19945**. By a **voice vote** the **motion carried**.

**RS 19947:** **Kathy Opp** said this legislation covers rent and royalty of geothermal developments. She said currently the code requires annual rental rates of not less than \$.25 per acre and royalties of not less than 10% of the value of the geothermal resource produced. Ms. Opp said these rates do not recognize the various uses of geothermal activities and each geothermal activity has diverse markets. She said the legislation will allow the state to negotiate rates applicable to the geothermal development. She also said royalty would be determined by the Land Board based on the market value of the geothermal resource and allows the Land Board to set rates for long-term commercial projects through bidding, negotiation, fixed amounts, formulas and other methods.

**MOTION:** Rep. Hagedorn made a motion to introduce **RS 19947**. By a **voice vote** the **motion carried**.

**RS 19948:** **Kathy Opp** said this proposed legislation would amend Idaho Code that imposes an artificial constraint limiting geothermal leases to one section of land. A single geothermal project may cover several thousand acres and this requires multiple leases to be administered to one project. She said this change will allow a single geothermal lease to be as large as needed for each geothermal project.

Ms. Opp answered questions from the Committee regarding the size of geothermal leases and whether one person could tie up all the geothermal development in one area. Ms. Opp said this could happen, but the lease terms would require development of the area.

**MOTION:** **Rep. Bedke** made a motion to introduce **RS 19948**. The **motion carried** on a **voice vote**.

**RS 20129:** **Rep. Stevenson** said this is the concurrent resolution to establish the Natural Resources Interim Committee.

**MOTION:** **Rep. Bedke** made a motion to introduce **RS 20129**.

**SUBSTITUTE MOTION:** **Rep. Raybould** made a substitute motion to introduce **RS 20129** and send it directly to Second Reading. By a **voice vote** the **motion carried**. **Rep. Raybould** will sponsor the bill on the floor.

There being no further business to come before the Committee, the meeting adjourned at 1:50 p.m.

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Representative Stevenson  
Chair

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Susan Werlinger  
Secretary

AGENDA  
**HOUSE RESOURCES & CONSERVATION COMMITTEE**  
**RAYBOULD SUBCOMMITTEE**  
Dept. of Parks and Recreation Rules  
Upon Adjournment of the Full Committee  
Room EW40  
Tuesday, January 25, 2011

<b>DOCKET NO.</b>	<b>DESCRIPTION</b>	<b>PRESENTER</b>
<b>26-0134-1001</b>	Rules Governing the Idaho Protection Against Invasive Species Sticker Rules	David Ricks, Dept. of Parks and Recreation
<b>26-0120-1001</b>	(Fee Rule) Rules Governing the Administration of Park and Recreation Areas and Facilities	David Ricks

***If you have written testimony, please provide a copy of it to the committee secretary to ensure accuracy of records.***

COMMITTEE MEMBERS

Chairman Dell Raybould  
Rep Ken Andrus  
Rep Marc Gibbs  
Rep John Vander Woude  
Rep Roy Lacey

COMMITTEE SECRETARY

Susan Werlinger  
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MINUTES  
**HOUSE RESOURCES & CONSERVATION COMMITTEE**  
**RAYBOULD SUBCOMMITTEE**  
Dept. of Parks and Recreation Rules

**DATE:** Tuesday, January 25, 2011

**TIME:** Upon Adjournment of the Full Committee

**PLACE:** Room EW40

**MEMBERS:** Chairman Raybould, Representatives Andrus, Gibbs, Vander Woude, Lacey

**ABSENT/  
EXCUSED:** None

**GUESTS:** Benjamin Davenport, IOGA; Ed Hawy, Administrative Rules; Dave Ricks, Dept. of Parks and Recreation; Kelly Colveci, Dept. of Parks and Recreation; Nancy Merrill, Dept. of Parks and Recreation; Tamera Hammston, Dept. of Parks and Recreation; Ken Miller, Snake River Alliance

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

**MOTION:** **Rep. Lacey** made a motion to approve the Subcommittee minutes of Wednesday, January 19, 2011. By a **voice vote** the **motion carried**.

**Docket No.  
26-0134-1001:** **Nancy Merrill**, Department of Parks and Recreation, said this rule is a change in the invasive species sticker requirement for non rigid boats. She said the program started two years ago and there has been difficulty with the stickers staying on the boats that are inflated and deflated on a regular basis. She said this rule change will allow for outfitters and guides to purchase an affidavit of compliance to be available in their office instead of physically applying the sticker to the boats. Ms. Merrill said this would apply to those with a fleet of 5 or more watercraft.

**Benjamin Davenport**, Idaho Outfitters and Guides Association, said this has been a problem for outfitters and guides since the rule was drafted. He said it is not hard to modify the sticker so it will hook onto a watercraft, but if there are multiple boats that are constantly inflated and deflated it can be difficult to keep the sticker on the boat. He said this rule change will allow larger operations to keep the affidavit on file in their office and provide it to law enforcement when it is needed.

**MOTION:** **Rep. Andrus** made a motion to recommend approval of **Docket No. 26-0134-1001** to the Full Committee. By a **voice vote** the **motion carried**.

**Docket No.  
26-0120-1001:** **David Ricks**, Department of Parks and Recreation, said they are proposing six fee changes to the rules for the Parks and Recreation Department. He said they are establishing an overnight use fee, charged to non-camping customers who choose to park a vehicle overnight on park property. He said they are establishing a campground amenity fee to be charged in addition to the camping fees charged for standard campsite types at locations providing central water amenity, and an additional fee for locations providing flush-toilets/showers as an amenity. Mr. Ricks said this ruled change will increase the entrance annual pass and second pass fees and there will be an entrance fee surcharge, which is a penalty levied on customers who fail to pay. He said there is an increase in the camping extra vehicle fee and an increase in moorage, overnight moorage and camping on vessel and camping on buoy fees. Mr. Ricks said they will also strike a subsection relating to individual and multiple campsite and facility reservations from the rule.

**Mr. Ricks** addressed questions from the Subcommittee regarding an increase in fees being a problem for people and revenues dropping due to the increases. He also responded to the concern that the fee increases were already in place last year through a temporary rule.

**MOTION:** **Rep. Gibbs** made a motion to recommend approval of **Docket No. 26-0120-1001** to the Full Committee. By a **voice vote** the **motion carried**, with **Rep. Andrus** requesting to be recorded as voting **NAY**.

There being no further business to come before the Subcommittee, the meeting adjourned at 2:18 p.m.

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Representative Dell Raybould  
Chairman

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Susan Werlinger  
Secretary

AGENDA  
HOUSE RESOURCES & CONSERVATION COMMITTEE  
1:30 P.M.  
Room EW40  
Thursday, January 27, 2011

SUBJECT	DESCRIPTION	PRESENTER
	Idaho Department of Fish and Game Discussion of Issues with the Fish and Game Commission - Idaho Fish and Game Commissioners - Director Cal Groen and Staff	

***If you have written testimony, please provide a copy of it to the committee secretary to ensure accuracy of records.***

COMMITTEE MEMBERS

Chairman Stevenson  
Vice Chair Shepherd  
Rep Wood(35)  
Rep Barrett  
Rep Moyle  
Rep Eskridge  
Rep Raybould  
Rep Bedke  
Rep Andrus  
Rep Wood(27)  
Rep Boyle  
Rep Hagedorn  
Rep Harwood  
Rep Vander Woude  
Rep Gibbs  
Rep Pence  
Rep Higgins  
Rep Lacey

COMMITTEE SECRETARY

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MINUTES  
**HOUSE RESOURCES & CONSERVATION COMMITTEE**

- DATE:** Thursday, January 27, 2011
- TIME:** 1:30 P.M.
- PLACE:** Room EW40
- MEMBERS:** Chairman Stevenson, Vice Chairman Shepherd, Representative(s) Wood(35), Barrett, Moyle, Eskridge, Raybould, Bedke, Andrus, Wood(27), Boyle, Hagedorn, Harwood, Vander Woude, Gibbs, Pence, Higgins, Lacey
- ABSENT/  
EXCUSED:** None
- GUESTS:** Dave Goins, Idaho News Service; Tony McDermott, IDFG CMSN; Gary Power, IDFG CMSN; Wayne Wright, Fish & Game Commission; Fred Trevey, Fish & Game Commission; Sharon Kiefer, Dept. of Fish & Game; Bud Barowsky, Dept. of Fish & Game; Randy Budge, Fish & Game Commission; Jim Unsworth, Dept. of Fish & Game; Cameron Wheeler, Fish & Game Commission; Cal Groen, Dept. of Fish & Game; Jack Oylar, SFW; Tyler Mallard, Governor's Office; John Williams, BPA; Joie McGarvin, Idaho Conservation Offices Assoc.; Bonnie Butler, Governor's Office; Ronald Pete Bennett, Self.
- Chairman Stevenson** called the meeting to order at 1:33 p.m.
- MOTION:** **Rep. Higgins** made the motion to approve minutes of Tuesday, January 25, 2011, by a **voice vote** the **motion carried**.
- MOTION:** **Rep. Lacey** made a motion to approve the Department of Parks and Recreation Rules Subcommittee minutes of Tuesday, January 25, 2011, by a **voice vote** the **motion carried**.
- Cal Groen**, Director, Dept. of Fish and Game, said he appreciated the opportunity to address the Committee. He introduced the Fish and Game staff that were present and said they are dealing with difficult wildlife and public issues.
- Wayne Wright**, Chairman, Fish and Game Commission, said it was a pleasure to have the opportunity to come to the Committee, he introduced the other Commissioners.
- Mr. Wright** explained the vision of the Fish and Game Commission. He said they are accomplishing the vision in three ways, sustaining wildlife and fishery based recreation, sustaining economic benefit to Idaho, and sustaining efficiency and effectiveness of state government. He said 1 million residents and non-residents participate in hunting, fishing or wildlife watching activities in Idaho.
- Mr. Wright** reviewed the harvest of fish and release by hatcheries. He said they are doing a good job in sustaining this recreation. He also reviewed the ways they are sustaining the economic benefit to Idaho. He said Idaho residents enjoy the third cheapest licenses for hunting and fishing of the eleven Western states. Mr. Wright said they are sustaining efficiency & effectiveness of state government by living within their means. He said the Department of Fish and Game does not receive General Fund dollars. Mr. Wright said there has been a decline in non-resident licenses, but they have had a slight increase in fishing licenses and despite the decrease in hunting licenses, they are only down 5%. Mr. Wright said that he has enjoyed working with the Department and the Commissioners, and there is integrity in the people he works with.

**Fred Trevey**, Fish and Game Commission, explained the basis for state management of wolves. He gave a briefing on the Commission's authority and role in management. He talked about the future of wolf management and comparable solutions. Mr. Trevey said the 2002 Idaho Wolf Conservation and Management Plan, provided the basis for control and for the Commission to be authorized in managing wolves. He said the 2009-2010 hunting season response was good. He said hunters were able to harvest and manage enough of the population with this one tool, that depredation on domestic livestock was cut in half. However, it did not give enough reduction in the wolf population to help the ungulates. Mr. Trevey explained the next stage for wolf management in Idaho and the changes to the 10j rules. He explained how the Governors and Secretary of the Interior had discussions on how to move forward with delisting. He said they are looking at a desire to move forward with federal legislation to recognize that the community is in agreement that wolves are recovered. In conclusion, Mr. Trevey said the Commission is authorized and ready to manage wolves, once they get the opportunity. Mr. Trevey answered questions from the Committee.

**Tony McDermott**, Fish and Game Commission, addressed the Committee and thanked Director Groen and the Fish and Game staff for putting together a resolution that got all of the Western states to recommend to the Department of Interior that wolves be delisted. He reviewed the changes at the Farragut shooting range, and said they addressed the noise standards and believe that issue is solved. He said that over the past several years they have improved the range and made it more family oriented. Mr. McDermott also addressed the fish recovery process in Lake Pend Oreille. He said a fish task force was formed and gave a history of the fish problem in lake. He said the program has been successful and they have turned around the predator dynamic in the lake. Mr. McDermott answered questions from the Committee.

**Randy Budge**, Fish and Game Commission, addressed the motorized vehicle rule, saying the rule is very important and they are mindful of the fact that legislation is in place to eliminate the rule. He said that opposition to the rule is from a very small group, but they are very vocal. Mr. Budge reviewed what the rule does. He said it is simply a tool used to aid hunting and the rule has the support of sportsmen. If the rule is taken away, there will be an increase in conflict.

**Gary Powers**, Fish and Game Commission, reviewed the 1994 Federal Impact Statement, and said a trapping issue originated in the Salmon area. The public has come to the Department in the last few years and said something had to be done. He said there has been a number of issues with dogs being trapped and snared. He said that trapping is a valuable part of the culture in Idaho and they are not trying to stop trapping, but trying to continue it.

**Bob Barowsky**, Fish and Game Commission, reported on the success of fishing. He reviewed the new pamphlet. He reviewed the development of new fishing waters in the state.

**Cameron Wheeler**, Fish and Game Commission, said he understands the grizzly bear issue most because he is effected by it. He said he has watched the situation with the MOU signed by the Governors. He said it has now turned into a regional issue and the state doesn't have a lot of control over the situation anymore. Mr. Wheeler said the grizzly bear numbers are enough that they should have been delisted and this will be a natural reintroduction into Central Idaho. He said the state will need help on this issue. Mr. Wheeler said this will be his last chance to come before the Committee as his term is up as Commissioner. He said he is glad for the opportunity to be involved with natural resource issues. He said he appreciates the opportunity to work with the Fish and Game staff and Director Cal Groen.

**ADJOURN:** There being no further business to come before the Committee, the meeting adjourned at 3:09 P.M.

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Representative Stevenson  
Chairman

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Susan Werlinger  
Secretary

**AGENDA**  
**HOUSE RESOURCES & CONSERVATION COMMITTEE**  
**1:30 P.M.**  
**Room EW40**  
**Monday, January 31, 2011**

<b>SUBJECT</b>	<b>DESCRIPTION</b>	<b>PRESENTER</b>
	Subcommittee Reports on Administrative Rules	
	Report from Wood(27) Subcommittee on Department of Fish and Game Administrative Rules	Rep. Wood(27)
<b>Docket Numbers</b>	13-0102-1001, 13-0104-1001, 13-0104-1002, 13-0106-1001, 13-0108-1001, 13-0109-1001, 13-0109-1002, 13-0110-1001, 13-0116-1001, 13-0116-1002, 13-0117-1001	
	Report from Shepherd Subcommittee on Department of Lands Administrative Rules	Rep. Shepherd
<b>Docket Numbers</b>	20-0211-1001, 20-0214-1001, 20-0304-1001	
	Report from Raybould Subcommittee on Department of Water Resources and Department of Parks and Recreation Administrative Rules	Rep. Raybould
<b>Docket Numbers</b>	37-0310-1001, 37-0203-1001, 26-0134-1001, 26-0120-1001	

***If you have written testimony, please provide a copy of it to the committee secretary to ensure accuracy of records.***

COMMITTEE MEMBERS

Chairman Stevenson  
 Vice Chair Shepherd  
 Rep Wood(35)  
 Rep Barrett  
 Rep Moyle  
 Rep Eskridge  
 Rep Raybould  
 Rep Bedke  
 Rep Andrus  
 Rep Wood(27)  
 Rep Boyle  
 Rep Hagedorn  
 Rep Harwood  
 Rep Vander Woude  
 Rep Gibbs

Rep Pence  
 Rep Higgins  
 Rep Lacey

COMMITTEE SECRETARY

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MINUTES  
**HOUSE RESOURCES & CONSERVATION COMMITTEE**

**DATE:** Monday, January 31, 2011

**TIME:** 1:30 P.M.

**PLACE:** Room EW40

**MEMBERS:** Chairman Stevenson, Vice Chairman Shepherd, Representative(s) Wood(35), Barrett, Moyle, Eskridge, Raybould, Bedke, Andrus, Wood(27), Boyle, Hagedorn, Harwood, Vander Woude, Gibbs (Wheeler), Pence, Higgins, Lacey

**ABSENT/  
EXCUSED:** None

**GUESTS:** Sharon Kiefer, Dept. of Fish and Game; Mike Murphy, Dept. of Lands; Dallas Burkhalter, Attorney General's Office-Dept. of Fish and Game; David Groeschl, Dept. of Lands; Bob Brammer, Dept. of Lands; Dave Ricks, Dept. of Parks and Recreation; Kelly Colucci, Dept. of Parks and Recreation; Dennis Tanikuni, Idaho Farm Bureau; Joie McGarvin, ICOA; Tom Neace, Dept. of Water Resources; Brian Patton, Dept. of Water Resources; George Bacon, Dept. of Lands; Ed Harley, Administrative Rules; Benjamin Davenport, Risch Pisca

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

**Unanimous  
Consent  
Request:** **Chairman Stevenson** asked unanimous consent to change the order of the agenda, and allow **Rep. Shepherd** to report on his subcommittee first. There being no objection, Rep. Shepherd reported first on his Subcommittee rules review.

**Rep. Shepherd** said the Subcommittee has completed the review of Administrative Rules assigned to them by the Department of Lands and made the recommendation that all pending and fee rules be approved with the exception of **Docket No. 20-0214-1001, Section 16 and Section 023**, Rules for Selling Forest Products on State-Owned Endowment Lands.

**MOTION:** **Rep. Wood(35)** made a motion to accept the report of the Shepherd Subcommittee. By a **voice vote** the **motion carried**.

**Rep. Wood(27)** said the Subcommittee has completed the review of the Administrative Rules assigned to them by the Department of Fish and Game and made the recommendation that all pending rules be approved with the following exception of **Docket No. 13-0109-1001**, Rules Governing the Taking of Game Birds in the State of Idaho, which will be rejected.

**MOTION:** **Rep. Hagedorn** made a motion to accept the report of the Wood(27) Subcommittee.

Chairman Stevenson said they had received notification of concerns with the trapping rule from Mr. Partrick Carney, President of the Idaho Trappers Association. **Sharon Kiefer**, Department of Fish and Game said she is aware of **Mr. Carney's** concerns with the trapping rules and that she believes he was concerned with the definition of trails being too broad. She said the trapping rule speaks only to maintained trails and not the broad definition of trail.

By a **voice vote** the **motion carried**, with **Rep. Wheeler** being recorded as voting **NAY**.

**Rep. Raybould** said the Subcommittee has completed the review of the Administrative Rules assigned to them by the Department of Water Resources and made the recommendation that all pending and fee rules be approved.

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

**Rep. Raybould** said the Subcommittee has completed the review of the Administrative Rules assigned to them by the Department of Parks and Recreation and they recommend the approval of all pending and fee rules.

**MOTION:** **Rep. Lacey** made a motion to accept the rules of the Department of Parks and Recreation. By a **voice vote** the **motion carried** with **Rep. Andrus** being recorded as voting **NAY**.

**ADJOURN:** There being no further business to come before the committee the meeting adjourned at 1:46 p.m.

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Representative Stevenson  
Chairman

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Susan Werlinger  
Secretary

**AMENDED #1 AGENDA  
HOUSE RESOURCES & CONSERVATION COMMITTEE  
1:30 P.M.  
Room EW40  
Tuesday, February 01, 2011**

<b>SUBJECT</b>	<b>DESCRIPTION</b>	<b>PRESENTER</b>
<a href="#"><u>RS20178</u></a>	Outfitters and guides, fees	Jake Howard, Outfitters & Guides Licensing Board
<a href="#"><u>RS19984</u></a>	Fish and Game, mentored hunters	Sharon Kiefer, Dept. of Fish and Game
<a href="#"><u>RS19989C1</u></a>	Injection wells	Tom Neace, Dept. of Water Resources
<a href="#"><u>RS19989</u></a>	Injection wells	Tom Neace

***If you have written testimony, please provide a copy of it to the committee secretary to ensure accuracy of records.***

COMMITTEE MEMBERS

Chairman Stevenson  
Vice Chair Shepherd  
Rep Wood(35)  
Rep Barrett  
Rep Moyle  
Rep Eskridge  
Rep Raybould  
Rep Bedke  
Rep Andrus  
Rep Wood(27)  
Rep Boyle  
Rep Hagedorn  
Rep Harwood  
Rep Vander Woude  
Rep Gibbs  
Rep Pence  
Rep Higgins  
Rep Lacey

COMMITTEE SECRETARY

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MINUTES  
**HOUSE RESOURCES & CONSERVATION COMMITTEE**

- DATE:** Tuesday, February 01, 2011
- TIME:** 1:30 P.M.
- PLACE:** Room EW40
- MEMBERS:** Chairman Stevenson, Vice Chairman Shepherd, Representative(s) Wood(35), Barrett, Moyle, Eskridge, Raybould, Bedke, Andrus, Wood(27), Boyle, Hagedorn, Harwood, Vander Woude, Gibbs (Wheeler), Pence, Higgins, Lacey
- ABSENT/  
EXCUSED:** Representatives Bedke and Boyle.
- GUESTS:** Tom Neace, Dept. of Water Resources; Sharon Kiefer, Dept. of Fish and Game; Norm Semanko, Idaho Water Users Assoc.; Joie McGarvin, ICOA; Benjamin Davenport, Risch Pisca; Roger Batt, IGWA.
- Chairman Stevenson** called the meeting to order at 1:31 p.m.
- MOTION:** **Rep. Higgins** made a motion to approve the minutes of Monday, January 31, 2011. By a **voice vote** the **motion carried**.
- RS 20178:** **Jake Howard**, Outfitters and Guides Licensing Board, said this legislation came as a result of a compromise from the outfitting industry. He said it is a staged fee increase over 5 years. He said it also removes language that would allow for some deficiencies in the board. He said the fee increase does not effect the public, it only effects outfitters and guides.
- Mr. Howard answered questions from the Committee regarding raising fees for people that are already struggling in the industry, the cost of obtaining a license and the increased amount of funds there will be when the fee increase is fully implemented.
- MOTION:** **Rep. Hagedorn** made a motion to introduce **RS 20178**.
- Mr. Howard answered more questions from the Committee regarding the need for this kind of increase, and how many outfitters and guides were represented as supporting this increase compared to the number of outfitters that are in the state.
- Rep. Andrus** said since his family has a license for trail rides, he believes this is a conflict of interest and he will not be voting on this issue.
- By a **voice vote** the **motion carried**.
- RS 19984:** **Sharon Kiefer**, Dept. of Fish and Game, said this proposal would allow the Fish and Game Department to provide a mentored hunter program. She said the program would allow someone to experience hunting, then determine if they would like to continue and take hunter education. She said it does not create the program, it only gives the Commission the authority to enter into rulemaking to create a program.
- Ms. Kiefer answered questions from the Committee regarding the number of hunting programs in the Department and if this will create a budgeting shortfall. Ms. Kiefer said they are losing hunters to other activities, and they are losing the mid-age hunting population. She said the Department is looking at a variety of recruitment tools to increase the number of hunters. She said this might be an effectiveness opportunity which will generate interest in a new hunter to get the hunter education and continue with hunting as a lifetime activity. Ms. Kiefer answered more questions regarding the cost of the program to the mentored hunter and the hunter that will be mentoring.

- MOTION:** **Rep. Hagedorn** made a motion to introduce **RS 19984**. By a **voice vote** the **motion carried**, with **Representatives Wood (35)** and **Barrett** voting **NAY**.
- RS 19989C1:** **Tom Neace**, Dept. of Water Resources, said the changes to the original RS were housekeeping changes in order to make sure definitions were consistent with the EPA. After concerns were raised by Committee members, the definition of injection well was changed in this new RS. Mr. Neace said after further review of the new definition, there were problems with the intent of the definition. Mr. Neace requested RS 19989C1 be held in Committee.
- MOTION:** **Rep. Hagedorn** made a motion to hold **RS 19989C1** in Committee. By a **voice vote** the **motion carried**.
- RS 19989:** **Tom Neace**, Dept. of Water Resources, said they have a third definition of injection well that would cause less problems and would like to have this definition added to the original RS.
- MOTION:** **Rep. Hagedorn** made a motion to introduce **RS 19989** with the Committee amendments, On Page 2, Line 13, add "Injection well" means any feature that is operated to allow injection which also meets at least one of the following criteria: (a) a bored, drilled, or driven shaft whose depth is greater than the largest surface dimension; (b) a dug hole whose depth is greater than the largest surface dimension; (c) an improved sinkhole; or (d) a subsurface fluid distribution system. By a **voice vote** the **motion carried**.
- ADJOURN:** There being no further business to come before the Committee, the meeting adjourned at 2:07 p.m.

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Representative Stevenson  
Chairman

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Susan Werlinger  
Secretary

AGENDA  
HOUSE RESOURCES & CONSERVATION COMMITTEE  
1:30 P.M.  
Room EW40  
Thursday, February 03, 2011

SUBJECT	DESCRIPTION	PRESENTER
<a href="#">RS20263</a>	Relating to Aquifer Protection Districts	Rep. Nonini

***If you have written testimony, please provide a copy of it to the committee secretary to ensure accuracy of records.***

COMMITTEE MEMBERS

Chairman Stevenson  
Vice Chair Shepherd  
Rep Wood(35)  
Rep Barrett  
Rep Moyle  
Rep Eskridge  
Rep Raybould  
Rep Bedke  
Rep Andrus  
Rep Wood(27)  
Rep Boyle  
Rep Hagedorn  
Rep Harwood  
Rep Vander Woude  
Rep Gibbs  
Rep Pence  
Rep Higgins  
Rep Lacey

COMMITTEE SECRETARY

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MINUTES  
**HOUSE RESOURCES & CONSERVATION COMMITTEE**

**DATE:** Thursday, February 03, 2011

**TIME:** 1:30 P.M.

**PLACE:** Room EW40

**MEMBERS:** Chairman Stevenson, Vice Chairman Shepherd, Representative(s) Wood(35), Barrett, Moyle, Eskridge, Raybould, Bedke, Andrus, Wood(27), Boyle, Hagedorn, Harwood, Vander Woude, Gibbs (Wheeler), Pence, Higgins, Lacey

**ABSENT/  
EXCUSED:** Representatives Moyle, Harwood and Higgins

**GUESTS:** Mike Friddle, IFBF; Kent Lauer, Idaho Farm Bureau; Courtney Washburn, Idaho Conservation League; Jeremy Pisca, Risch Pisca, PLCC

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

**MOTION:** **Rep. Boyle** made a motion to approve the minutes of Thursday, January 27, 2011. By a **voice vote** the **motion carried**.

**MOTION:** **Rep. Lacey** made a motion to approve the minutes of Tuesday, February 1, 2011. By a **voice vote** the **motion carried**.

**RS 20263:** **Rep. Nonini** said they have inserted language to clarify the original intent of the aquifer protection district. He reviewed the changes that had been made to the legislation.

**MOTION:** **Rep. Bedke** made a motion to introduce **RS 20263**.

**Rep. Nonini** answered brief questions from the Committee regarding the protection of the aquifer in the future, what the funds were originally used for and what the district is currently doing to protect the aquifer.

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

**ADJOURN:** There being no further business to come before the Committee, the meeting adjourned at 1:41 p.m.

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Representative Stevenson  
Chairman

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Susan Werlinger  
Secretary

JOINT  
HOUSE RESOURCES & CONSERVATION COMMITTEE  
AND  
SENATE RESOURCES & ENVIRONMENT COMMITTEE  
1:30 P.M.  
Auditorium WW02  
Monday, February 07, 2011

SUBJECT	DESCRIPTION	PRESENTER
	Briefing on current ATV rules	Randy Budge, Fish & Game Commission Jerome Hansen, Dept. Fish & Game
	Committees will hear testimony as it pertains to S 1015 and S 1016, but will not take action on the Legislation	
	Testimony may be limited	

***If you have written testimony, please provide a copy of it to the committee secretary to ensure accuracy of records.***

COMMITTEE MEMBERS

Chairman Stevenson  
Vice Chair Shepherd  
Rep Wood(35)  
Rep Barrett  
Rep Moyle  
Rep Eskridge  
Rep Raybould  
Rep Bedke  
Rep Andrus  
Rep Wood(27)  
Rep Boyle  
Rep Hagedorn  
Rep Harwood  
Rep Vander Woude  
Rep Gibbs  
Rep Pence  
Rep Higgins  
Rep Lacey

COMMITTEE SECRETARY

Susan Werlinger  
Room: EW62  
Phone: (208) 332-1136  
email: [swerlinger@house.idaho.gov](mailto:swerlinger@house.idaho.gov)

MINUTES  
JOINT MEETING

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

**DATE:** Monday, February 07, 2011

**TIME:** 1:30 P.M.

**PLACE:** Auditorium WW02

**MEMBERS:** Chairman Stevenson, Vice Chairman Shepherd, Representative(s) Wood(35), Barrett, Moyle, Eskridge, Raybould, Bedke, Andrus, Wood(27), Boyle, Hagedorn, Harwood, Vander Woude, Gibbs (Wheeler), Pence, Higgins, Lacey

Chairman Pearce, Vice Chairman Bair, Senators Cameron, Brackett, Heider, Tippetts, Werk, Stennett

**ABSENT/  
EXCUSED:** Senator Siddoway

**GUESTS:** Craig Mickelsen, Idaho Conservation Officers Assn.; Joie McGarvin, Idaho Conservation Officers Assn.; Bill London, Idaho Conservation Officers Assn.; Nancy Merrill, Dept. of Parks & Recreation; Herbert Pollard; Neill Goodfellow, Fruitland; Danny Cone, Self; Jon Koopurar, Self; Lew Pence, Self; Carl Pence, Self; Ernest Lombard, Self; Tom Glass, Self; Chris Hunt, Self; John Romero, Self; Rich Bohmer, Self; Angela Rossmald, ACFEL; Fred Dixon, IHEA; Ron Stricklin, Self; Jim Unsworth, Dept. of Fish & Game; Mark Gauhlin, Dept. of Fish & Game; Scott Reinech, Dept. of Fish & Game; Beth Markley, ICIE; Grant Simmonds, IOGA; Randy Budge, Fish & Game Commission; Wayne Wright, Fish & Game Commission; Bonnie Butler, Governor's Office; Biu Boejer, ISCAC; David Claiborne, Idaho State ATV Assn.; Cheri Sauerwald, Self; Adena Cook, Blue Ribbon Coalition; Dennis Tanikuni, Idaho Farm Bureau; Andy Brunelle, Forest Service; Leonard Loper, Self; Chuck Wells, Self; Courtney Washburn, Idaho Conservation League; Sharon Kiefer, Dept. of Fish & Game; Harold Ott, IRSA; Chuck Hoovestol, Self; Jeff Church, Veritas Advisors; Bill McBroom, BATR; Rocky Barker, Idaho Statesman; Stephen Guenedson, Governor's Office; Mark Zill, ISCAC; Wyatt Prescott, Idaho Cattle; Terry Heslin, BLM; Benjamin Davenport, Risch Pisca; Fred Confer, Self; Douglas Sehlees, ISHA; Brad Smith, ICI; Virgil Moore, Dept. of Fish & Game; Phil Homer, IASA; Mark Sauerwald, ISATVA; Haden Claiborne, Boise ATV Trail Riders; Rick Walters, R.M.E.F.; Sancha Mitchell, Idaho Recreation Council; Lee Flinn, Conservation Voters; Kristy Sternes, Self; Jack Lyman, Idaho Mining Assn.

A quorum being present, **Chairman Stevenson** called the meeting to order and said they would be hearing testimony regarding the two Senate bills relating to this issue, but would not be taking any Committee votes on the legislation at this time.

**Senator Corder** explained the intent and the goal of the legislation. He reviewed the specifics of the ATV rule and said that vehicle management should not be a part of game management.

**Randy Budge**, Fish and Game Commission, spoke in opposition to the bills. He said the Commission is not opposed to four wheelers in any way and the issue is simply about the use of four wheelers as an aid to hunting. He said the Commission regulates dogs and baiting as an aid to hunting and this is no different than those examples. Mr. Budge said the areas where the rule has been enacted provides for ATV use on trails that are accessed by full sized vehicles. Mr. Budge reviewed other components of the rule. He said this is one of several tools available to

hunters and if this rule is not in place there will be more conflict with hunters and the Commission will have to impose more types of restrictions.

**Neill Goodfellow**, self, said he has had contact with Fish and Game officers and the public is misled in Fish and Game's interest in off road vehicles. He said the Fish and Game Department has gone to the Forest Service and had roads closed in certain hunting areas. He said the US Forest Service will not allow a hunter to use an ATV to retrieve game, despite what the Fish and Game Department has said. He said the Fish and Game give the indication that more roads are open, but this is not true.

**Danny Cone**, self, said the Department of Fish and Game is administering road closures and issuing citations. He said it is the public's responsibility of finding out which roads are open and which are closed. He asked why the Fish and Game Department are administering federal regulations.

**Lew Pence**, self, said he is an avid outdoorsman and has hunted all his life. He said he has witnessed numerous ORVs users harass and chase big game and there must be some regulation to control ORVs users. Mr. Pence said what is outlined in the current regulations is the bare minimum to control ORVs users, but snow machines are missing in the current rules. He said the rules are fair and allow enough access in hunting. He said he owns two ORVs and understands the use as an aid to hunting.

**Ernest Lombard**, self, gave an example of interaction with people saying the road was closed to people on an ATV with a gun. He said the rule is being misused and horses are also used as an aid to hunting, but are not regulated.

**Tom Glass**, self, stood to say that Mr. Lombard had covered the points he would have made.

**Ron Stricklin**, self, expressed concern that ATV trails are typically rated at 50 inches or less and if a hunter is carrying a firearm they cannot ride on that trail. He gave an example of his wife who is a bird watcher, who can ride on the trail, but as a hunter riding with his wife, he cannot.

**Chris Hunt**, self, spoke in opposition to the two bills and expressed appreciation for the Senator's desire to respond to his constituents. He said ATV's do provide an aid to hunting. He supports the current rule, saying he has seen too many off-road vehicles go into the back country and then further. Mr. Hunts said he understands the confusion of who gets to carry a weapon on what type of vehicle and hunters have had hunting tarnished by ATV users in some way. He said the Fish and Game have management programs to benefit hunters. Good big game management and habitat directly effects the opportunity to hunt.

**John Ramero**, self, asked the Committee to not take away Fish and Game's ability to manage ATVs when hunting.

**Dave Claiborne**, Idaho State ATV Assn., said the association educates and provides riding opportunities to ATV users. He said the Fish and Game rules are an effort to close road use to certain vehicles and federal land managers who close roads create a conflict among ATV users. He said it is not for the government to regulate and take sides on the issue and he believes that is what Fish and Game is doing. Mr. Claiborne said they are restricting ATV use because the operator is hunting. He said there are user conflicts because of cross country travel and the concern is not gone. All users must stay on the designated trails by federal rule. He said the association supports the enacting of the legislation.

**Adena Cook**, Blue Ribbon Coalition, said public access to public lands should be open for all recreationists with the promotion of responsible use. She said there is not a need for more state rules but enforcement of the federal rule. She said the state rule has exacerbated user conflict and agencies should be working together with the public on this issue.

**Grant Simmonds**, Idaho Outfitter and Guides Assn., said there has been a significant loss in the state regarding wolf management and a reduction of outfitters and guides. He said outfitters and guides support general management rules and outfitters use ATVs in a responsible way. Mr. Simmonds said they support the Fish and Game Department in their management rule. He expressed concerns relative to safety and it is not safe to pass on trails. Mr. Simmonds expressed concern that any additional loss of use of the rule would lead to a loss of opportunity and controlled hunts are not good for the industry.

**Mark Sauerwald**, Idaho State ATV Assn., said it is against the law already to hunt from an ATV and the issue is not about going off road and destroying property. He said the Fish and Game talk about ATVs as an aid to hunting, not a mode of travel, and this doesn't have anything to do with getting from point A to point B. Mr. Sauerwald said this is an enforcement problem for Fish and Game and the ATV Association supports the legislation.

**Haden Claiborne**, President, Boise ATV Trailriders Assn., said they educate ATV riders on how to use ATVs responsibly when on public lands. He said the Fish and Game rule is unenforceable. He gave examples of conflicts with the Fish and Game Department attempting to take away trails for ATVs to travel on. Mr. Claiborne said ATV users create ATV friendly local economies. Businesses should encourage ATV users to come into their communities.

**Fred Conifer**, self, spoke in opposition to the two bills. He said he has had experiences with vehicles riding off trail into areas after he has hiked in and they have spooked the animals. He said he has no problem with the proper usage of ATV vehicles. Other states have mandatory hunter orange regulations.

**Angela Rossmald**, self, stood to say her concerns had been addressed.

**Fred Dixon**, self, spoke in opposition to the legislation and said his concerns had been addressed.

**Chuck Wells**, self, said he had received a citation from the Fish and Game and was not happy about it. He said the road he was on was an established roadway by the definition and he had a map that showed everything in the area was open and he still got the citation. He said it took four trips to resolve the issue and the judge threw it out of court because it was unfair.

**Chuck Hoovestol**, self, spoke in support of the Senate bills, saying if the rule allows the Fish and Game to define ATVs as a hunting tool, then they will be able to regulate all travel as a hunting tool including airplanes, white water rafts and horses. He said if Fish and Game cannot tell you where you can ride a horse, why can they regulate where you can ride on an ATV.

**Herbert Pollard**, self, said he has hunted most of the species of the state and has had unpleasant encounters with ATV users while being on foot. He said it is illegal to hunt from an ATV and the rules should not be relaxed, they should be tightened. Mr. Pollard said he has observed people chasing elk on ATVs and ethical hunters are appalled by this usage of ATVs.

**Carl Pence**, self, expressed concern with winter ranges where he hunts in late season. He relayed a story of winter hunting where ATV hunters chased elk across the snow pack. He said people don't have self control and there is not a lot of enforcement of the law.

**Craig Mickelsen**, self, said he is strongly opposed to the Senate bills and if the bills pass, the Fish and Game may have to have more controlled hunts.

**Rep. Hagedorn** said he has provided a copy of Title 49-426 for reference and **H 602** in 2008 provides for ATV use on unpaved highways on state and federal public lands. He said that all roads open in political subdivisions are required to have public meetings in order to close them.

**ADJOURN:** The meeting adjourned at 2:54 p.m.

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Representative Stevenson  
Co-Chairman

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Susan Werlinger  
Secretary

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Senator Monty Pearce  
Co-Chairman

AGENDA  
**HOUSE RESOURCES & CONSERVATION COMMITTEE**  
**1:30 P.M.**  
**Room WW02**  
**Wednesday, February 09, 2011**

SUBJECT	DESCRIPTION	PRESENTER
	<b>Bull Trout - 20 Years Later</b>	
	Brian Kelly, Idaho State Supervisor, US Fish & Wildlife Services	
	Ted Koch, Bull Trout Coordinator, US Fish & Wildlife Services	
	Nate Fisher, Administrator, Idaho Office of Species Conservation	
	Norm Semanko, Executive Director & General Counsel, Idaho Water Users Association	
	<b>Continuation of Meeting for RS hearings in Room EW40</b>	
<a href="#"><u>RS20148</u></a>	Water Skiing	Rep. Eskridge
<a href="#"><u>RS20261</u></a>	Fish and Game, hunting licences	Rep. Patrick
<a href="#"><u>RS20293C1</u></a>	Wilderness designation	Rep. Shepherd
<a href="#"><u>RS20060</u></a>	Historical Society; Lewis & Clark Trail	Janet Gallimore, Idaho State Historical Society
<a href="#"><u>RS20096C2</u></a>	Watermasters	Tim Luke, Dept. of Water Resources
<a href="#"><u>RS20271</u></a>	Alteration, channel of streams	Norm Semanko, Idaho Water Users Assoc.
<a href="#"><u>RS20272</u></a>	Irrigation, buried conduit	Norm Semanko

***If you have written testimony, please provide a copy of it to the committee secretary to ensure accuracy of records.***

COMMITTEE MEMBERS

Chairman Stevenson	Rep Raybould
Vice Chair Shepherd	Rep Bedke
Rep Wood(35)	Rep Andrus
Rep Barrett	Rep Wood(27)
Rep Moyle	Rep Boyle
Rep Eskridge	Rep Hagedorn

Rep Harwood
Rep Vander Woude
Rep Gibbs (Wheeler)
Rep Pence
Rep Higgins
Rep Lacey

COMMITTEE SECRETARY

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MINUTES  
**HOUSE RESOURCES & CONSERVATION COMMITTEE**

**DATE:** Wednesday, February 09, 2011

**TIME:** 1:30 P.M.

**PLACE:** Room WW02

**MEMBERS:** Chairman Stevenson, Vice Chairman Shepherd, Representative(s) Wood(35), Barrett, Moyle, Eskridge, Raybould, Bedke, Andrus, Wood(27), Boyle, Hagedorn, Harwood, Vander Woude, Gibbs (Wheeler), Pence, Higgins, Lacey

**ABSENT/  
EXCUSED:** Representative Harwood

**GUESTS:** Joie McGarvin, Idaho Conservation Officers Assoc.; Lance Hebdon, Dept. of Fish and Game; Scott Grunder, Dept. of Fish and Game; Mike Edmondson, Office of Species Conservation; Russ Holder, Fish and Wildlife Services; David Hutchison, CWI; Harold Ott, IRSA; Steven Cory, ICIE; Becky Johnstone, ICIE; Phil Homer, IASA; Beth Markley, ICIE; Layne Bangerter, Sen. Crapo's Office; Rich Garber, CALS; Nate Fisher, Office of Species Conservation; Norm Semanko, Idaho Water Users Assoc.; George Bacon, Dept. of Lands; Trent Clark, Monsanto; Jim Little, ICIE; Joan Cloonan, ICIE; W. Brent Eaton, Five E Group; Mark Benson, Potlatch; John Williams, DPA; Bob Boeh, Dept. of Fish and Game; Tim Luke, Dept. of Water Resources; Jeff Peppersach, Dept. of Water Resources; Janet Gallimont, State Historical Society; Jeff Church, Veritas Advisors; Brenda Tominaga, Idaho Ground Water Appropriators; Pat Barclay, ICIE; Kent Lauer, Idaho Farm Bureau.

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

**Joan Cloonan**, President, Idaho Council on Industry and Environment (ICIE), said this is the 22nd "Gold Room Workshop" the ICIE has put on for the Committee. She introduced the speakers that will be providing information to the Committee.

**Brian Kelly**, Idaho State Supervisor US Fish and Wildlife Services, introduced **Ted Koch**, Bull Trout Coordinator, US Fish and Wildlife Services, for questions. Mr. Kelly explained what a Bull Trout is and reviewed the history of Bull Trout management under the ESA. He explained the effects of critical habitat and gave an example of critical habitat. He said the designation will require a change in business practices for water users. Mr. Kelly reviewed the critical habitat designation and explained the economic impact analysis. He explained the exemptions and exclusions for Idaho and said they will continue the process of management with on-the-ground conservation actions to help achieve recovery. Mr. Kelly said recovery is moving along well in Idaho and he explained the next steps of recovery implementation and delisting.

**Nate Fisher**, Governor's Office of Species Conservation, said the state's concerns about the Bull Trout habitat designation are a very big issue to the Governor. He said the original proposal was gigantic in size, scope and vastness in the state of Idaho. He said Idaho has been working on Bull Trout since 1995 and the Governor is concerned about this newest designation of critical habitat. Mr. Fisher reviewed the areas that are designated and the small amount that was reduced. He reviewed other efforts the office is working on for aquatic species in Idaho.

**Norm Semanko**, Idaho Water Users Association, said the association has been involved with the ICIE group for a long time. He explained what is in the rule for Bull

Trout critical habitat. He said one of the primary issues is the Secretary of Interior has the discretion and authority to exclude certain areas based on economics and science. Mr. Semanko explained the definition of critical habitat in the rule. He reviewed what the impact on various Idaho businesses may be and will be determined on a case by case basis. Mr. Semanko reviewed the best management practices including fish passage and its impact. He explained the adverse impact of water levels and the economic impacts that may occur. Mr. Semanko explained when the rule was proposed the Bureau of Reclamation realized there was a problem. He said the Bureau tried to fix it, but were not successful. He said they hope the US Fish and Wildlife Services is correct and there won't be any impacts from this designation.

**Mr. Koch** answered questions from the Committee regarding no consideration by the federal agency of the economic impacts to state. He said they did consider the risk of economic impacts and from the analysis, found the risk of impact to be very low. He also said that the impact to small businesses is considered to be very little. Mr. Koch answered other questions regarding the water level of a reservoir to be considered as critical habitat, when a reservoir has an artificial water level which can change often. Mr. Koch said reservoirs can provide another form of habitat. **Mr. Semanko** explained the definition in the rule, saying a reservoir is considered critical habitat because they considered the existing conditions found at the time of listing.

**Ms. Cloonan** concluded by thanking everyone for listening to the presentation on environmental issues. She thanked the speakers and the Committee for the opportunity to present these issues.

**Chairman Stevenson** recessed the meeting at 2:29 p.m.

**Chairman Stevenson** called the meeting back to order in Room EW40 at 2:41 p.m.

**MOTION:** **Rep. Wood(27)** made a motion to approve the minutes of Thursday, February 3, 2011. By a **voice vote** the **motion carried**.

**RS 20148:** **Rep. Eskridge** said this legislation provides that the observer may be absent from a vessel towing a water skier when the vessel is operating within a regulation water skiing slalom course. He said they do want to add two additional words to the RS and asked that the RS be introduced with the change.

**MOTION:** **Rep. Wood(27)** made a motion to introduce **RS 20148**, with the addition of "legal and permitted" on line 15. By a **voice vote** the **motion carried**.

**RS 20261:** **Rep. Patrick** said this legislation is an effort to help non-resident disabled American veterans to have an in state hunting license with the sponsorship of a qualifying organization.

**Rep. Raybould** pointed out that "a" should be inserted on Page 2, line 13.

**MOTION:** **Rep. Bedke** made a motion to introduce **RS 20261**.

**SUBSTITUTE MOTION:** **Rep. Hagedorn** made a substitute motion to introduce **RS 20261**, with the addition of "a" on Page 2, line 13. By a **voice vote** the **substitute motion carried**.

**RS 20293C1:** **Rep. Shepherd** said this is a proposed memorial to inform our congressional delegation and the secretary of interior that Idaho will not support any wilderness designation without including the citizens of Idaho in a full public process.

**MOTION:** **Rep. Wood(35)** made a motion to introduce **RS 20293C1**. By a **voice vote** the **motion carried**.

- RS 200260:** **Janet Gallimore**, Idaho State Historical Society, said this legislation is to update the statute to eliminate reference to the bicentennial commemoration which has concluded. She gave a history of the trail fund statute, its creation, and the designation of the funds. She said they are trying to remove any reference to the bicentennial.
- MOTION:** **Rep. Wood(35)** made a motion to introduce **RS 200260**. By a **voice vote** the **motion carried**.
- RS 20096C2:** **Tim Luke**, Department of Water Resources, said they are proposing several changes to this section of Code. He reviewed the changes that are being proposed. Mr. Luke answered questions from the Committee regarding watermasters that are also the treasurer and what happens when a watermaster doesn't accept a proposed budget.
- MOTION:** **Rep. Bedke** made a motion to introduce **RS 20096C2**. By a **voice vote** the **motion carried**.
- RS 20271:** **Norm Semanko**, Idaho Water Users Association, said this legislation clarifies that the Department of Water Resources has exclusive jurisdiction concerning water diversion within Idaho. This ensures that a permit will not be required to clean, maintain, construct in or repair the stream channel, diversion structure, canal, ditch, drain or lateral. Mr. Semanko answered questions regarding coordination with other jurisdictions.
- MOTION:** **Rep. Bedke** made a motion to introduce **RS 20271**. By a **voice vote** the **motion carried**.
- RS 20272:** **Norm Semanko**, Idaho Water Users Association, said this legislation clarifies the operation and maintenance responsibility of a ditch, canal, lateral, drain or buried irrigation conduit shall run with the land of the landowner and continue with the landowner's successor.
- MOTION:** **Rep. Raybould** made a motion to introduce **RS 20272**. By a **voice vote** the **motion carried**.
- ADJOURN:** There being no further business to come before the Committee, the meeting adjourned at 3:25 p.m.

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Representative Stevenson  
Chairman

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Susan Werlinger  
Secretary

AGENDA  
HOUSE RESOURCES & CONSERVATION COMMITTEE  
Upon Adjournment  
Room EW40  
Friday, February 11, 2011

SUBJECT	DESCRIPTION	PRESENTER
<a href="#">RS20360</a>	Fish & Game; black bear processing fee.	Rep. Boyle
<a href="#">RS20381C1</a>	Relating to wolves	Rep. Hart

***If you have written testimony, please provide a copy of it to the committee secretary to ensure accuracy of records.***

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Rep Higgins  
Rep Lacey

COMMITTEE SECRETARY

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MINUTES  
**HOUSE RESOURCES & CONSERVATION COMMITTEE**

**DATE:** Friday, February 11, 2011

**TIME:** Upon Adjournment

**PLACE:** Room EW40

**MEMBERS:** Chairman Stevenson, Vice Chairman Shepherd, Representative(s) Wood(35), Barrett, Moyle, Eskridge, Raybould, Bedke, Andrus, Wood(27), Boyle, Hagedorn, Harwood, Vander Woude, Gibbs (Wheeler), Pence, Higgins, Lacey

**ABSENT/  
EXCUSED:** Representatives Shepherd, Hagedorn and Gibbs (Wheeler)

**GUESTS:** Jeff Church, Veritas Advisors; Benjamin Davenport, Risch Pisca; Matthew Malel, Risch Pisca.

A quorum being present, **Chairman Stevenson** called the meeting to order at 10:44 a.m.

**RS 20360:** **Rep. Boyle** said this legislation is a housekeeping measure. She said last year there was a bill regarding black bear wasting. This is another part of the Code that should have had the reference to black bear taken out.

**MOTION:** **Rep. Bedke** made a motion to introduce **RS 20360** and send it to the Second Reading Calendar. By a **voice vote** the **motion carried**. **Rep. Boyle** will sponsor the bill on the floor.

**RS 20381C1:** **Rep. Hart** said this legislation will place into Idaho Code what is consistent with the Governor's policy regarding wolves. He said he has met with the Governor's office and the Office of Species Conservation and would like to make a change in the language of the RS. Rep. Hart reviewed the language change and said this would also require a change in the title.

**Rep. Wood(27)** said that a change to the current statute may not be the best idea considering the federal court case that is currently ongoing regarding the delisting of wolves.

**MOTION:** **Rep. Wood(27)** made a motion to hold **RS 20381C1** in Committee and at the discretion of the Chairman.

**SUBSTITUTE  
MOTION:** **Rep. Barrett** made a motion to introduce **RS 20381C1** with the changes in the language.

**Rep. Lacey** spoke in favor of the original motion, saying the Committee should hold this RS until the Fish and Game Department has been consulted. **Rep. Wood(27)** said this is the wrong approach and this is not about Idaho taking a different stand on wolves but its about trying to get wolf management back in the state. **Rep. Pence** spoke in support of the original motion. **Rep. Wood(35)** spoke in support of the substitute motion and **Rep. Boyle** spoke in support of the substitute motion, saying this should be printed because there needs to be an open discussion of the issue.

**VOTE ON  
SUBSTITUTE  
MOTION:** By a **Roll Call Vote** the substitute motion **failed, 5 aye and 10 nay, 3 absent/excused**. **Voting in favor** of the substitute motion, **Reps. Wood(35), Barrett, Andrus, Boyle, Harwood**. **Voting in opposition** to the substitute motion, **Reps. Moyle, Eskridge, Raybould, Bedke, Wood(27), Vander Woude, Pence, Higgins, Lacey and Stevenson**. **Reps. Shepherd, Hagedorn and Gibbs (Wheeler) were absent/excused**.

**VOTE ON  
ORIGINAL  
MOTION:**

By a **voice vote** the **motion carried**, with **Reps. Wood(35), Barrett, Andrus, Boyle and Harwood** being recorded as voting **Nay**.

**ADJOURN:**

There being no further business to come before the Committee the meeting adjourned at 11:01 a.m.

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Representative Stevenson  
Chairman

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Susan Werlinger  
Secretary

AGENDA  
HOUSE RESOURCES & CONSERVATION COMMITTEE  
1:30 P.M.  
Room EW40  
Tuesday, February 15, 2011

<b>SUBJECT</b>	<b>DESCRIPTION</b>	<b>PRESENTER</b>
<a href="#"><u>H 52</u></a>	Geothermal resources, land leases	Kathy Opp, Dept. of Lands
<a href="#"><u>H 53</u></a>	Geothermal resource leases	Kathy Opp
<a href="#"><u>H 54</u></a>	Geothermal leases, surface area	Kathy Opp
<a href="#"><u>H 56</u></a>	Geothermal resources, bonding	Kathy Opp
<a href="#"><u>H 142</u></a>	Water skiing	Rep. Eskridge
<a href="#"><u>HJM 2</u></a>	Wilderness designation	Rep. Shepherd

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Rep Lacey

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MINUTES  
**HOUSE RESOURCES & CONSERVATION COMMITTEE**

- DATE:** Tuesday, February 15, 2011
- TIME:** 1:30 P.M.
- PLACE:** Room EW40
- MEMBERS:** Chairman Stevenson, Vice Chairman Shepherd, Representative(s) Wood(35), Barrett, Moyle, Eskridge, Raybould, Bedke, Andrus, Wood(27), Boyle, Hagedorn, Harwood, Vander Woude, Gibbs (Wheeler), Pence, Higgins, Lacey
- ABSENT/  
EXCUSED:** None.
- GUESTS:** Sharon Kiefer, Dept. of Fish and Game; Paul Kjellander, Office of Energy Resources; Kathy Opp, Dept. of Lands; Eric Wilson, Dept. of Lands; Bob Brammer, Dept. of Lands; Scott Nichols, US Geothermal; Colleen Andrus; Jeff Church, Veritas Advisors; Jonathan Oppenheimer, Idaho Conservation League; Keith Reynolds, DFM
- A quorum being present, **Chairman Stevenson** called the meeting to order at 1:31 p.m.
- MOTION:** **Rep. Higgins** made a motion to approve the minutes of Wednesday, February 9, 2011. By a **voice vote** the **motion carried**.
- MOTION:** **Rep. Higgins** made a motion to approve the minutes of Friday, February 11, 2011. By a **voice vote** the **motion carried**.
- H 142:** **Rep. Eskridge** said this legislation provides that the observer may be absent from a vessel towing a water skier when the vessel is operating within a regulation legal and permitted water skiing slalom course provided that the boat is equipped with a rear view wide angle mirror giving the operator full visibility of the rear of the boat. He added that a boat towing a water skier is in a safer situation when using a slalom course because only one boat is operating at a time. Rep. Eskridge said there are no less than 17 states that allow this and use similar language. He said the USA Water Ski Association finds no increase in accidents as a result of this law. He said the Idaho Sheriff's Association and the Sheriff in Bonner County are in support of this bill.
- MOTION:** **Rep. Raybould** made a motion to send **H 142** to the floor with a "**do pass**" recommendation. By a **voice vote** the **motion carried**. **Rep. Eskridge** will sponsor the bill on the floor.
- H 52:** **Kathy Opp**, Deputy Director, Department of Lands, said this bill deals with geothermal activity on state lands. She said it modifies the section of Code which discusses the lease term and eliminates a conflict in Idaho Code which defines geothermal leases as a commercial purpose and allows commercial leases up to a forty-nine year lease term. She said the current geothermal leasing statute limits the lease term to 10 years. The longer lease term will give lessees more security when they are negotiating agreements and financing. Ms. Opp said this will reduce Department administrative costs. She said the industry also favors a lease term in excess of 10 years.
- MOTION:** **Rep. Eskridge** made a motion to send **H 52** to the floor with a "**do pass**" recommendation. By a **voice vote** the **motion carried**. **Rep. Eskridge** will sponsor the bill on the floor.

**H 53:**

**Kathy Opp**, Department of Lands, said this legislation will separate rent and royalty and rent can be determined by the Land Board through bidding, negotiation, fixed amounts, formulas, or other methods consistent with provisions in Idaho Code. She said royalty is determined by the Land Board based on market value of geothermal resources. The Land Board can also set royalty through bidding, negotiation, fixed amounts, formulas, or other methods. Ms. Opp said the Land Board needs flexibility in setting the rental and royalty rates due to the wide variety of uses for geothermal resources. She listed the different uses and said all of these uses may require different rent or royalty structures in order for the lessee to run a profitable operation and for an appropriate return to the endowment beneficiaries. Ms. Opp said each geothermal project has a different land base and set of financial issues. This bill will give the Land Board the ability to vary the royalty rate with each project to adjust for these variables. She said market value provides a place to start negotiations. Ms. Opp said intermingled federal and state developments may not result in significantly more revenue for the state, however, uniform application of federal rates across endowment land is not appropriate. Flexibility to negotiate long term commercial rates is needed to properly reflect specific development constraints and opportunities. Ms. Opp said rents are lower during exploration and construction and a lessee is required to show progress on timely exploration and development or the lease may be cancelled and offered to someone else. She said royalty payments are kept separate from rents. Rent is used to secure land tenure and cover annual administrative costs. Royalty reflects the endowments' share of production from the leasing activities on endowment lands.

**Ms. Opp** answered questions from the Committee regarding the legislation being open-ended in getting geothermal sites going and help provide the investors a guarantee that the state's red tape won't be worse than the federal red tape for starting these projects. Ms. Opp gave an example of a timely development that took four months from start to finish where significant royalties were involved. She responded to questions of; this showing that Idaho is open to more geothermal development and the fact that the Land Board must optimize the land use and show profit to the beneficiary, by saying the Land Board does want to increase the portfolio and needs to have flexibility to customize projects. She said the rate was hard-wired into statute, which wasn't realistic. The purpose of these bills is to clean things up and show that Idaho is ready to do projects and increase the endowment.

**Paul Kjellander**, Office of Energy Resources, said the single message for all the geothermal legislation is to bring additional clarity and flexibility to the Land Board when negotiating the geothermal rate.

**Scott Nichols**, US Geothermal, said this will allow flexibility and allow the Department of Lands the ability to work with the industry on the geothermal rules and the issues that are involved.

**MOTION:**

**Rep. Wood(27)** made a motion to send **H 53** to the floor with a "**do pass**" recommendation. By a **voice vote** the **motion carried**. **Rep. Bedke** will sponsor the bill on the floor.

**H 54:**

**Kathy Opp**, Department of Lands, said this legislation eliminates an artificial constraint limiting leases to one section and will allow a single geothermal lease to be as large as needed for each geothermal project. She said a geothermal field may cover several thousand acres but geothermal leases are currently limited to 640 acres. Ms. Opp said the Department of Lands will treat geothermal like grazing and commercial leases which are not limited in size and can also require very large areas in order to make a commercially viable project. She said this will also reduce administrative costs for the Department and the lessees by only having one state lease instead of a dozen or more for one project.

**MOTION:** **Rep. Raybould** made a motion to send **H 54** 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 56:** **Kathy Opp**, Department of Lands, said this legislation deals with changes to Idaho Code related to geothermal leases requiring bonding even if there is no activity. She said the arbitrary bond amounts are removed and bonds will be based upon the amount needed for each phase of a lease, such as, exploration, construction, operation and reclamation.

**MOTION:** **Rep. Bedke** made a motion to send **H 56** to the floor with a **"do pass"** recommendation. By a **voice vote** the **motion carried**. **Rep. Hagedorn** will sponsor the bill on the floor.

**HJM 2:** **Rep. Shepherd** said this memorial will send the message that Idaho will not support any type of wilderness designation without including public input from the citizens of Idaho. He said he hoped the Committee would support this memorial.

**MOTION:** **Rep. Wood(35)** made a motion to send **HJM 2** to the floor with a **"do pass"** recommendation.

**Rep. Raybould** said this is appropriate legislation and is a good thing to take some active initiative with these comments to protect the state's recreational interest that could be in jeopardy. **Rep. Hagedorn** said he thought it was appropriate to stand with the Governor on this issue to have public input from the people of the state and send the message that we are interested in what is happening in our state.

**John Oppenheimer**, Idaho Conservation League, spoke in opposition to the memorial, saying there are a number of efforts that are being worked through and he is concerned the memorial will create a distraction for the other representatives working together in these efforts. He gave an example of an effort in the Clearwater Basin of people working together and this effort would not have been successful if not for providing permit protection for these areas.

**Rep. Pence** spoke in opposition to the memorial, saying this kind of bill does make an adversarial statement and in order to have sustained and multiple uses of some land there needs to be discussion with all parties. She said that she does not oppose the statement that the state does have the right to say what the land should be used for, but she will oppose the memorial. **Rep. Raybould** said the memorial is saying that the people of Idaho need to have a say in the process. **Rep. Wood(35)** spoke in support of the memorial, saying in her district there has been a negative economic effect on the people due to this type of study and there is a need for this memorial for the Idaho public to have a voice. **Rep. Barrett** spoke in support of the memorial.

**ROLL CALL VOTE:** By a **roll call vote** the **motion carried, 15 aye, 2 nay, 1 absent/excused**. **Voting in favor** of the motion: **Reps. Shepherd, Wood(35), Barrett, Moyle, Eskridge, Raybould, Bedke, Andrus, Wood(27), Boyle, Hagedorn, Harwood, Vander Woude, Lacey and Stevenson**. **Voting in opposition** to the motion: **Reps. Pence and Higgins**. **Rep. Gibbs(Wheeler)** was absent/excused. **Rep. Shepherd** will sponsor the bill on the floor.

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

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Representative Stevenson  
Chairman

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Susan Werlinger  
Secretary

AGENDA  
HOUSE RESOURCES & CONSERVATION COMMITTEE  
1:30 P.M.  
Room EW40  
Thursday, February 17, 2011

SUBJECT	DESCRIPTION	PRESENTER
	Presentation on Power and Fish Jim Yost, Northwest Power & Conservation Council Bill Booth, Northwest Power & Conservation Council	
<a href="#">RS20426</a>	Fish and Game, rules rejection	Rep. Wood(27)
<a href="#">RS20427</a>	Dept. of Lands, rules rejection	Rep. Shepherd
<a href="#">H 135</a>	Historical Society/Lewis & Clark Trail	Janet Gallimore, State Historical Society
<a href="#">H 143</a>	Fish and Game, veterans	Rep. Patrick
<a href="#">H 84</a>	Outfitters and Guides	Jake Howard, Outfitters & Guides Licensing Board

***If you have written testimony, please provide a copy of it to the committee secretary to ensure accuracy of records.***

COMMITTEE MEMBERS

Chairman Stevenson  
Vice Chair Shepherd  
Rep Wood(35)  
Rep Barrett  
Rep Moyle  
Rep Eskridge  
Rep Raybould  
Rep Bedke  
Rep Andrus  
Rep Wood(27)  
Rep Boyle  
Rep Hagedorn  
Rep Harwood  
Rep Vander Woude  
Rep Gibbs

Rep Pence  
Rep Higgins  
Rep Lacey

COMMITTEE SECRETARY

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MINUTES  
**HOUSE RESOURCES & CONSERVATION COMMITTEE**

**DATE:** Thursday, February 17, 2011

**TIME:** 1:30 P.M.

**PLACE:** Room EW40

**MEMBERS:** Chairman Stevenson, Vice Chairman Shepherd, Representative(s) Wood(35), Barrett, Moyle, Eskridge, Raybould, Bedke, Andrus, Wood(27), Boyle, Hagedorn, Harwood, Vander Woude, Gibbs (Wheeler), Pence, Higgins, Lacey

**ABSENT/  
EXCUSED:** Representative Higgins

**GUESTS:** Janet Gallimore, State Historical Society; George Bacon, Dept. of Lands; Joie McGarvin , ICOA; Kieth Reynolds, DFM; Grant Simonds, IOGA; Benjamin Davenport, Risch Pisca; Sharon Kiefer, Dept. of Fish and Game; J Pat Branch, Doug Bridges Memorial Hunts; Monte Bruhn, Doug Bridges Memorial Hunts; Cody Sibbett, Doug Bridges Memorial Hunts; Wayne Hunsucker, IOGLB; John Housnd, IOGLB; David Ascuena, ID F.B.

A quorum being present, **Chairman Stevenson** called the meeting to order at 2:04 p.m.

**MOTION:** **Rep. Boyle** made a motion to approve the minutes of Tuesday, February 15, 2011. By a **voice vote** the **motion carried**.

**Jim Yost**, Northwest Power and Conservation Council, addressed the Committee and said the Council is made up of two members from each state in the Northwest. He said the Council's duties are to develop a regional plan to assure the Northwest an adequate, efficient, economical and reliable power supply and to analyze the adequacy and reliability of the power supply. Mr. Yost reviewed the region wide demand forecast and the forecast for Idaho. He explained the conservation and energy efficiency and said that renewable wind generation is a popular thing right now and one of the cheapest resources we can buy. He said wind power is expected to meet the majority of RPS requirements and reviewed the other resources that are also used in small amounts. Mr. Yost explained that more efficient use and expansion of the power system infrastructure will improve operation of the existing power system for wind integration. He said Idaho's issues and challenges are the peaking capacity shortfall and renewable energy credits.

Mr. Yost answered questions from the Committee, saying other utilities in the region are looking at Idaho and the irrigation demand side reduction program. He said the reason this works well for Idaho Power is because it is such a short duration and they are able to fill that capacity. Mr. Yost answered questions regarding the emphasis on wind energy, saying that hydro electric energy used to be flexible and would cover the issues of demand, where wind is not as flexible.

**Bill Booth**, Northwest Power and Conservation Council, said there are two principal Committees in the Council, Power and Fish & Wildlife Committee. He explained that the fish and wildlife program is funded by ratepayers and reviewed where ratepayer dollars are spent in Idaho, what ratepayer dollars fund and what the results are from the dollars spent. He said the Council develops the programs and the Idaho Salmon Recovery Team work to implement the programs. Mr. Booth reviewed the types of projects being implemented in Idaho. He reviewed the top ten projects and the location of some of the projects. Mr. Booth reviewed the increased returns of Sockeye salmon in the state. He said there has been a lot of work

around the state to keep fish out of the irrigation system and reviewed examples of different types of diversions throughout the state. Mr. Booth explained some of the Sturgeon projects in the state. He said most fish returns are climbing and the forecast predictions for returns are very good.

**H 143**

**Rep. Patrick** said this legislation will provide that non-resident Disabled American Veterans will be able to purchase certain licenses to hunt and fish at the resident rate. He said this legislation has the support of the Fish and Game Department.

**Sharon Kiefer**, Dept. of Fish and Game, said the Fish and Game Commission has taken a policy position of supporting this legislation and she is here to answer any technical questions the Committee may have.

**Monte Bruhn**, Doug Bridges Memorial Hunts, said he owns and operates a small business with his wife, they have a son who is serving in the military. He introduced other people who were present who support this bill and thanked the Committee members who were veterans and any of their family members who are veterans for their service. He said he and his wife were compelled to create a program for hunters who are disabled veterans. Mr. Bruhn said they created the Doug Bridges Memorial Hunts and gave examples of people and hunting experiences these veterans have had through the program. He reviewed the costs of these hunts to the organization and said with the passage of this legislation it would allow them to bring more disabled veterans to the state by reducing their costs.

**Cody Sibbett**, Doug Bridges Memorial Hunts, said he has served two tours and on the second tour was hit by a roadside bomb and was burned. He said since then he has had difficulties and it is important to be able to do the things that he had done before, including hunting. He said he would like to have the ability to get others to Idaho to have the opportunity to go on hunts also. He hoped the Committee would support the legislation.

**Pat Branch**, Doug Bridges Memorial Hunts, spoke in favor of the legislation and asked the Committee to support the bill.

**MOTION:**

**Rep. Barrett** made a motion to send **H 143** to the floor with a "**do pass**" recommendation. By a **voice vote** the **motion carried**. **Rep. Patrick** will sponsor the bill on the floor.

**H 135:**

Janet Gallimore, Idaho State Historical Society, said this legislation is to update the statute to eliminate reference to the bicentennial commemoration, which has concluded. She said the fund was generated by the sale of specialized license plates and no money was used from the General Fund.

**MOTION:**

**Rep. Wood(35)** made a motion to send **H 135** to the floor with a "**do pass**" recommendation. By a **voice vote** the **motion carried**. **Rep. Wood(35)** and **Nesset** will sponsor the bill on the floor.

**H 84:**

**Wayne Hunsucker**, Chairman, Outfitters and Guides Licensing Board, said the Licensing Board is a self governing agency and all its funds come from outfitter and guide fees. He explained the makeup of the Board. He said they regulate outfitters and guides through proper credentials in order to ensure the health and safety of the general public. Mr. Hunsucker said they have had increased work with federal agencies that have oversight of outfitters doing business in the state of Idaho. He said this increased oversight from federal agencies is mostly done through MOU's, but it has stretched the resources of the Licensing Board. This is why they are requiring an increase in fees. He said there has also been an increase in legal issues and attorney fees which has also brought this request for a fee increase to outfitters and guides.

**Jake Howard**, Outfitters and Guides Licensing Board, said they had an initial fee increase proposed and then later reached a compromise fee increase with the industry. He reviewed the current license fees and then reviewed the proposed increase. He said it will be an incremental increase over the course of five years. He said almost all of the guides and the majority of outfitters are in support of the increase. Mr. Howard reviewed other changes to fees in the bill.

Mr. Howard answered questions from the Committee regarding the number of meetings and the number of outfitters and guides that had been able to have input on this fee increase, saying the Board has given the industry the opportunity to have input and participate in this process.

**Grant Simonds**, Idaho Outfitters and Guides Assn., said they are aware in the industry of the current times and the industry has not experienced any recovery from the recession. He said it is important to have a strong buffer at the state level with the federal agencies. He said another important thing to the industry is the Board's ability to defend the system. He said the Association is proud of the organization and the Licensing Board is the first in the nation to come up with this sort of extensive state regulation. He said it will keep balance and responsibility for shared use of land and will promote a higher standard.

**MOTION:** **Rep. Wood(35)** made a motion to send **H 84** to the floor with a **"do pass"** recommendation. By a **voice vote** the **motion carried**, with **Reps. Moyle, Shepherd, Boyle, and Harwood** being recorded as voting **Nay**. **Rep. Hagedorn** will sponsor the bill on the floor.

**RS 20426:** **Rep. Wood(27)** explained this is the resolution that would reject the rule from the Department of Fish and Game regarding The Taking of Game Birds in the State of Idaho. He explained the effect of the resolution if it is passed by both houses.

**MOTION:** **Rep. Hagedorn** made a motion to introduce **RS 20426** and send it directly to the Second Reading Calendar. By a **voice vote** the **motion carried**. **Rep. Wood(27)** will sponsor the bill on the floor.

**RS 20427:** **Rep. Shepherd** said this resolution will reject part of a rule for the Department of Lands relating to Selling Forest Products on State Owned Endowment Lands. He recommended passage of this resolution.

**Rep. Hagedorn** made a motion to introduce **RS 20427** and send it directly to the Second Reading Calendar. By a **voice vote** the **motion carried**. **Rep. Shepherd** will sponsor the bill on the floor.

There being no further business to come before the Committee, the meeting adjourned at 4:05 p.m.

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Representative Stevenson  
Chairman

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Susan Werlinger  
Secretary

AGENDA  
HOUSE RESOURCES & CONSERVATION COMMITTEE  
1:30 P.M.  
Room EW40  
Monday, February 21, 2011

SUBJECT	DESCRIPTION	PRESENTER
	Federal Wolf Legislation Update	Ryan Benson, Wildlife Forever
<a href="#">H 85</a>	Fish & Game, mentored hunters	Sharon Kiefer, Dept. of Fish & Game
<a href="#">H 94</a>	Injections wells	Tom Neace, Dept. of Water Resources
<a href="#">H 136</a>	Watermasters	Tim Luke, Dept of Water Resources
<a href="#">H 137</a>	Alteration, channel of streams	Norm Semanko, Idaho Water Users Assn.
<a href="#">H 138</a>	Irrigation, buried conduit	Norm Semanko

***If you have written testimony, please provide a copy of it to the committee secretary to ensure accuracy of records.***

COMMITTEE MEMBERS

Chairman Stevenson  
Vice Chair Shepherd  
Rep Wood(35)  
Rep Barrett  
Rep Moyle  
Rep Eskridge  
Rep Raybould  
Rep Bedke  
Rep Andrus  
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Rep Vander Woude  
Rep Gibbs  
Rep Pence  
Rep Higgins  
Rep Lacey

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MINUTES  
**HOUSE RESOURCES & CONSERVATION COMMITTEE**

**DATE:** Monday, February 21, 2011

**TIME:** 1:30 P.M.

**PLACE:** Room EW40

**MEMBERS:** Chairman Stevenson, Vice Chairman Shepherd, Representative(s) Wood(35), Barrett, Moyle, Eskridge, Raybould, Bedke, Andrus, Wood(27), Boyle, Hagedorn, Harwood, Vander Woude, Gibbs (Wheeler), Pence, Higgins, Lacey

**ABSENT/  
EXCUSED:** None.

**GUESTS:** Sharon Kiefer, Dept. of Fish and Game; Brenda Tominaga, IGWA/IIPA; Jay Stark, Idaho Hunter Education Assn.; Kent Lauer, Idaho Farm Bureau; Jim Unsworth, Dept. of Fish and Game; Tom Neace, Dept. of Water Resources; Gary Spackman, Dept. of Water Resources; Tim Luke, Dept. of Water Resources; Jack Oyler, Sportsmen for Wildlife; Larry Craig, Sportsmen for Wildlife; Ryan Benson, Big Game Forever; Chuck Brockway, Brockway Engineering; Joie McGarvin, ICOA; Dustin Miller, OSC; Amy Holly, Sullivan, Reberger, Eiguren; Benjamin Davenport, Risch Pisca; Wally Butler, Idaho Farm Bureau

**Chairman Stevenson** called the meeting to order at 1:32 p.m. He introduced the new page for the second half of the Session, Jenee Walters from St. Maries.

**MOTION:** **Rep. Boyle** made a motion to approve the minutes of Thursday, February 17, 2011. By a **voice vote** the **motion carried**.

**Jack Oyler**, Sportsmen for Wildlife, thanked the Committee for the opportunity to come and share what their organization has been working on regarding the delisting of wolves nationally. He said they created a new non-profit organization called Big Game Forever in order to lobby Congress for the delisting of wolves. Mr. Oyler introduced **Ryan Benson**, President of Big Game Forever, to give a report on the organization's progress.

**Ryan Benson**, Big Game Forever, reviewed the legislation for the Congressional delisting of wolves and the progress of the bills. He said it is exciting to see the amount of energy that has developed from this idea of putting wolf management back into the hands of the states. Mr. Benson said many user groups endorse this legislation and the list of interested states is growing. He said the sportsmen of America care what happens to wildlife and want to see the issue resolved. Mr. Benson said the wolf recovery requirements were met early and promises were made at the time of listing that when recovery goals were met, the wolves would be delisted. He said it became clear that when recovery plans and goals were met, the open-ended nature of the ESA could allow for multiple lawsuits and could be never-ending. He said the congressional delisting bill will delist the wolves and return management of wolves back to the states.

**Mr. Benson** answered questions from the Committee, saying they have been close to resolving this issue several times and that most national legislation are not stand alone bills. One of these bills may be an amendment to another bill. He also said that if this is passed, Congress would have to act to put wolves back on the Endangered Species list instead of being listed by US Fish and Wildlife Service (USFWS).

**Larry Craig**, Sportsmen for Wildlife, said the nature of Congress has changed and there is an increasing recognition of the responsibility of states over the national Congress regarding the management of fish and wildlife. He said this bill will do this, and will return to the states the responsibility to manage their fish and wildlife. Mr. Craig said this needs to be taken out of the hands of the courts and there is evidence that the wolf is recovered. He said the bill will probably not stand alone and will become part of a package. He said it will be precedent setting law, if passed, of returning responsibility to states that have progressively been taken away regarding the management of wolves.

**Chairman Stevenson** offered a letter of support from the Committee. Mr. Benson said this would be incredibly meaningful to have the support of the Committee and the state on this issue.

**H 85:** **Sharon Kiefer**, Department of Fish and Game, reviewed a 2001 national survey of hunter recruitment rates for Idaho and the nation. She said according to the survey, Idaho's youth hunter replacement ratio was lower than the national average. She said one of the tools for recruitment that many states have developed is a Mentored Hunting Program. Ms. Kiefer said that many of these programs are aimed at youth, but can also apply to all ages. She said these programs provide a mechanism to allow any person who has not yet received hunter education certification or acquired a hunting license, to receive special authorization to hunt for a prescribed time period, while accompanied by a licensed mentor. Ms. Kiefer said this will allow a mentored hunter to experience hunting before pursuing hunter education to get a hunting license in Idaho. Ms. Kiefer said **H 85** would give the Fish and Game Commission discretionary authority to work with stakeholders such as sportsmen, families, and the Idaho Hunter Education Association to create rules for a mentor hunting program. She said the rulemaking would be a public process including further research into the safety and violation record of mentor hunt programs across the nation and evaluation of the program as a recruitment tool. Ms. Kiefer reviewed the sections of Code the bill would amend to create the opportunity for a mentor hunt program. She said the Fish and Game Commission and the Department ask for a do pass recommendation for this bill. Ms. Kiefer answered questions from the Committee.

**Jay Stark**, Idaho Hunter Education Assn., said the association has developed a department position statement opposing legislation that would defer the hunter education requirement. He said the question is if it is safe for the public and that it may create an issue with laws and violations with land owners. He also said there is no guarantee that it will accomplish the goal of developing more hunters.

**MOTION:** **Rep. Pence** made a motion to send **H 85** to the floor with a "**do pass**" recommendation. By a **show of hands**, the **motion carried**. **Rep. Hagedorn** will sponsor the bill on the floor.

**H 94:** **Tom Neace**, Department of Water Resources, said this bill will remove the exemption for shallow injections wells. He said this is not part of the federal program and they have been asked to remove it to be compliant with federal law. Mr. Neace reviewed other modifications in the bill in order to be consistent with Idaho rules. He said this legislation has the support of the Idaho Ground Water Assn. and the Idaho Water Users Assn. Mr. Neace answered questions from the Committee.

**MOTION:** **Rep. Higgins** made a motion to send **H 94** to the floor with a "**do pass**" recommendation. By a **voice vote**, the **motion carried**. **Rep. Higgins** will sponsor the bill on the floor.

**H 136:** **Tim Luke**, Department of Water Resources, reviewed the changes in the legislation and answered concerns from the Committee regarding the provision of a watermaster also being the district treasurer. He said there are only a few districts with the watermaster also serving as the treasurer and they encourage districts to elect treasurers. Mr. Luke also addressed questions regarding the changing of the preparation due date and the watermaster term of service.

**MOTION:** **Rep. Bedke** made a motion to send **H 136** to the floor with a **"do pass"** recommendation. By a **voice vote**, the **motion carried**. **Rep. Bedke** will sponsor the bill on the floor.

**H 137:** **Norm Semanko**, Idaho Water Users Association, said this legislation clarifies the current exemption in the Stream Alteration Act to include state agencies and political subdivisions of the state. He said jurisdictions have presumed to adopt their own stream alteration programs that are not consistent with the state programs. He said this will make it clear that municipalities cannot do this and the state's program is the one to follow. Mr. Semanko said the cities have read this change more broadly than they anticipated and he has provided an amendment to the bill. He would hope the Committee would send this to General Orders in order to add the amendment.

**MOTION:** **Rep. Hagedorn** made a motion to send **H 137** to **General Orders** with Committee amendments attached. **Rep. Raybould** seconded the motion. By a **voice vote**, the **motion carried**. **Rep. Hagedorn** will sponsor the bill on the floor.

**H 138:** **Norm Semanko**, Idaho Water Users Assn., said this bill clarifies the operation and maintenance responsibility of a landowner making a change to or burying a ditch, canal, lateral, drain or buried irrigation conduit as provided by the statute shall run with the land of the landowner and shall continue with the landowner's successor in interest.

**MOTION:** **Rep. Wood(35)** made a motion to send **H 138** 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.

The meeting adjourned at 2:52 p.m.

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Representative Stevenson  
Chairman

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Susan Werlinger  
Secretary

AGENDA  
HOUSE RESOURCES & CONSERVATION COMMITTEE  
1:30 P.M.  
Room EW40  
Wednesday, February 23, 2011

SUBJECT	DESCRIPTION	PRESENTER
	Governor's Office of Species Conservation Update	Nate Fisher, OSC
<a href="#">H 23</a>	Drilling permits	Tom Neace, Dept. of Water Resources
<a href="#">H 22</a>	Water right licenses	Shelley Keen, Dept. of Water Resources
<a href="#">H 24</a>	Water, notice	Shelley Keen
<a href="#">H 25</a>	Water/permits to appropriate	Shelley Keen
<a href="#">H 31</a>	Water, permit application fees	Shelley Keen

***If you have written testimony, please provide a copy of it to the committee secretary to ensure accuracy of records.***

COMMITTEE MEMBERS

Chairman Stevenson  
Vice Chair Shepherd  
Rep Wood(35)  
Rep Barrett  
Rep Moyle  
Rep Eskridge  
Rep Raybould  
Rep Bedke  
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COMMITTEE SECRETARY

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MINUTES  
**HOUSE RESOURCES & CONSERVATION COMMITTEE**

**DATE:** Wednesday, February 23, 2011

**TIME:** 1:30 P.M.

**PLACE:** Room EW40

**MEMBERS:** Chairman Stevenson, Vice Chairman Shepherd, Representative(s) Wood(35), Barrett, Moyle, Eskridge, Raybould, Bedke, Andrus, Wood(27), Boyle, Hagedorn, Harwood, Vander Woude, Gibbs (Wheeler), Pence, Higgins, Lacey

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

**GUESTS:** Tyler Mallard, Governor's Office; Bonnie Butler, Governor's Office; Jim Unsworth, Dept. of Fish and Game; Lynn Tominaga, Idaho Ground Water Appropriators; Kathleen Trever, Attorney General's Office-Dept. of Fish and Game; John Williams, BPA; Scott Kesi, Idaho Cattle Assn.; Jay Faulkner, Idaho Cattle Assn.; Carl Ellsworth, Idaho Cattle Assn.; Karen Williams, Idaho Cattle Assn.; John Sutton, Idaho Cattle Assn.; Shelley Keen, Dept. of Water Resources; Jessica Barrie, Idaho Water Users Assn.; John Ricketts, Idaho Cattle Assn.; Richard Savage, Idaho Cattle Assn.; Jared Brackett, Idaho Cattle Assn.; Kent Lauer, Idaho Farm Bureau; Gary Spackman, Dept. of Water Resources; Norm Semanko, Idaho Water Users Assn.; Dave Goins, Idaho News Service

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

**MOTION:** **Rep. Wood(35)** made a motion to approve the minutes of Monday, February 21, 2011. By a **voice vote** the **motion carried**.

**Nate Fisher**, Office of Species Conservation, said he appreciates the opportunity to come before the Committee to discuss the current issues dealing with species and the Endangered Species Act (ESA). He reviewed the history of the bull trout issue in Idaho. He said in October of 2010 the US Fish and Wildlife Service (USFWS), designated over 8,773 miles of streams and 170,218 acres of lakes and reservoirs as critical habitat for bull trout, just in Idaho. He said this is an overbearing designation of critical habitat and a concern for the water user community. Mr. Fisher reviewed the areas that have been designated and some areas that have been removed from designation.

**Mr. Fisher**, Office of Species Conservation, reviewed the history of the petition to list the sage grouse and said it was determined that sage grouse is a warranted species but precluded for listing under the ESA. He said the species status will be reviewed annually to determine whether it requires listing. Mr. Fisher said there is a lot of good habitat for sage grouse in the state and reviewed the areas of sage grouse habitat. He said the question is how to conserve the species and still continue the use of the land for various other activities.

**Dustin Miller**, Office of Species Conservation, reviewed the activity from last fall on the issue of wolves. He said after Judge Molloy's decision to relist the wolves, the Governor did file an appeal. He said the wolf population in Idaho continues to expand putting livestock and ungulate populations at risk. Mr. Miller reviewed the delisting proposal from the Secretary of Interior and said this would not be a good idea for Idaho. He reviewed the delisting efforts through the national legislative process and said this would be a better idea. Mr. Miller reviewed the wolf population and the current 10(j) rules.

He also reviewed the current compensation plans for verified and non-verified livestock depredation. He said Defenders of Wildlife have ended their compensation program for verified losses in Idaho and the Office of Species Conservation is now covering verified losses using new federal funding.

**Mr. Miller** answered questions from the Committee regarding compensation for the elk in Idaho that are killed by wolves and the possibility of a reduction in funds from the federal government.

**Gary Spackman**, Department of Water Resources, gave a brief introduction of the bills being presented by the Department of Water Resources. He said his first directive was to finish the Department's zero based budget and he took that assignment seriously and wanted to do this as quickly as possible. He said four of the five bills today came directly out of the zero based budget process. Mr. Spackman said they did a ranking of Department programs or activities for importance and their second process was to look at an action plan for the various programs and statutory authority changes and a time-line to work through the program changes. He said these proposed changes are to fund their most important programs and the fee proposals are targeted to the user groups that will benefit from the programs.

**H 23:**

**Tom Neace**, Department of Water Resources, said this legislation will increase the fee for domestic wells, which would provide a uniform fee for the drilling of all cold water wells. He said the increase would provide adequate funding to reduce the burden on the general fund and will add funding for the on-site inspections of seal installations during well construction. Mr. Neace said the revenue would depend on the number of wells drilled. He said in addition, closed loop heat exchange wells are not presently included in Idaho Code and these fee changes would specify the fee charged for closed loop heat exchange systems.

**Mr. Neace** answered several questions from the Committee regarding an estimation of what revenue this would generate for FY 2012 and whether the increase would be reflected in the Department's appropriation. He also answered questions regarding the percentage of wells that are being inspected now and if this percentage will increase.

**Norm Semanko**, Idaho Water Users Assn., said the association supports this legislation and three other pieces of legislation the Committee will be considering. He said they look at this as a user fee and that it is not fair for the general tax payer to subsidize the fees for drilling a well. He said the drillers in the association are also in support of this bill.

**MOTION:**

**Rep. Wood(27)** made a motion to send **H 23** to the floor with a "**do pass**" recommendation.

**Rep. Shepherd** spoke in opposition of the motion. **Rep. Higgins** spoke in favor of the motion, saying she supports it as a user fee for those that would benefit from the program. **Rep. Eskridge** spoke in favor of the motion. **Rep. Raybould** spoke in favor of the motion, saying this Department has received larger reductions in their budget than other departments in the state, but the Department still has statutory requirements to take care of the water resources in the state.

By a **voice vote** the **motion carried** with **Representatives Shepherd, Wood(35), Vander Woude and Boyle** being recorded as voting **Nay**. **Rep. Wood(27)** will sponsor the bill on the floor.

- H 22:** **Shelley Keen**, Department of Water Resources, said the Water Resources Department currently issues about 200 water right licenses per year and has a backlog of about 3,000. He said this legislation will help the Department streamline the process by eliminating the requirement to have the water right license issued under the seal of the office. He said this is not necessary because the license is already signed by the Director or his designee. Mr. Keen said this bill will also eliminate the requirement to put the capacity of the diversion works on the license. He said the water administration is based on the authorized diversion rate and volume, not on the capacity of the diversion works, so the requirement is not necessary. Mr. Keen said the Idaho Water Users Association is in support of this legislation. Mr. Keen answered questions regarding the reasons the Department is so backlogged on water right licenses.
- MOTION:** **Rep. Wheeler** made a motion to send **H 22** to the floor with a "**do pass**" recommendation. By a **voice vote** the **motion carried**. **Rep. Wheeler** will sponsor the bill on the floor.
- H 24:** **Shelley Keen**, Department of Water Resources, said this bill is another effort to streamline processes at the Department. He said the Department currently provides notice of new water right applications in three ways: advertisement in the newspaper, subscription to a weekly mailing and posting it on the Department's internet site. He said this would eliminate the requirement to send subscriptions to the weekly mailing, which is no longer used by the public.
- MOTION:** **Rep. Wood(35)** made a motion to send **H 24** 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 25:** **Shelley Keen**, Department of Water Resources, said this is an attempt to streamline the process relating to water right permits that have lapsed. He said there are two options for reinstatement of water right permits that have lapsed for more than 60 days. They are submit a proof of beneficial use statement and report prepared by a certified water right examiner from the private sector or submit a proof of beneficial use statement, clear evidence of beneficial use and a fee for the Department to conduct the examination and prepare a report. Mr. Keen said this bill will eliminate the option for the Department inspection and report. He said this bill will also allow for a reinstatement application fee to cover costs to the Department.
- Mr. Keen** answered questions from the Committee regarding who is qualified in the private sector to do the inspections, saying there is currently a list of certified water right examiners who have passed an examination to be qualified.
- MOTION:** **Rep. Pence** made a motion to send **H 25** 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 31:** **Shelley Keen**, Department of Water Resources, said this legislation is a proposal to increase fees for processes the Department is statutorily obligated to carry out. He gave a brief history of water right transfers. He said it is difficult to get new water rights because of water availability and this is usually done through the transfer of the water right. Mr. Keen reviewed the changes the Department has made to make the transfer process more successful but there is still a substantial backlog of transfers. Mr. Keens said most transfer processing is funded from the Department's general appropriation and this proposal would partially offset the reductions of general fund appropriations to the Department's budget. He reviewed the changes to the transfer fee structure the Department is proposing.

**Lynn Tominaga**, Idaho Ground Water Appropriators, said they support this legislation and he believes this bill is important for the economic development of the state. He said water development has to be done through a water transfer and the Department has made an effort to reduce the number of transfers backlog. Mr. Tominaga said he believes this measure is necessary for the state to grow and prosper.

**MOTION:** **Rep. Lacey** made a motion to send **H 31** to the floor with a **"do pass"** recommendation.

**Rep. Hagedorn** said this is an important series of bills from the Department of Water Resources going through the zero base budget process and would be a good direction for all state departments to achieve. **Rep. Barrett** spoke in favor of the zero based budgeting idea and she commended Mr. Spackman for his leadership in the Department. **Rep. Raybould** said this bill does not reduce the general fund, but gives the Department the funds they need to do their statutory requirements. He said this agency and others have been tremendously slighted over the last few years in the ability to do their jobs, due to budget restrictions. He said these fees will bolster the funds for the Department to run their programs.

By a **voice vote** the **motion carried** with **Representatives Wood(35), Harwood and Boyle** being recorded as voting **Nay**. **Rep. Lacey** will sponsor the bill on the floor.

**ADJOURN:** There being no further business to come before the Committee, the meeting adjourned at 4:08 p.m.

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Representative Stevenson  
Chairman

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Susan Werlinger  
Secretary

AGENDA  
HOUSE RESOURCES & CONSERVATION COMMITTEE  
1:30 p.m. or Upon Adjournment  
Room EW40  
Tuesday, March 01, 2011

SUBJECT	DESCRIPTION	PRESENTER
<a href="#">SJM 101</a>	Secure rural schools	Rep. Eskridge
<a href="#">S 1077</a>	Drainage districts	Sen. Pearce

***If you have written testimony, please provide a copy of it to the committee secretary to ensure accuracy of records.***

COMMITTEE MEMBERS

Chairman Stevenson  
Vice Chair Shepherd  
Rep Wood(35)  
Rep Barrett  
Rep Moyle  
Rep Eskridge  
Rep Raybould  
Rep Bedke  
Rep Andrus  
Rep Wood(27)  
Rep Boyle  
Rep Hagedorn  
Rep Harwood  
Rep Vander Woude  
Rep Gibbs  
Rep Pence  
Rep Higgins  
Rep Lacey

COMMITTEE SECRETARY

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MINUTES  
**HOUSE RESOURCES & CONSERVATION COMMITTEE**

**DATE:** Tuesday, March 01, 2011

**TIME:** 1:30 P.M. or Upon Adjournment

**PLACE:** Room EW40

**MEMBERS:** Chairman Stevenson, Vice Chairman Shepherd, Representative(s) Wood(35), Barrett, Moyle, Eskridge, Raybould, Bedke, Andrus, Wood(27), Boyle, Hagedorn, Harwood, Vander Woude, Gibbs (Wheeler), Pence, Higgins, Lacey

**ABSENT/  
EXCUSED:** Representative Barrett

**GUESTS:** Harold Ott, IRSA; Matthew Faulks, Payette Drainage Dist. No. 7 & 8; Blaine Cornell, Payette County Drainage Dist. 8; Larry Schmelzel, Payette County Drainage Dist. 7; Seth Grigg, Idaho Assn. of Counties; Marc Shigeta, Payette County Commissioner.

**Chairman Stevenson** called the meeting to order at 3:45 p.m.

**MOTION:** **Rep. Higgins** made a motion to approve the minutes of Wednesday, February 23, 2011. By a **voice vote** the **motion carried**.

**MOTION:** **Rep. Boyle** made a motion to approve the minutes of Monday, February 7, 2011 with the correction that **Rep. Hagedorn's** comments at the end of the meeting be added to the minutes. By a **voice vote** the **motion carried**, the minutes were approved as corrected.

**SJM 101:** **Rep. Eskridge** said this memorial asks the federal government to remember that when land is withdrawn for the forest reserves that funds be returned to local counties for roads and schools to offset the costs to the area for removal of these lands from the tax base. He said this memorial asks for reauthorization of the Secure Rural Schools and Self-Determination Act and if it is not reauthorized, that the federal government find another tool to meet its financial commitment.

**MOTION:** **Rep. Harwood** made a motion to send **SJM 101** to the floor with a "**do pass**" recommendation. By a **voice vote** the **motion carried**. **Rep. Eskridge** will sponsor the memorial on the floor.

**S 1077** **Matthew Faulks**, Payette Drainage Dist. No. 7 & 8, said there is a need for a way to consolidate drainage districts. He said the benefit for consolidation would be some cost savings. He said it has been difficult to fill board member positions and they expect some benefit in naming commissioners. Mr. Faulks said the legislation has the full support of the Idaho Water Users Association. He said the districts are reviewed by the Idaho Judiciary system. He asked the Committee to send the bill to the floor with a do pass recommendation.

**Mr. Faulks** answered questions from the Committee regarding whether the people in the drainage districts will have a voice in the consolidation of two districts and if there is sufficient notice of consolidation of districts. He answered more questions regarding the use of the judicial system for this process. He answered questions regarding the effect on the tax payers in the new consolidated drainage district, saying the fee evaluation will be carried out in the same process that already exists. He said the allotment could change, the fees are based on the type of costs to the district and the process for determining the fees would continue to be intact but would apply to the consolidated district.

**Blaine Cornell**, Payette County Drainage Dist. No. 8, said he is a commissioner on Drainage District No. 8. He reviewed the history on how this idea developed. He said consolidation was one of the items identified to improve consistency in the drainage districts. Mr. Cornell answered questions from the Committee regarding the different fee structures for the districts and how many other districts in the state may be effected by this.

**Mr. Faulks** said there is a safety mechanism on changes in assessments that might occur in consolidated districts. He said a majority of the two boards would have to agree to consolidate, the fee structure is already in place in the process of assigning costs to land owners in the districts. He said there is a series of statutes that apply to how the costs arise and consolidation does not change the assessment. Mr. Faulks said the legislation provides a mechanism to arrange the consolidation of districts.

**Mr. Faulks** answered questions from the Committee regarding the process for consolidated districts to reassess the costs and go through a re-evaluation of existing costs by saying the existing costs are assessed against the land and the fee structure is already built into the system. He said the assessment would not change, the same assessment rates would be assessed according to benefit and the assessment structure is provided for by statute. Mr. Faulks said the legislation does not produce any effect on the assessment it only allows for the process of two districts to become one. **Rep. Moyle** said he had no problem with consolidations but the bill is too vague on how it would effect rates. Mr. Faulks said the assessment is in place in statute and has protections, this legislation only relates to consolidation of drainage districts.

**Mr. Cornell** explained the assessment process and said it is based on benefits that are determined at the time the drainage districts were developed. He said each district has differences in benefits and each year the district receives the assessment of benefits and how each parcel of land would benefit and be assessed. He answered the question of rate changes, saying the rate doesn't change, but the assignment of benefits may change. Also if a consolidation should occur, the issue of rate assessments would be determined in the plans to consolidate.

**MOTION:** **Rep. Boyle** made a motion to send **S 1077** to the floor with a "**do pass**" recommendation.

**Rep. Wood(27)** said this is not a tax from a normal taxing district, it is taxed annually and the benefit analysis has been in place and would not be changed. He said there is the ability to understand what the assessment will be, it is set in statute. **Rep. Hagedorn** said the variable is the maintenance and operational costs. The benefit is set and if two districts decided to merge it may reduce costs. He said he thought this was a good bill but they didn't know all the pitfalls yet and it may come back, but it is a solid start. **Rep. Moyle** suggested that if this is the case, why not include the benefit analysis with the petition to the court. He said if the judge has the information on assessments with the petition, the people in the districts could also see the cost of the benefits and know how it would effect them.

**VOTE ON THE MOTION:** By a **show of hands** the **motion carried**, with **Reps. Shepherd, Eskridge, Moyle, Harwood, Wheeler, Andrus and Vander Woude** being recorded as voting **Nay**. **Rep. Boyle** will sponsor the bill on the floor.

**ADJOURN:** There being no further business to come before the Committee, the meeting adjourned at 4:52 p.m.

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Representative Stevenson  
Chairman

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Susan Werlinger  
Secretary

AGENDA  
HOUSE RESOURCES & CONSERVATION COMMITTEE  
1:30 P.M.  
Room EW40  
Wednesday, March 09, 2011

SUBJECT	DESCRIPTION	PRESENTER
<a href="#">SCR 105</a>	Wild lands	Sen. McKenzie
<a href="#">H 231</a>	Hunting, certain aircraft use	Rep. Moyle

***If you have written testimony, please provide a copy of it to the committee secretary to ensure accuracy of records.***

COMMITTEE MEMBERS

Chairman Stevenson  
Vice Chair Shepherd  
Rep Wood(35)  
Rep Barrett  
Rep Moyle  
Rep Eskridge  
Rep Raybould  
Rep Bedke  
Rep Andrus  
Rep Wood(27)  
Rep Boyle  
Rep Hagedorn  
Rep Harwood  
Rep Vander Woude  
Rep Gibbs(Wheeler)  
Rep Pence  
Rep Higgins  
Rep Lacey

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MINUTES  
**HOUSE RESOURCES & CONSERVATION COMMITTEE**

**DATE:** Wednesday, March 09, 2011

**TIME:** 1:30 P.M.

**PLACE:** Room EW40

**MEMBERS:** Chairman Stevenson, Vice Chairman Shepherd, Representative(s) Wood(35), Barrett, Moyle, Eskridge, Raybould, Bedke (Bedke), Andrus, Wood(27), Boyle, Hagedorn, Harwood, Vander Woude, Gibbs (Wheeler), Pence, Higgins, Lacey

**ABSENT/  
EXCUSED:** None.

**GUESTS:** Toby Ashley; Joan Boren; Scott Brassy; Mike Boren; Wayne Triel; Josh Brandt; Ben Brandt; Gilbert Tuning; Carli Ashley; Brian Kelly; Ross Knight; Dean Hilde; Rod Blackstead; Joie McGarvin, ICOA; Brennan Lau; Brad Pintler; Wally Butler, Idaho Farm Bureau Federation; Sharon Kiefer, Idaho Department of Fish and Game.

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

**MOTION:** **Rep. Higgins** made a motion to approve the minutes of Tuesday, March 1, 2011. By a **voice vote** the **motion carried**.

**SCR 105:** **Sen. McKenzie** said this resolution arises from inevitable conflicts with the federal government who owns two thirds of land in the state. He said the wild lands inventory will potentially restrict uses on BLM land within the state. He said it is an important issue and the Governors from the West are concerned. **Sen. McKenzie** said this resolution asks the Secretary of Interior to abandon the wild land Wilderness Re-Inventory and requests the US Congress to honor the long-standing commitment to multiple use management of public lands in Idaho and the Western United States.

**Wally Butler**, Idaho Farm Bureau, spoke in support of the resolution and the items briefly touch on by **Sen. McKenzie**. He said if funding is not included for the project, developments would be billed for the cost of doing the inventory.

**MOTION:** **Rep. Wood(35)** made a motion to send **SCR 105** to the floor with a **DO PASS** recommendation. By a **voice vote** the **motion carried**. **Rep. Eskridge** will sponsor the resolution on the floor.

**H 231:** **Rep. Moyle** relayed a story that brought about the creation of this bill. He said the bill will not allow airplanes to land and the hunters to shoot big game in the same day. He said it only pertains to those who do not land at a designated airport. **Rep. Moyle** said these hunters would be required to stay overnight before they can hunt. He said there were some concerns from outfitters and guides with the language and he asked the Committee to possibly send this to General Orders to change the language. **Rep. Moyle** reviewed the policies of other states surrounding Idaho and said they have similar regulations.

**Rep. Moyle** answered questions from the Committee regarding the exclusion of helicopters, saying that helicopters are already covered in Code and thought it would be cleaner to have a new section aside from helicopters.

**Toby Ashley**, Self, told a story of hunting with a friend and their children. He said they flew into an area of public land that is landlocked by private land. He said they were confronted by another hunter at the time of the hunt and later questioned by Fish and Game personnel regarding the situation. He said he thought this legislation was about access to public land and has to do with private landowners that have limited access to land that belongs to the state.

**Mike Boren**, Self, said he believes in life, liberty and the pursuit of happiness and that laws should only restrict those things to the protection of other people. He said he believes the genesis of the bill is interesting and comes from the incident described by **Toby Ashley**. He said he didn't think this bill will take care of the problem of unethical behavior. He said game doesn't stick around unless they are accustomed to airplanes coming and going. Mr. Boren said he didn't think this solved the problem of unethical hunting and only focuses on one thing. He said that just because a hunter is also a pilot doesn't mean they are unethical. He said there are other technical problems with the bill. It restricts hunters from leaving the same day they have hunted as well as the day they come in and that outfitters and guides are not in favor of the bill.

**Ben Brandt**, Self, said he is a non-motorized public land user and he does not seek to force others to choose the way he enjoys public land. He said this adds additional restrictions to public land use and doesn't see how it benefits Idaho or hunters. He said he was on the hunt explained by **Toby Ashley** and it was in his home where the Fish and Game officer questioned them. He said a false complaint was filed against them and the complaint was a lie. Mr. Brandt reviewed other points in the bill and said he appreciated the opportunity to address the Committee on this issue.

**Dean Hilde**, Self, spoke in opposition to the bill. He said he is a new resident of the state and has spent most of his life in Alaska. He said he had a hunting business using airplanes in Alaska and moved to Idaho because of the aviation opportunities here. He explained why Alaska has the same day rule, because of game management only, not because of ethical reasons. Mr. Hilde said he believed this restriction is singling out one method of transportation for hunting and it needs more definition.

**Rob Blackstead**, Self, said he concurred with the issues stated by the others. He said he didn't see any disadvantage from one method to another and gave examples of using boats, four wheelers and snowmobiles to do unethical hunting.

**Sharon Kiefer**, Department of Fish and Game, reviewed some technical points of the bill. She said the Commission has not had an opportunity to review the bill and has no opinion on the bill. She said Idaho Code provides for several unlawful provisions for the taking of wildlife and these activities are already unlawful. She said **H 231** does create a new prohibition effecting only aircraft.

**Rep. Moyle** said he was unaware of the other situation from the others that have testified, his situation was different. He said the bill is necessary and there is a reason why all the other surrounding states and Alaska have this restriction. He said if it is a concern for the other states, it should be a concern for Idaho. He said the bill will still allow a hunter to land an airplane on their private land and at public airports, they would just have to wait one calendar day to hunt. Rep. Moyle said he understands the concerns from outfitters and guides which could be addressed by sending the bill to General Orders.

**MOTION:**

**Rep. Barrett** made a motion to **HOLD H 231** in Committee. **Rep. Barrett** requested a **roll call vote**.

**SUBSTITUTE MOTION:**

**Rep. Wood(27)** made a substitute motion to send **H 231** to **General Orders**.

**Rep. Wheeler** invoked **Rule 38** and said he would **not vote**.

**Rep. Barrett** spoke in opposition to the substitute motion. **Rep. Wood(27)** spoke in favor of the substitute motion, saying airplanes are special and hunters in the air have the ability to spot game. The issue of land locked public land is a different issue that should be addressed at a different time. **Rep. Wood(35)** spoke in opposition to the substitute motion.

**Rep. Hagedorn** said they are mixing up issues. One issue is the access to public land which needs to be addressed. He said with that issue aside there are other issues with the language in the bill which can be fixed in General Orders. He said the intent is not to have a two or three day hunting period, but aircraft do provide a different advantage in hunting. This is the reason why the other states have similar restrictions and it makes good ethical sense to have a waiting period. **Rep. Hagedorn** said he understands the concerns from the outfitters and guides and the language can be amended. He spoke in support of the substitute motion to send the bill to General Orders.

**Rep. Andrus** spoke in support of the substitute motion, saying it is a simple fair chase issue and there is a distinct advantage to those who use aircraft.

**Rep. Barrett** said the people that testified today didn't flush game out. She said this is now one more regulation that takes away the freedom of an individual of when and how he is going to hunt. She said amendments won't solve the problem and she doesn't care what other states are doing. As this should not be what determines what we legislate. She said we should leave this little ounce of freedom for the time being and move on.

**ROLL CALL  
VOTE:**

By a **roll call vote**, the **substitute motion carried, 12 aye and 5 nay, 1 abstain**. **Voting in favor** of the substitute motion: **Reps. Moyle, Eskridge, Raybould, Bedke (Bedke), Andrus, Wood(27), Boyle, Hagedorn, Pence, Higgins, Lacey and Stevenson**. **Voting in opposition** to the substitute motion: **Reps. Shepherd, Wood(35), Barrett, Harwood and Vander Woude**. **Rep. Gibbs (Wheeler) abstained**. **Rep. Moyle** will sponsor the bill on the floor.

**ADJOURN:**

There being no further business to come before the Committee, the meeting adjourned at 2:53 p.m.

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Representative Stevenson  
Chairman

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Susan Werlinger  
Secretary

AGENDA  
HOUSE RESOURCES & CONSERVATION COMMITTEE  
1:30 P.M.  
Room EW40  
Tuesday, March 15, 2011

SUBJECT	DESCRIPTION	PRESENTER
<a href="#">H 272</a>	Hydropower water leasing	Jerry Rigby, Rigby, Thatcher & Andrus
<a href="#">H 273</a>	Ground water district bonding authority	Rep. Bedke

***If you have written testimony, please provide a copy of it to the committee secretary to ensure accuracy of records.***

COMMITTEE MEMBERS

Chairman Stevenson  
Vice Chair Shepherd  
Rep Wood(35)  
Rep Barrett  
Rep Moyle  
Rep Eskridge  
Rep Raybould  
Rep Bedke  
Rep Andrus  
Rep Wood(27)  
Rep Boyle  
Rep Hagedorn  
Rep Harwood  
Rep Vander Woude  
Rep Gibbs(Wheeler)  
Rep Pence  
Rep Higgins  
Rep Lacey

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MINUTES  
**HOUSE RESOURCES & CONSERVATION COMMITTEE**

**DATE:** Tuesday, March 15, 2011

**TIME:** 1:30 P.M.

**PLACE:** Room EW40

**MEMBERS:** Chairman Stevenson, Vice Chairman Shepherd, Representative(s) Wood(35), Barrett, Moyle, Eskridge, Raybould, Bedke, Andrus, Wood(27), Boyle, Hagedorn, Harwood, Vander Woude, Gibbs (Wheeler), Pence, Higgins, Lacey

**ABSENT/  
EXCUSED:** Representative Moyle

**GUESTS:** Wally Butler, Idaho Farm Bureau; Lynn Tominaga, Idaho Ground Water Appropriators; Norm Semanko, Idaho Water Users Association; Kent Lauer, Idaho Farm Bureau.

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

**MOTION:** **Rep. Boyle** made a motion to approve the minutes of Wednesday, March 9, 2011. By a **voice vote** the **motion carried**.

**H 272:** **Jerry Rigby**, Attorney, said he is representing a group on behalf of Water District 01 and this legislation was instigated by the Committee of Nine. He said the intent of this legislation is to create a more certain and predictable process for the leasing of water for hydropower purposes. He reviewed the reasons for the need to change the Code and the rental pool procedures. Mr. Rigby said this will clarify the relationship between the private, two-party water leasing provisions of Idaho Code sections 42-108A and 42-108B and the provisions of the water supply bank and rental pool statutes. He said this became an issue because those procedures have certain protections built in and he explained the history and consequence of this coming about. Mr. Rigby explained the language in the bill and believed it is the intent to have the two statutes work with one another and not conflict. Mr. Rigby explained the three modifications that were in the bill and said this language is consistent with the language already in Idaho Code.

**Mr. Rigby** answered questions from the Committee regarding a concern with how the language reads on a specific issue saying he believes this language is already in statute. He also answered questions regarding leasing water below and above Milner Dam saying the present procedures allow for a series of conditions to occur where water may be leased below Milner Dam and the procedures do not allow for private leases below Milner. He said change is the only thing that is consistent with the pool rental because the water year is never the same. He said leases of the water pool is still based on a priority system.

**Rep. Raybould** explained rental pools and the procedures that are followed for water leases. He reviewed present day rules and said they do get changed regularly due to drought and water reservoir situations.

**Mr. Rigby** answered concerns from the Committee regarding this legislation making it easier to lease water below Milner Dam. He said it would make it more difficult to lease water below Milner Dam because the procedures have protections built in. He said there are two different systems that have to come under the same criteria and that is what they are trying to do with this bill. He said they are also adding that the procedures cannot contradict each other.

**MOTION:** **Rep. Bedke** made a motion to send **H 272** to the floor with a **DO PASS** recommendation.

**Jim Tucker**, Idaho Power, said Idaho Power has expressed the desire to continue to lease water to give the company a tool to keep power rates low in Idaho. He said they have a system that doesn't create risk to space holders and there is dialog on the process for moving forward.

**Mr. Rigby** addressed more questions from the Committee regarding the water policy in the state and water for irrigation taking precedence. He explained how the lease of water by another entity effects the water use for irrigation. Mr. Rigby said their position is, water for agriculture is primary and they will stand by that. Mr. Rigby reviewed some concerns with the language in the bill saying some language was added to make it more clear that there will be no contradiction between statutes.

**VOTE ON THE MOTION:**

By a **voice vote** the **motion carried** with **Rep. Lacey** being recorded as voting **Nay**. **Rep. Stevenson** will sponsor the bill on the floor.

**H 273:**

**Chairman Stevenson** said because there are conflicts in **H 273** that need to be worked out, the bill will not be heard today in Committee.

There being no further business to come before the Committee, the meeting adjourned at 2:24 p.m.

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Representative Stevenson  
Chairman

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Susan Werlinger  
Secretary

AGENDA  
**HOUSE RESOURCES & CONSERVATION COMMITTEE**  
1:30 P.M. or Upon Adjournment  
Room EW40  
Thursday, March 17, 2011

<b>SUBJECT</b>	<b>DESCRIPTION</b>	<b>PRESENTER</b>
<a href="#"><u>H 247</u></a>	Special big game auction tags Discussion of Endowment Commercial Leasing Policy	Rep. Moyle

***If you have written testimony, please provide a copy of it to the committee secretary to ensure accuracy of records.***

COMMITTEE MEMBERS

Chairman Stevenson  
Vice Chair Shepherd  
Rep Wood(35)  
Rep Barrett  
Rep Moyle  
Rep Eskridge  
Rep Raybould  
Rep Bedke  
Rep Andrus  
Rep Wood(27)  
Rep Boyle  
Rep Hagedorn  
Rep Harwood  
Rep Vander Woude  
Rep Gibbs(Wheeler)  
Rep Pence  
Rep Higgins  
Rep Lacey

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MINUTES  
**HOUSE RESOURCES & CONSERVATION COMMITTEE**

**DATE:** Thursday, March 17, 2011

**TIME:** 1:30 PM or Upon Adjournment

**PLACE:** Room EW40

**MEMBERS:** Chairman Stevenson, Vice Chairman Shepherd, Representative(s) Wood(35), Barrett, Moyle, Eskridge, Raybould, Bedke, Andrus, Wood(27), Boyle, Hagedorn, Harwood, Vander Woude, Gibbs (Wheeler), Pence, Higgins, Lacey

**ABSENT/  
EXCUSED:** Representative Higgins

**GUESTS:** Erik Makrush, Idaho Freedom Foundation; Robert Forrey, Self; Laurie Boackel, Idaho PTA; Sharon Kiefer, Idaho Dept. of Fish and Game; John Runft, Self; Grant Burgoyne, Self; Todd Hatfield, Self; Burk Mantel, Self; Douglas Schleis, Self; Jessica Harrison, Idaho School Board Assoc.; John Caywood, Self; Doug Sayer, Self.

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

**Rep. Wheeler** invoked **Rule 38** in regards to **H 247** and said he would not be voting or debating on the bill.

**H 247:** **John Watts**, representing Douglas Sayer, said this legislation is a measure that takes a unique step forward for Idaho's big game. He said what the bill seeks to accomplish in the short and long term is to seek more revenue for the Department to do wildlife management. Mr. Watts said **H 247** is the product of several iterations and is not taken lightly. He said they have attempted to craft a bill so that the funds generated would go for causes that would help every hunter in the state. Mr. Watts reviewed the key components of the bill saying these tags are designated as the Governor's auction tags and will be signed by the Governor. He said the bill develops limits and a time frame for the use of the tags and designates how many tags are allocated for each species. He said the tags are taken from the non-resident pool and no Idaho hunter will be displaced. Mr. Watts said the point is to generate revenue for wildlife management and not for a non-profit organization to make money. He said the bill designates how the funds are to be used, 30% would go to Access Yes for all hunters in Idaho and 70% would be used for wildlife habitat and management projects for quantity and quality of big game herds. He said part of the 70% could also be used for research and planning activities the Commission would approve for habitat solutions. Mr. Watts said in 2011 we need to work together to create the best big game herds in Idaho.

**Douglas Sayer**, self, said this is a good opportunity and we are sitting on a resource that is overlooked and taken advantage of. He said this is an opportunity for the state to create funds for an investment in the future. Mr. Sayer said this is an opportunity for Idaho to change the way we do business, by taking a resource and maximizing it. He said to do something important it takes revenue, this is an investment in the future that relates to tourism. He encouraged the Committee to demand performance from the Department of Fish and Game and this can be used as a model for that performance.

**Sharon Kiefer**, Department of Fish and Game, said she must acknowledge the Department has had the opportunity to give technical reference on the legislation. She reviewed what the Department currently has for special tags of this nature. She said H 247 creates new special auction tags designated as Governor's tags but the bill takes away the Commission's ability to provide direction of where the special tags are valid. She said the tags are taken from the non-resident pool and are consistent with the existing special tag framework. Ms. Kiefer said the Commission has a resource and hunting concern and they do not know the consequences for outfitters and their clients. She said the revenue is important, however, the Commission is concerned if the consequence reduces buyer opportunity. Ms. Kiefer said the Commission does not support the bill.

**Ms. Kiefer** answered questions from the Committee regarding how these special tags are different from the special tags currently being used. She said currently the Commission has the discretion to designate the validity of the tag, with the new section, the tags can be used in any designated area for the species. If any unit is open for hunting that species, the tag would be valid.

**Burk Mantel**, Self, said in 1982 he came up with the proposal to allow the Fish and Game Commission to make tags available for auction. They created a sportsmen group to lobby on the bill and initially when the idea was proposed the Commission opposed auctioning tags. He said this became very controversial. Mr. Mantel reviewed some criticisms and reservations in the Legislature at the time. He said the legislation eventually passed in 1986 and another tag by lottery was later created. He said to prevent criticism of the Department the bill could be amended so the Fish and Game Commission could appoint a sportsmen committee to review who the extra tags will go to. Mr. Mantel also said the extra sheep tag will pollute the other two sheep tags that are already available. He said he believed the revenue projections were over estimated and he urged the Committee to table the legislation until there has been more public input on the legislation.

**John Caywood**, Sportsman, said he is concerned the bill is a response to interests groups and will defer from the common tag purchaser. He said the revenue may not be adequate and the time frame may be a problem. He said this will alienate the common hunter that cannot afford these special auction tags and if the goal is to create revenue they should increase the bidding on the big horn sheep tags that already exist.

**John Watts** said he appreciates the comments from the Fish and Game and sportsmen and gave a summary of the issues that were raised. He said the Department already auctions tags in Idaho and the Fish and Game Commission can restrict the area of hunt. He reviewed the revenue amounts for special tags in surrounding states and said the money goes to the Fish and Game Commission for access and habitat programs. Mr. Watts said the tags come from the non-resident pool and won't harm Idaho hunters. He said if the bill needs to go to General Orders to tighten the language that would be fine.

**MOTION:**

**Rep. Raybould** made a motion to send **H 247** to General Orders. **Rep. Hagedorn** seconded the motion.

**John Watts** answered questions from the Committee regarding the 5% of the revenue that goes to the organization that auctions the tag saying this covers the costs to the organization for advertising and managing the auction of the tag. He also answered questions regarding how this issue was brought up, saying the issue has been discussed for many years and it has been the desire and interest of sportsmen groups to do this each year. He said the Fish and Game Department proposed this concept this year but later withdrew it. He said he and Mr. Sayer decided to bring it forward again.

**Sharon Kiefer**, Department of Fish and Game, answered questions regarding the reason the Department withdrew their bill on this issue. She said they recognized there was another bill on the same subject and the Commission felt they would have a more objective position to offer concerns if they didn't have their own bill on the table. She said they felt it was best to withdraw their bill. She answered other questions regarding the fiscal projections of the legislation saying the projections were not an unreasonable estimation.

**ROLL CALL  
VOTE:**

**Rep. Barrett** requested a roll call vote. By a **roll call vote the motion carried, 14 Aye, 0 Nay, 3 Absent/Excused, 1 Abstain. Voting in favor** of the Motion: **Reps. Shepherd, Wood(35), Barrett, Moyle, Raybould, Bedke, Andrus, Wood(27), Boyle, Hagedorn, Vander Woude, Pence, Lacey and Stevenson. Reps. Eskridge, Harwood and Higgins were absent/excused. Rep. Wheeler abstained. Rep. Moyle** will sponsor the bill on the floor.

**Rep. Vander Woude** said there is a concern with the way the Department of Lands is using money and their proper role in government. He said according to the Attorney General opinion on the issue the Land Board may acquire land in the state for the benefit of public schools. Rep. Vander Woude referred to his co-sponsor for the legal aspects of the proposed legislation.

**Grant Burgoyne**, Self, said this hearing is not on the proposed legislation but on the issues in the legislation. He said this will level the playing field of a government that owns a business and whether a government has an advantage in business that others do not have. He said the sponsor's hope was to not have the State of Idaho operating a business and owning operations and providing services. Mr. Burgoyne said it is a historic fact for trust and endowments to own lands and improve lands but there should be no intervention in the private sector. He said this is an important issue and the Department seems to have adapted itself to those kinds of activities. He said these are nontraditional actions and he didn't think this was an appropriate role for government to play.

**Mr. Burgoyne** answered questions from the Committee regarding the line in business of who the state can and cannot compete with. He gave an example of the state owning a storage unit, saying he didn't think it was a problem for the state to own land but it is a problem for the state to own and operate the business. He said the state can be a passive investor in business. He said the state has land and forest ownership and that is what makes sense and works, it is historic and the market has adapted to it. Mr. Burgoyne also answered questions regarding Endowment Lands, saying the state should be careful when moving beyond traditional roles and most would agree that it is going to far for the state to own and operated businesses that are in direct competition with the public.

**John Runft**, Attorney, said he was asked to look into the issue and the concerns are two fold. He said to what extent should government get into business and what is the entrepreneurial risk to the Endowment Fund. He said a third concern is if the Land Board is operating a private enterprise, what would be involved. Mr. Runft said these three concepts are the basis of the proposed legislation. He said in designing the proposed legislation they were not trying to define private enterprise, but limiting certain things that could be done. He said most of the money used comes from the sale of Endowment Lands. Mr. Runft reviewed the fiduciary duties of the Land Board. He said if the Land Board gets into business, there will be selection of opportunities which could lead to more lobbying and trying to influence government. Mr. Runft reviewed the deposit process of the proceeds from land sales into the Land Board Fund or into the Permanent Endowment Fund. He said this would restrict the Land Board's ability to hold money in the Land Board Fund for five years.

**Mr. Runft** answered questions from the Committee regarding this restriction on the Land Board and if it would create a conflict of interest, were someone on the Land Board could sue the state of Idaho. Mr. Runft said this could create a conflict of interest, but the suite would have to be brought as a private person or the person on the Land Board could get a private party to bring the law suite. He said he didn't see a breakdown of order on the Land Board.

**Rep. Raybould** said this is an interesting discussion to consider seriously the function of the Land Board regarding passive and active investments. He said the Land Board is not an active investing group because they are operated by professional managers. The example of storage units have a professional manager to operate the business. He said there is always a risk with the business and the professional managers that manage the funds. Rep. Raybould said he is convinced that they are already in private business and their business is to make money for our school system. He said the more this is discussed the more he is convinced the Land Board is doing the best to get the greatest return of investment for our schools.

**Mr. Runft** said they are trying to avoid designating in statute what type of business the Land Board can and cannot get in to. He said the Land Board does engage in investment, mostly in agriculture, that is why it is exempted in the proposed legislation. He said they are not trying to divide one kind of business with another but they are trying to limit the amount of funds from the sale of land. **Rep. Hagedorn** remarked that this is the struggle, of where to draw the line and how to level the playing field. He said the Land Board does not pay property tax or sales tax on land that they own and this is an advantage to the state. Mr. Runft said they tried to avoid this issue, so they restricted the use of the funds so the funds from a land sale will go directly into the Endowment Fund.

**Robert Forrey**, Self, said the Land Board acquired 16 businesses that are in direct competition with private business. He said some were acquired through trade, which is legal, but the Land Board wants to expand. He reviewed a few investments the Land Board is considering. He said there has to be a limit and a stopping point. He said trust lands are not public lands and the Department of Lands plan to expand their commercial holdings. Mr. Forrey reviewed the Legislature's role, authority and duty and said it is constitutional for the Legislature to get this involved in the Land Board. He said Endowment Lands were granted to the state and the money from the sale of this land goes into the Permanent School Endowment Fund and stays there. He said the earnings from this fund goes out to the schools. Mr. Forrey said the Land Bank Fund was created by the Legislature and authorized by the Constitution and determines how long the money will stay in this fund, which is currently five years. He said the Department of Lands is using the Land Bank Fund proceeds to buy other land and the money is not going out to schools. He said the schools need the money right now and the funds should be secure. He said the money is not going into the Permanent Endowment Fund to be used by the schools. Mr. Forrey explained what the permanent funds should be invested in, in the original constitution. He said the amendments say "or other investments" and investments are a higher risk.

**Rep. Wheeler** said he was on the interim Committee that created the Land Bank Fund provision. He said at the time the Department needed the flexibility to put the money into the Land Bank Fund. He explained the history and said this is a different economic climate. He said there was always concern with the five year period. Rep. Wheeler said this was not the intent of the Legislature at the time of the conception of the Land Bank Fund and these funds are not being used for what they were initially intended for.

**Laurie Boackel**, Idaho PTA, said there are concerns with the impact that surround discussions of the proposed legislation and the state's ability to generate money for the education budget. She said each state has a fiduciary duty to the beneficiaries. She reviewed the duties to obtain revenue. She said Endowment Lands are not state lands like public land, it is a trust and actions by the state are to be in benefit of the states children. She said it is critical that state leaders keep children in mind.

**Rep. Hagedorn** said this is the balance they are struggling with. He said if they restrict Endowment Lands, funds would have to be made up with General Fund money. He said if they create an advantage for businesses, is that fair of the state in allowing businesses to compete with less cost as associated with taxes than other businesses in the state. **Ms. Boackel** said she didn't feel the beneficiaries should have an advantage but also beneficiaries should not be hindered. She said they should do with lands in the state what was intended.

**Todd Hatfield**, Self, said the funds were secure, but the Department was allowed to invest in equity markets. He said timber management is what the Department is good at but they have limited this to encourage more commercial investment. He said the Department has reduced the small timber sales in the state and the Department is trying to manipulate the market. Mr. Hatfield said the Department runs the trust like a business. He said there is a penalty if timber is not sold, but the Department keeps the timber to sell again. He said in December there was a large deal to put private timber into conservation and put it out of production. He asked if they are manipulating the market for the future.

**Karen Etcheverry**, Idaho School Board Assn., said she believes the Land Board does a good job managing properties. She said the Endowment Investment Board is an oversight for the Endowment Management Fund and this is different from the Land Board. She said they are two different entities and manage different things.

**Erik Makrush**, Idaho Freedom Foundation, said there is a question of where to draw the line on the Land Board's ability to make good investment decisions. He said there is a concern with the funds going into other convalescent types of businesses and if it is not a good investment it means it is losing money. He said there is not a guarantee in investment. He said the Land Board has done a good job with good smart investments in past years. He encouraged the Committee to bring the proposed legislation forward and have a good discussion and give direction for the Land Board.

**George Bacon**, Department of Lands, said there has been some concern over this issue and a lot of confusion and misstatements. He said all funds are working and making money all the time because they are investing. He said he could bring a report back to the Committee at a later time.

**Rep. Vander Woude** said they are drawing a line and it is the responsibility of the Legislature to draw the lines. He said there needs to be discussion on where to draw the line on the state owning property. He urged the Committee to seek where the line should be drawn.

**ADJOURN:** There being no further business to come before the Committee, the meeting adjourned at 4:21 p.m.

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Representative Stevenson  
Chairman

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Susan Werlinger  
Secretary

AGENDA  
HOUSE RESOURCES & CONSERVATION COMMITTEE  
1:30 P.M.  
Room EW40  
Monday, March 21, 2011

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SUBJECT	DESCRIPTION	PRESENTER
<a href="#">H 274</a>	Wolves	Rep. Hart

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***If you have written testimony, please provide a copy of it to the committee secretary to ensure accuracy of records.***

COMMITTEE MEMBERS

Chairman Stevenson  
Vice Chair Shepherd  
Rep Wood(35)  
Rep Barrett  
Rep Moyle  
Rep Eskridge  
Rep Raybould  
Rep Bedke  
Rep Andrus  
Rep Wood(27)  
Rep Boyle  
Rep Hagedorn  
Rep Harwood  
Rep Vander Woude  
Rep Gibbs(Wheeler)  
Rep Pence  
Rep Higgins  
Rep Lacey

COMMITTEE SECRETARY

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MINUTES  
**HOUSE RESOURCES & CONSERVATION COMMITTEE**

**DATE:** Monday, March 21, 2011

**TIME:** 1:30 P.M.

**PLACE:** Room EW40

**MEMBERS:** Chairman Stevenson, Vice Chairman Shepherd, Representative(s) Wood(35), Barrett, Moyle, Eskridge, Raybould, Bedke, Andrus, Wood(27), Boyle, Hagedorn, Harwood, Vander Woude, Gibbs (Wheeler), Pence, Higgins, Lacey

**ABSENT/  
EXCUSED:** Representative Bedke

**GUESTS:** Tiffany Perrine, Self; Sharon Kiefer, Idaho Department of Fish and Game; Joie McGarvin, Bill London, Craig Mickelson, Idaho Conservation Officers Assoc.; Stephen Goodson, Governor's Office; Bonnie Butler, Governor's Office; Wayne Hoffman, Idaho Freedom Foundation.

**Chairman Stevenson** called the meeting to order at 3:23 p.m.

**MOTION:** **Rep. Higgins** made a motion to approve the minutes of Tuesday, March 15, 2011. By a **voice vote** the **motion carried**.

**H 274:** **Rep. Hart** said he had been given the opportunity to review the wolf issue. He said they would like more communication with stakeholders on this legislation and would suggest the bill go to the amending order to add clarifications. He reviewed the history of the issue and said the legislative intent is as important as any other part of the bill. He said the intent is that Idaho is stuck with wolves and willing to manage them, even though we didn't want them. Rep. Hart reviewed parts of the management plan and said we don't really know how many wolves are in Idaho. He said with the number of wolves we do have there will be increasing conflict with humans and livestock. He said the legislation is a statement that Idaho is on record that we saw this coming but our hands are tied. He said this is an unfunded mandate to Idaho and an increased cost to the people who raise livestock. Rep. Hart reviewed other points of the bill.

**MOTION:** **Rep. Barrett** made a motion to send **H 274** to **General Orders**.

**Rep. Hart** answered questions from the Committee regarding who needed to be involved in amendments to the bill, saying he needed to have more contact with the Department of Fish and Game and the Conservation Officers Association.

**SUBSTITUTE MOTION:** **Rep. Hagedorn** made a substitute motion to **hold H 274 at the call of the chair**. He said the Committee needs more time to get an opinion from the Attorney General's office and to get the amendments in order before it is sent to the floor.

**Rep. Hagedorn** withdrew the substitute motion because of time constraints.

**Sharon Kiefer**, Department of Fish and Game, said there are technical issues in the bill they would like to discuss with **Rep. Hart**. She said if the bill goes to General Orders they will discuss potential amendments with the sponsor.

**Bill London**, Idaho Conservation Officers Assn., said with the Governor's letter to the Secretary of the Interior, the Governor largely removed Fish and Game from wolf management. He said the conservation officers are instructed to be a good witness, but the officers are not doing the investigations. They are handing this over to the federal agency. He said **H 274** attacks the conservation officer's integrity and is an ethical breach and violation of the public's trust. He said the legislation makes the officer the defendant and is subject to penalty.

**Mr. London** answered questions from the Committee regarding the genesis of the organization and how many officers had a say in the opinion of the organization to oppose this legislation.

**Wayne Hoffman**, Idaho Freedom Foundation, spoke in support of **H 274**, saying he didn't think the language of the bill is too different from the Governor's letter. He said under state law, wildlife is supposed to be property of the state and the state has jurisdiction over state wildlife. He said the bill is iterating public policy from the Governor. Mr. Hoffman answered questions from the Committee.

**Sharon Kiefer**, Department of Fish and Game, said there is a distinction between the Governor's letter and the bill proposal. She said when the Governor made the designation that the state would not manage wolves it meant they would not conduct investigations or do enforcement of a violation but they would defer this to the US Fish and Wildlife Service. She said this falls within the law officers code of ethics. She said under the Governor's letter there is a specific article to cooperate with all federal agencies. This means if they receive information they can pass it along to a federal officer. Ms. Kiefer said the distinction in the bill would statutorily prohibit a conservation officer to pass on information to a federal agency. She said they would like to talk with the sponsor and rectify this concern.

**ROLL CALL  
VOTE:**

**Rep. Barrett** requested a roll call vote. By a **roll call vote** the **motion carried, 17 aye, 0 nay, 1 absent/excused. Voting in favor** of the motion: **Reps. Shepherd, Wood (35), Barrett, Moyle, Eskridge, Raybould, Andrus, Wood (27), Boyle, Hagedorn, Harwood, Vander Woude, Gibbs (Wheeler), Pence, Higgins, Lacey and Stevenson. Rep. Bedke was absent/excused. Rep. Hart** will sponsor the bill on the floor.

There being no further business to come before the Committee, the meeting adjourned at 4:16 p.m.

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Representative Stevenson  
Chairman

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Susan Werlinger  
Secretary

**JOINT  
 HOUSE RESOURCES & CONSERVATION COMMITTEE  
 AND  
 SENATE RESOURCES & ENVIRONMENT COMMITTEE  
 1:30 P.M.  
 Auditorium WW02  
 Wednesday, March 23, 2011**

SUBJECT	DESCRIPTION	PRESENTER
1:30 p.m.	<b>House Resources and Conservation Committee Only</b> Wolf Report	David Hensley, Governor's Office
2:00 p.m.	<b>Joint meeting with Senate Resources &amp; Environment Committee</b> El Paso Natural Gas - Ruby Pipeline  Sagebrush Habitat Conservation Fund	James Cleary, Western Pipelines  Debra Ellers & Pat Olsson, Sagebrush Habitat Conservation Fund

***If you have written testimony, please provide a copy of it to the committee secretary to ensure accuracy of records.***

COMMITTEE MEMBERS

Chairman Stevenson	Rep Wood(27)
Vice Chair Shepherd	Rep Boyle
Rep Wood(35)	Rep Hagedorn
Rep Barrett	Rep Harwood
Rep Moyle	Rep Vander Woude
Rep Eskridge	Rep Gibbs(Wheeler)
Rep Raybould	Rep Pence
Rep Bedke	Rep Higgins
Rep Andrus	Rep Lacey

COMMITTEE SECRETARY

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MINUTES  
**HOUSE RESOURCES & CONSERVATION COMMITTEE**

**DATE:** Wednesday, March 23, 2011

**TIME:** 1:30 P.M.

**PLACE:** Auditorium WW02

**MEMBERS:** Chairman Stevenson, Vice Chairman Shepherd, Representative(s) Wood(35), Barrett, Moyle, Eskridge, Raybould, Bedke, Andrus, Wood(27), Boyle, Hagedorn, Harwood, Vander Woude, Gibbs (Wheeler), Pence, Higgins, Lacey

**ABSENT/  
EXCUSED:** None.

**GUESTS:** Lance Hebdon, Idaho Department of Fish and Game; Darl Glead, ICA; Max Firth, Oneida County; Cecil Sweeten, Oneida County; Jim Little, Self; Lyn Darrington, Gallatin Public Aff.; Pat Olsson, Debra Ellers, Sagebrush Habitat Conservation Fund; Jim Cleary, Ruby Pipeline; Lisa LaBolle, OER; Jeff Faulkner, WLA; Terry Williams; Grant Simmonds, Idaho Outfitters and Guides Assn.; Karen Wallrans, ICA; Wyatt Prescott, ICA; Wally Butler, Farm Bureau; Kate Langford, Idaho Department of Lands; Kellie Mitchell, IAC; Seth Grigg, IAC; Tom Bowman, Blaine/IAC; Patti Lousen, Blaine; Craig Hill, WP Water Commission; Norm Semanko, IWUA; Jessica Barrie, IWAA Intern; Pat Barclay, ICIE; Tom Strosceiw, Latah County; Brenda Tominaga, IIPA; Kent Lauer, Idaho Farm Bureau; Nate Fisher, OSC.

**Chairman Stevenson** called the meeting to order at 1:35 p.m.

**MOTION:** **Rep. Higgins** made a motion to approve the minutes of Thursday, March 17, 2011. By a **voice vote** the **motion carried**.

**MOTION:** **Rep. Boyle** made a motion to approve the minutes of Monday, March 21, 2011. By a **voice vote** the **motion carried**.

**David Hensley**, Deputy Chief of Staff, Governor's Office, gave a brief update on the wolf situation. He gave some background and a history on the delisting process and the court case to this point. He said currently there is the possibility for a settlement on the court case between the federal government and 10 of the 14 original environmental groups who initiated the case. Mr. Hensley reviewed the terms of the settlement. He said any Congressional action to delist wolves would make the settlement null and void if it is signed by the President. He said the Governor's position is that the state needs to manage the species under the state management plan. The Governor will continue to support and call for a Congressional decision to delist wolves and the Governor does not take a formal position on the settlement.

**Mr. Hensley** answered questions from the Committee regarding the impact of any Congressional action making this settlement null and void. He answered questions regarding the four remaining environmental groups that are not a part of the settlement and their ability to continue the 10j injunction. These four environmental groups are The Humane Society of the U.S., Friends of the Clearwater, Western Watershed Project and Alliance for Wild Rockies.

The House Resources and Conservation Committee adjourned at 1:59 p.m.

**JOINT  
MEETING:**

**Chairman Pearce** call the joint meeting of the House Resources and Conservation Committee and the Senate Resources and Environment Committee to order at 2:04 p.m.

**James Cleary**, President, El Paso Western Pipeline Group, said the Ruby Pipeline is a 680 mile pipeline currently under construction. He reviewed where the pipeline starts and ends and the cost. Mr. Cleary said during the process of environmental impact review a number of law suits were filed. He said currently there are about a half dozen litigations they haven't settled with. He said currently the pipeline is about 85% welded out and should be completed in July of 2011. Mr. Cleary said a settlement was agreed upon in June of 2010 with Western Watershed Project and an independent fund was set up. He said the fund does not belong to Western Watershed and has specific limited purposes for conservation efforts. He said this was a way to resolve the litigation and go forward with construction of the pipeline. Mr. Cleary said the funds are not to be used directly by Western Watershed or for litigation.

**Debra Ellers**, President and Executive Director, Sagebrush Habitat Conservation Fund, reviewed the stakeholders involved with the fund. She said when the settlement was entered into, they created a nonprofit organization to administer the fund. Ms. Ellers explained the mission statement is "To Protect and Restore Sagebrush Habitat in the American West to benefit Native Wildlife Through Voluntary Conservation". She reviewed the methods of conservation the fund can utilize and listed potential locations for projects in Idaho. Ms. Ellers gave examples of statutory permit retirements and land use plan permit retirements. She gave reasons why a permittee would be interested in retiring a permit and reviewed the mechanics of permit retirement. She also reviewed the benefit of permit retirement. Ms. Ellers said they are doing outreach and are already working on several interesting projects. She gave an example of a project in Utah.

**Mr. Cleary**, El Paso Western Pipeline Group, answered questions from the Committee regarding the impact to Idaho when the existing pipeline doesn't go through Idaho, saying there are several branches that feed into Idaho from the main pipeline. He also answered questions regarding the conflict from the pipeline construction that resulted in the settlement, saying his view is there should not have been a conflict because the route of the pipeline was reclaimed. Many environmental groups said there was an impact on plants and native species during construction and after the route was reclaimed there is impact on sagegrouse. He disagreed there was a conflict and said he thinks it is a very environmentally sound project.

**Mr. Cleary** answered more questions regarding the decision to fund a group who's mission is to remove the livestock from public lands and how is removing public lands from Idaho going to alleviate the scars from other states that are involved. Mr. Cleary said the fund is controlled by an independent board with a mission that is different from Western Watershed Project. He said there could be voluntary selling of grazing permits but the fund is not focused on Western Watershed's mission but on a conservation mission.

**Mr. Cleary** answered questions regarding the settlement with this group when there are still other litigations pending, saying they settled with two litigants and haven't settled with the others. He said the company has fought and won five emergency stays and have continued to work on the project. He said they may possibly see a court decision this summer. Mr. Cleary said part of his job is to mitigate risks and this was a risk mitigation for Ruby Pipeline.

**Mr. Cleary** said he understands the frustration of ranchers, as a project developer he feels it as well. He said the fund will only do transactions on permits with willing sellers who have their own reasons for doing the transaction. He said the company is trying to help public land users and they have reached an agreement in principle to set up an endowment with the Public Lands Council for the livestock industry. He said the fund's principles are only to buy out permits against willing sellers. He said the fund is not set up to bid against permit holders that are not willing to sell, it is not the purpose of the fund.

**Mr. Cleary** answered several questions regarding the settlement saying it was a way for Ruby Pipeline to come to a solution and thought it was a better outlet than litigation. He also said Ruby Pipeline does not plan to increase the fund any further, but it is a 501C3 organization whose funds could be increased through other means.

**Mr. Cleary** responded to questions regarding the negative effects of the local communities tax base and the strains on rural communities when the fund is used to purchase private land and retire permits. He said the fund facilitators have a broader array of measures they are pursuing and would be sensitive to local impacts and the tax base.

**Mr. Cleary** answered questions regarding the benefit of the fund after the restoration and the reconstruction of the land has already been done by the Ruby Pipeline project, saying the fund will employ conservation measures to mitigate the broad impacts of the Ruby Pipeline and improve habitats elsewhere along the way.

There being no further business to come before the Committee the Joint Meeting adjourned at 3:21 p.m.

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Representative Stevenson  
Chairman

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Susan Werlinger  
Secretary

AGENDA  
HOUSE RESOURCES & CONSERVATION COMMITTEE  
1:30 P.M.  
Room EW40  
Tuesday, March 29, 2011

SUBJECT	DESCRIPTION	PRESENTER
<a href="#">H 318</a>	Ground water districts	Rep. Bedke
	Report from Idaho Secretary of State	Ben Ysursa, Sec. of State
	Report from Idaho Department of Lands	George Bacon, Director

***If you have written testimony, please provide a copy of it to the committee secretary to ensure accuracy of records.***

COMMITTEE MEMBERS

Chairman Stevenson  
Vice Chair Shepherd  
Rep Wood(35)  
Rep Barrett  
Rep Moyle  
Rep Eskridge  
Rep Raybould  
Rep Bedke  
Rep Andrus  
Rep Wood(27)  
Rep Boyle  
Rep Hagedorn  
Rep Harwood  
Rep Vander Woude  
Rep Gibbs(Wheeler)  
Rep Pence  
Rep Higgins  
Rep Lacey

COMMITTEE SECRETARY

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MINUTES  
**HOUSE RESOURCES & CONSERVATION COMMITTEE**

**DATE:** Tuesday, March 29, 2011

**TIME:** 1:30 P.M.

**PLACE:** Room EW40

**MEMBERS:** Chairman Stevenson, Vice Chairman Shepherd, Representative(s) Wood(35), Barrett, Moyle, Eskridge, Raybould, Bedke, Andrus, Wood(27), Boyle, Hagedorn, Harwood, Vander Woude, Gibbs (Wheeler), Pence, Higgins, Lacey

**ABSENT/  
EXCUSED:** Representative Higgins

**GUESTS:** Jack Stuart, Self; Doug McConnaughey, KBOI Weekend Idaho; Clif Squires, Self; Candice McHugh, Idaho Ground Water Users/Ground Water District; Norm Semanko, Idaho Water Users Assn.; Brenda Tominaga, Idaho Ground Water Appropriators; David Lowentinal, KBOI; John Runft, Self; Robert Forrey, T.A.C.; Wayne Hoffman, Idaho Freedom Foundation; George Bacon, Dept. of Lands; Rick Waitly, Food Producers; Jane Whittmeyer, Whittmeyer & Assoc. LLC.

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

**H 318:** **Rep. Bedke** said this bill allows ground water districts to have access to the bond market. He said it allows them to get a competitive rate. He said this has been an ongoing problem between the ground and surface water users and the ground water users need to be able to correct their own problem. Rep. Bedke said they looked into the statute regarding bonding for ground water users and the statute was lacking in this respect. He said assessments put on ground water districts was not in the lien position like surface water districts. He explained that liens take precedence and stay with the property which gives the canal company assurance that their assessments will be paid. Rep. Bedke said that ground water districts need to be put into the same lien priority so they are in the same position as surface water districts. He said this legislation will help the ground water districts take control of the purchase of water and will solve ongoing friction between ground water and surface water users.

**Rep. Bedke** answered questions from the Committee regarding the security or collateral the ground water users would give for the bond, saying the people buying the bonds need an assurance and this allows the ground water assessments to be put as a lien on the property if the assessments are not paid. The bond holders can go through the collection process and are secure that the money lent will be paid. He also answered questions regarding the time frame for a foreclosure on the property, saying this legislation will elevate the lien so it can be in line with the existing procedure.

**Candice McHugh**, Ground Water Districts, said the ground water users are looking to access the bond market. She said the legislation includes language to give assurances and allow access to those markets.

**Norm Semanko**, Idaho Water Users Association, said they had some issues with the other legislation that was drafted, but have worked through those issues. Mr. Semanko gave an example of water user entities using this authority. He said it is very important for water users to have this ability and they have no opposition to **H 318**. He said the Water Users Association is supportive of this bill and helped draft the language.

**Mr. Semanko** answered questions from the Committee regarding who is responsible for issuing the bond, saying it would be the delivery organization. He also responded to questions regarding the foreclosure procedure, saying the terms of the foreclosure is in the bond documents.

**Clive Strong**, Deputy Attorney General, answered questions regarding the foreclosure procedure, saying the foreclosure is determined when a member doesn't pay and the decision is made locally by the entity. He said the organizations have the time frame of when the assessments need to be paid and it would be spelled out in their bylaws.

**MOTION:**

**Rep. Raybould** made a motion to send **H 318** to the floor with a **DO PASS** recommendation. By a **voice vote** the **motion carried**. **Rep. Bedke** will sponsor the bill on the floor.

**Ben Ysursa**, Secretary of State, gave an overview of the Land Board and their duties. He said since 1974 he has been around the Land Board and the issues have evolved into complex land issues. Mr. Ysursa said he felt the issues proposed need to be discussed in an interim committee. He explained the fiduciary duties the Land Board has to the state and the trust beneficiaries. Mr. Ysursa said the trustees are concerned with current and future beneficiaries and he explained who the beneficiaries do not include. He said the idea of the state competing with private enterprise is a difficult issue and should be worked through. Mr. Ysursa reviewed the cottage site plan and said they were in the "disposal mode or exchange mode" of the plan. He said this was a recommendation of the Land Board. He said they did have a public comment period on this issue which had just closed. He said the cottage site disposition plan is a draft recommendation and a work in progress.

**Mr. Ysursa** answered several questions from the Committee regarding retaining some of the land base for investments, determining the defining line of what can be invested in and the need for the sale of endowment land to be by public auction. Mr. Ysursa also answered questions regarding the Land Board paying taxes on returns of the investments, saying the Land Board does not pay any taxes.

**George Bacon**, Idaho Department of Lands, said the Constitution does name the Land Board as the trustee of the trust and the trust is all the endowment assets. He said the Land Board has to manage endowments as a whole and the whole trust concept is important. Mr. Bacon said they have undivided loyalties to the beneficiaries and he explained who the beneficiaries are. He said that both the land and the money that comes from the land is working all the time. Mr. Bacon reviewed the three funds and said investments are designed to provide diversity and to reduce risk. He said lack of diversity is a real problem for the trust right now and currently 85% of endowment land earnings come from timber harvest. He said the heavy dependence solely on the forest asset type is unwise. Mr. Bacon said the Board has determined that it needs further diversity to achieve sound financial returns. He said one of the potential diversifications is commercial assets, which cover a broad array of investments. He said many types of projects can coexist with other investments. Mr. Bacon said there is concern the Land Board is competing with the private sector but the Land Board has always competed with the private sector. Mr. Bacon said there is concern with owning buildings but the definition of land includes buildings. He reviewed the procedure of using the Land Bank Fund and said the money in the Land Bank Fund is working money and part of an investment portfolio.

**Mr. Bacon** answered questions from the Committee regarding land available for gas or geothermal activity and the forest land market. He said there is some active prospecting going on now for geothermal and gas. He said because the timber market is a fluctuating market they want to keep that investment and want to develop other assets that may compliment this investment. Mr. Bacon explained the percentage of funds that go into the Land Bank Fund and the process. He gave examples of transactions that have gone through the Land Bank Fund. Mr. Bacon answered questions regarding grazing leases on endowment lands saying the Department has many hats, one is to manage the trust fund, one is manage land to maximize revenue. He said they have made changes on how they operate those types of lands and have also been given regulatory duties such as forest fire protection and protecting their own range lands. He said there is some timber land that is at a high elevation or in a scenic area and can't be managed as intensely. He said these lands are earmarked for transition but the Department still manages them.

There being no further business to come before the Committee, the meeting adjourned at 4:49 p.m.

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Representative Stevenson  
Chairman

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Susan Werlinger  
Secretary

AGENDA  
HOUSE RESOURCES & CONSERVATION COMMITTEE  
Upon Adjournment  
Room EW40  
Friday, April 01, 2011

SUBJECT	DESCRIPTION	PRESENTER
<a href="#">S 1197</a>	Taxidermists/fur buyer	Sen. Pearce

***If you have written testimony, please provide a copy of it to the committee secretary to ensure accuracy of records.***

COMMITTEE MEMBERS

Chairman Stevenson  
Vice Chair Shepherd  
Rep Wood(35)  
Rep Barrett  
Rep Moyle  
Rep Eskridge  
Rep Raybould  
Rep Bedke  
Rep Andrus  
Rep Wood(27)  
Rep Boyle  
Rep Hagedorn  
Rep Harwood  
Rep Vander Woude  
Rep Gibbs(Wheeler)  
Rep Pence  
Rep Higgins  
Rep Lacey

COMMITTEE SECRETARY

Susan Werlinger  
Room: EW62  
Phone: (208) 332-1136  
email: [swerlinger@house.idaho.gov](mailto:swerlinger@house.idaho.gov)

MINUTES  
**HOUSE RESOURCES & CONSERVATION COMMITTEE**

**DATE:** Friday, April 01, 2011

**TIME:** Upon Adjournment

**PLACE:** Room EW40

**MEMBERS:** Chairman Stevenson, Vice Chairman Shepherd, Representative(s) Wood(35), Barrett, Moyle, Eskridge, Raybould, Bedke, Andrus, Wood(27), Boyle, Hagedorn, Harwood, Vander Woude, Gibbs (Wheeler), Pence, Higgins, Lacey

**ABSENT/  
EXCUSED:** Representative(s) Barrett and Higgins

**GUESTS:** Sharon Kiefer, Idaho Department of Fish and Game; Gary Schroeder, Self; Colleen Andrus, Wife.

**Chairman Stevenson** called the meeting to order at 1:01 p.m.

**MOTION:** **Rep. Boyle** made a motion to approve the minutes of Wednesday, March 23, 2011 and Tuesday, March 29, 2011. By a **voice vote** the **motion carried**.

**S 1197:** **Sen. Pearce** said this bill is an answer to a problem in Idaho Code 36-603, dealing with possession of wildlife hides. He said an incident happened in the state which was a large misunderstanding of the law. He said this bill takes the misunderstanding and corrects it. Sen. Pearce gave an example of a tannery receiving hides from out-of-state and that some states may not require a tag. He said this will provide the procedure for record keeping in these situations and will clarify other record keeping procedures.

**MOTION:** **Rep. Bedke** made a motion to send **S 1197** to the floor with a **DO PASS** recommendation.

**Sharon Kiefer**, Department of Fish and Game, said this bill provides important and useful clarification for the Department, taxidermists, furbuyers, and tanneries regarding record keeping requirements for lawful origin and proof of ownership. She said the Fish and Game Commission supports this bill.

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

**Chairman Stevenson** recognized the Committee Page, **Jenee Walters**, for her work with the Committee the second half of the Session.

**ADJOURN:** There being no further business to come before the Committee, the meeting adjourned at 1:09 p.m.

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Representative Stevenson  
Chairman

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Susan Werlinger  
Secretary

AGENDA  
**HOUSE RESOURCES & CONSERVATION COMMITTEE**  
1:30 P.M. or Upon Adjournment  
Room EW40  
Tuesday, April 05, 2011

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SUBJECT	DESCRIPTION	PRESENTER
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Approval of Minutes

COMMITTEE MEMBERS

Chairman Stevenson  
Vice Chair Shepherd  
Rep Wood(35)  
Rep Barrett  
Rep Moyle  
Rep Eskridge  
Rep Raybould  
Rep Bedke  
Rep Andrus  
Rep Wood(27)  
Rep Boyle  
Rep Hagedorn  
Rep Harwood  
Rep Vander Woude  
Rep Gibbs(Wheeler)  
Rep Pence  
Rep Higgins  
Rep Lacey

COMMITTEE SECRETARY

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MINUTES  
**HOUSE RESOURCES & CONSERVATION COMMITTEE**

**DATE:** Tuesday, April 05, 2011  
**TIME:** 1:30 PM or Upon Adjournment  
**PLACE:** Room EW40  
**MEMBERS:** Chairman Stevenson, Vice Chairman Shepherd, Representative(s) Wood(35), Barrett, Moyle, Eskridge, Raybould, Bedke, Andrus, Wood(27), Boyle, Hagedorn, Harwood, Vander Woude, Gibbs (Wheeler), Pence, Higgins, Lacey  
**ABSENT/  
EXCUSED:** Representatives Moyle, Bedke and Gibbs (Wheeler)  
**GUESTS:** None.  
A quorum being present, **Chairman Stevenson** called the meeting to order at 1:30 p.m.  
**MOTION:** **Rep. Raybould** made a motion to approve the minutes of Friday, April 1, 2011. By a **voice vote** the **motion carried**.  
**Chairman Stevenson** expressed his appreciation to the Committee for their work this Session. He reviewed some issues and legislation the Committee has dealt with during the Session. He thanked **Vice Chairman Shepherd** for his work on the rules and thanked the Committee for their participation.  
**ADJOURN:** There being no further business to come before the Committee the meeting adjourned at 1:34 p.m.

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Representative Stevenson  
Chairman

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Susan Werlinger  
Secretary