

MINUTES  
**SENATE RESOURCES & ENVIRONMENT COMMITTEE**

- DATE:** Wednesday, February 01, 2012
- TIME:** 1:30 P.M.
- PLACE:** Room WW55
- MEMBERS PRESENT:** Chairman Pearce, Vice Chairman Bair, Senators Cameron, Siddoway, Brackett, Heider, Tippetts, Werk, and Stennett
- ABSENT/ EXCUSED:** None
- NOTE:** The sign-in sheet, testimonies, and other related materials will be retained with the minutes in the committee's office until the end of the session and will then be located on file with the minutes in the Legislative Services Library.
- CALL TO ORDER:** **Chairman Pearce** called the meeting to order at 1:30 P.M. He announced that the print hearing for the two RS's on the agenda will be postponed until all Committee members are in attendance. Committee consideration will be given for the appointees to Boards/Commissions.
- MOTION:** **Senator Siddoway moved** to send the Gubernatorial appointment of **Robert Hansen to the Department of Parks and Recreation** to the floor with the recommendation that it be confirmed by the Senate. **Vice Chairman Bair seconded** the motion. The motion **passed** by unanimous voice vote. **Senator Siddoway** will be the **floor sponsor**.
- MOTION:** **Senator Cameron moved** to send the Gubernatorial appointment of **Charles Correll to the Department of Parks and Recreation** to the floor with the recommendation that it be confirmed by the Senate. **Senator Siddoway seconded** the motion. The motion **passed** by unanimous voice vote. **Senator Cameron** will be the **floor sponsor**.
- MOTION:** **Senator Tippetts moved** to send the Idaho Fish and Game Commission's appointment of **Alex Irby to the Outfitters and Guides Licensing Board** to the floor with the recommendation that it be confirmed by the Senate. **Senator Heider seconded** the motion. The motion **passed** by unanimous voice vote. **Senator Nuxoll** will be the **floor sponsor**.
- CORRECTION:** **Chairman Pearce** stated that previously the announcement of Mr. Irby's appointment was made by the Governor, which was in error. The appointment was made by the Fish and Game Commission. This notice is to retract the previous announcement and to correct the error.
- RS 21045:** **Senator Siddoway** explained that this legislation would allow that any landowner issued a landowner appreciation program controlled hunt tag may sell the tag to another person. He declared a conflict of interest.
- MOTION:** **Vice Chairman Bair** made the **motion** to send RS 21045 to print. **Senator Tippetts seconded** the motion. The motion **passed** by unanimous voice vote.
- RS 21019:** **Senator Brackett** stated that his RS is similar to Senator Siddoway's RS and that he has no objection to the RS sponsored by Senator Siddoway; however, he feels that his RS goes further to help the sportsmen, as it would provide reasonable access to hunting. He, too, declared a conflict of interest.
- MOTION:** **Senator Cameron** made the **motion** to send RS 21019 to print. **Senator Heider seconded** the motion. The motion **passed** by unanimous voice vote.

**PASSING OF GAVEL:** The **Chairman** passed the gavel to **Vice Chairman Bair** who will preside over the hearing of two rules.

**DOCKET NO. 20-0315-1102:** *Rules Governing the Issuance of Geothermal Leases.* **Vice Chairman Bair** said this Rule had been previously reviewed, but there were concerns from both Industry and the Idaho Conservation League. Since that hearing, Representative Stevenson, the Vice Chairman, representatives from ICL, Industry, and the Idaho Department of Lands held a meeting and developed a "fix" to improve the Rule.

**TESTIMONY:** **Vice Chairman Bair** called on **Mr. Scott Nichols, representing US Geothermal**, who had attended the above referred-to meeting. Mr. Nichols said after meeting with Mr. Brammer from IDL and the meeting in the House, he wished to offer an "olive branch" and move forward. He stated that with Mr. Brammer's commitment to address some critical issues in the Rules, he recommends approval of the Rules.

**TESTIMONY:** **Ms. Lara Rozzell**, who works with the **Idaho Conservation League on Public Land Energy Issues** testified next. She stated that they had some concerns, but after the meeting Friday morning, they are satisfied that there is a clear path forward in working with the Department and this is the best option.

**TESTIMONY:** **Mr. Bob Brammer, Assistant Director of the Lands, Minerals, and Range Division for the Idaho Department of Lands (IDL)** stated that he understands the concerns regarding this Rule and that he would take responsibility for not giving the Rule as much attention as they should have. The Department is trying to be adaptable and in the rulemaking process, they will go back and look at the sections where there are concerns. Mr. Brammer said that he is making a commitment to the Committee that they will reopen rulemaking to resolve unresolved issues. He reminded the Committee that these are leasing rules for all state lands, but predominately endowment lands. Under the Constitutional mandate, the Department is trying to get the best deal that is out there and of course, Industry is trying to get the best deal they can, so there is a tension. However, if Industry is not out there, the Department does not get development or revenue. Mr. Brammer stated that they need to be reasonable in their approach.

**Senator Cameron** asked to be informed of the progression of the Rules throughout the year. He encouraged the Department to listen to the concerns of the people involved and added that it felt uncomfortable to approve rules, by everyone's admission, that are not workable. The Senator said that he would encourage the Department to do a better job up front.

**MOTION:** **Senator Tippets** made the **motion** (reluctantly) to approve Docket No. 20-0315-1102. The motion was **seconded** by **Senator Siddoway**. The motion **passed** by unanimous voice vote.

**Vice Chairman Bair** thanked the Committee for their patience and forbearance as they worked through that issue.

**DOCKET NO. 20-0702-1102:** *Rules Governing Oil and Gas Conservation in the State of Idaho.* He announced that this Rule has been carried-over from last week to allow for more testimony to be heard.

**TESTIMONY:** First to testify was **Gayle Poorman** from Cambridge. She is concerned that the proposed regulations on the gas drilling industry do not go far enough to protect their drinking water. A copy of her complete testimony is on file.

**TESTIMONY:** **Mr. Lee Halper** also testified in opposition to this Rule.

**TESTIMONY:** **Ms. Alma Hassee**, Fruitland, asked that the rulemaking process be opened back up for public comment and public hearings. Her closing statement of her testimony was "Until sound, peer-reviewed science can conclusively show that fracking poses no danger to public health, animal health, and the very environment that we all require to exist, we should use the Precautionary Principle and refrain from these activities., At this time, there is a great deal of evidence that fracking is not safe. We can live without a natural gas glut, we cannot live without clean water to drink and produce our food." A copy of her testimony is on file.

**TESTIMONY:** **Ms. Tina Fisher**, who lives in Payette County near the New Plymouth impact zone testified that she is very concerned about contamination of their water, as well as other issues. A copy of her testimony is on file.

**TESTIMONY:** **Ms. Mary Sue Roach**, Weiser, was unable to attend, but submitted written testimony. She wrote ..... "I am very much aware that Idaho is in need of an economic boost but I hope it is not at the expense of our resources and our way of life." A copy of her testimony is on file.

**TESTIMONY:** **Mr. Justin Hayes, Idaho Conservation League**, testified next. He said their greatest concern was regarding "fracking". The rule, as written, will allow cancer causing chemicals in the fracking solution.

Mr. Hayes was asked if the ICL had ever supported the rule and the answer was no. He did say that parts of the rule are good and they do a pretty good job of deciding how to drill a well.

**Vice Chairman Bair** said time was up and the need to vacate the room for the next committee meeting. He indicated that this discussion would continue on Monday.

**PASSING OF GAVEL:** The **Vice Chairman** then returned the gavel to **Chairman Pearce**.

**ADJOURN:** **Chairman Pearce** adjourned the meeting at 3:02 P.M.

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Senator Pearce  
Chairman

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Juanita Budell  
Secretary