

MINUTES
HOUSE RESOURCES & CONSERVATION COMMITTEE

DATE: Monday, March 05, 2012

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 (DeVries), Vander Woude, Gibbs, Pence, Higgins, Lacey

**ABSENT/
EXCUSED:** Representatives Moyle, Gibbs and Lacey

GUESTS: Mark Woods, SITPA; Lindley Kirkpatrick, Christopher Meyer, City of McCall; Sandra Mitchell, IRC; Jeff Peppersack, IDWR; John Homan, AG IDWR; Craig Mickelson, Joie McGarvin, Russell Westerberg, ICOA; Marie Kellner, Johathan Oppenheimer, Idaho Conservation League, Benjamin Davenport, Risch Pisca; Andy Brunelle, US Forest Services, Jim Unsworth, IDFG; Elizabeth Criner, NWFPA

A quorum being present, **Chairman Stevenson** called the meeting to order at 2:52 p.m.

MOTION: **Rep. Raybould** made a motion to approve the minutes of Wednesday, February 29, 2012. **Motion carried by voice vote.**

Mark Woods, Southern Idaho Timber Protective Association (SITPA), said the Timber Protection Association's history is long in Idaho. He said cooperative fire protection is still in use today and is the core of the Association. He said anyone owning forest lands can become a member of the Association. It is voluntary and open to all forest landowners. He reviewed the three methods that private forest landowners can choose to meet Idaho's Association membership requirements. He reviewed the membership rates. He stated the Associations are organized as private non-profit organizations. He gave an overview of the organization. He explained his duties as forest warden. He said they have a history that is long and efficient and cost effective. He reviewed the number of fires in the districts in the last 20 years. He said the concept of cooperative fire management is the key to success. He said their mission is the preservation, perpetuation and protection of the forest and of the forest lands of Idaho. He thanked the legislators for the opportunity to speak to them.

Howard Weeks, Clearwater-Potlatch Timber Protective Association, thanked the members for the opportunity to share their presentation. He said in the 1900's fire protection associations began to be established. In 1925 the Idaho Forestry Act was established and fire prevention codes were added. He reviewed the Association's vision, concerns and efforts through the years. He reviewed the first decade of fire operation and said through the next three decades there was a decline. He said they now maintain a minimum level of fire losses. Mr. Weeks reviewed suppression capabilities and what they have to work with to protect the forest. He explained their work on the health of forests using prescribed fires, site preparation, and hazard reduction. He explained their concerns for Airsheds and smoke dispersion. He said they have a plan when doing prescribed burning to minimize the impact to the public. He reviewed some numbers for fire preparedness funding.

H 608: Ken Harward, Idaho Association of Cities, yielded to **Mr. Lindley Kirkpatrick** to explain the legislation.

Lindley Kirkpatrick, City of McCall, spoke in **support of H 608**. He said this bill will clarify that cities and sewer districts are not required to obtain a water right for distribution of waste water on land. He said they worked with the Department of Water Resources and the Association of Cities and both support this measure. He said this doesn't change anything about DEQ's reuse tools, it only allows cities to use wastewater on growing crops. He said McCall has a water treatment plant and a wastewater treatment plant. He said Water Resources has assured the city they can reuse waste water when they have a municipal water right. He said it is not clear that the city can reuse waste water from a plant that does not have a municipal water right. Mr. Kirkpatrick said McCall contracts from an irrigation district that does not have a water right. He said the bill is crafted narrowly. He reviewed the new language in the bill.

Christopher Meyer, Givens Pursley, representing the City of McCall, reviewed the legislation. He said it is a simple measure of whether cities must first obtain a water right for land application of waste water reuse. He said they approached Water Resources on the issue and there were a number of circumstances where there is a question of whether it is lawful or not. He said getting a water right could be a lengthy and contentious process. He said this measure would answer a simple question. He said they have worked closely with the Dept. of Water Resources and with the Idaho Water Users Association. He said they do not oppose this bill.

In response to Committee questions, **Mr. Meyer** said this legislation would not authorize or prohibit the city from having storm water run off processed through the wastewater treatment plant and discharge back into a canal. He also said this legislation does not apply any new authorities to cities for depositing affluent on growing crops. He said those situations are covered by DEQ rules and are separate from this legislation.

MOTION:

Rep. Raybould made a motion to send **H 608** to the floor with a **DO PASS** recommendation. **Motion carried by voice vote.** **Rep. Stevenson** will sponsor the bill on the floor.

H 542:

Craig Mickelson, ICOA, said he represents game wardens around the state. He said he strongly opposes **H 542**. He said the bill would reduce the ability for conservation offices to do their job. He reviewed the adverse effects of the bill.

Johathan Oppenheimer, Idaho Conservation League, said this bill removes the Fish and Game's ability to manage wildlife. He said it is appropriate for the Department to regulate hunters and those not pursuing game are not effected by the regulation. He said this is more about fair game hunting than it is about access. He encourage the Committee to withdraw the bill and work with Fish and Game on this issue.

Angela Rossmann, Idaho Wildlife Federation, said their issues have been addressed and they support the Fish and Game Commission and their ability to regulate hunting in certain units.

Benjamin Davenport, Idaho Outfitters and Guides Assoc., said this is not an anti-OHV issue. He said the issue has been more polarized since the last Session. He said the Association still has some concerns that this may potentially force the Fish and Game to use other tools to manage game. He said there is concern with the potential of a reduction in hunting opportunity.

Sandra Mitchell, Idaho Recreation Council, said the Association does not believe there should be a motor vehicle on every road in the state. She said they believe the Department making the decision has the right to regulate. She said the Fish and Game work with the Forest Service and the Forest Service manages the habitat and Fish and Game manages the wildlife. She said the goals of the motorized vehicle rule seem to vague, especially when the Forest Service and Fish and Game can work together for seasonal closures. She said on behalf of the Association they are asking for support of **H 542**.

Rep. Boyle thanked the Committee for their patience. She said to clear up some misconceptions, the ATV task force met two times. She said they asked the Attorney General for an opinion. She said the interim committee was told that any member of the committee could bring legislation. She said the issue is; the Fish and Game rule is not tied to a Statute. She stated an amendment would be very fitting and asked on page 2 line 21, to add "on federally managed land" after the word use. She said cross country travel of ATVs is now illegal on Forest Service and BLM land. She said travel management plans take two or three years to complete and more and more roads are being closed to ATVs. She said those who go through the travel plan are now seeing more regulation on the state level. She said she believed ATVs are not a method of take anymore than a horse would be. She said a method of take is a firearm or bow or trap.

MOTION: **Rep. Wood(35)** made a motion to send **H 542** to General Orders. **Rep. Barrett** seconded the motion. **Motion carried by voice vote.** **Rep. Boyle** will sponsor the bill on the floor.

ADJOURN: There being no further business to come before the Committee the meeting adjourned at 4:07 p.m.

Representative Stevenson
Chairman

Susan Werlinger
Secretary