

PROGRESS REPORT

Federal Lands Interim Committee HCR 21 (2013)

Members of the Committee:

Senator Chuck Winder, Co-chair
Senator Bart Davis
Senator John Tippets
Senator Sheryl Nuxoll
Senator Michelle Stennett

Representative Lawrence Denney, Co-chair
Representative Mike Moyle
Representative Eric Anderson
Representative Stephen Hartgen
Representative Grant Burgoyne

Staff: Katharine Gerrity, Toni Hobbs, Ray Houston

Table of Contents

Charge	3
Meetings.....	4
Scope of Study and Recommendations.....	4
Speakers	7

FEDERAL LANDS INTERIM COMMITTEE

2013

PROGRESS REPORT

Charge

The Federal Lands Interim Committee is a two-year committee formed in 2013 pursuant to the authority of HCR 21. The resolution authorized the committee to undertake and complete a study of the process for the State of Idaho to acquire title to and control of public lands controlled by the federal government in the state. The committee was directed to make a progress report to the Second Regular Session of the Sixty-second Idaho Legislature.

Meetings

The committee met in Boise on August 9, October 28 and December 4, 2013.

Scope of Study and Recommendations

During the August 9, 2013 meeting of the committee, Dr. Jay O’Laughlin, Ph.D., Professor of Forestry & Policy Sciences, Director of Policy Analysis Group, College of Natural Resources, University of Idaho, provided the members with a history and analysis of federally administered lands in Idaho. Dr. O’Laughlin also provided the committee with a detailed explanation of the Secure Rural Schools and Community Self-Determination Act of 2000, also known as the Craig-Wyden bill.

Dr. Donald J. Kochan, Professor of Law, Chapman University School of Law, addressed his legal analysis and case study of Utah’s Transfer of Public Lands Act and his perspective on Idaho’s opportunities. He also discussed in detail his legal theory of the federal government’s compact-based “duty to dispose” of public lands.

Following the academic presentations, the committee was briefed by Mr. Steve Strack, Deputy Attorney General, Natural Resources Division of the Office of the Attorney General, on the Idaho Constitution and his research on the founders’ understanding of state and federal authority over public lands. He also addressed past efforts by the state of Idaho and other states to study or obtain the transfer of federal lands and conclusions that were drawn. In addition, Mr. Strack provided the members with information associated with constitutional and other legal requirements for management of any federal lands that might be transferred.

Mr. Andy Brunelle, Capital City Coordinator, U.S. Forest Service, addressed the committee regarding responsibilities associated with management and use of national forests in Idaho. Mr. Kurt Wiedenmann, Branch Chief for Resources, Bureau of Land Management Idaho State Office, provided members with information regarding the challenges and progress associated with Idaho public lands management.

The final speaker of the day was Mr. David Groeschl, State Forester/Deputy Director, Forestry & Fire, Idaho Department of Lands. Mr. Groeschl addressed a hypothetical federal lands transfer, including an analysis of the potential impacts of legislation similar to Utah’s Transfer of Public Lands Act. He addressed the location of potentially transferable lands, potential timber harvests, potential revenue and potential costs as well as estimates associated with infrastructure development over a period of time.

During the committee’s October 28, 2013 meeting, members heard from a number of diverse panels. The committee requested that panels address the perceived benefits

and/or concerns relating to the present state of management, control and ownership of public lands held by the federal government in the state of Idaho as well as perceived benefits and/or concerns should management, control or ownership be transferred to the state. Panels represented included a tribal interest panel, a sportsmen/wildlife interest panel, a grazing interest panel, an environmental interest panel and a timber interest panel.

The tribal interest panel was comprised of Vice-Chairman Joel Moffett, Nez Perce Tribe, Chairman Nathan Small, Shoshone-Bannock Tribes and Mr. Helo Hancock, Legislative Director, Coeur d'Alene Tribe.

Members of the sportsmen/wildlife interest panel included Mr. Scott Stouder, Trout Unlimited, Ms. Holly Endersby, Backcountry Hunters and Anglers, Mr. Grant Simonds, Idaho Outfitters and Guides Association, and Mr. Marty Morache, Ada County Fish and Game League.

The grazing interest panel included Mr. Harry Soulen, Idaho Wool Growers, Mr. Richard Savage, Idaho Cattle Association, Mr. Wally Butler, range consultant for the Idaho Farm Bureau, and Mr. Ric Branch, Idaho State Grazing Board Central Committee.

Members of the environmental panel included Mr. Jonathan Oppenheimer, Idaho Conservation League, Mr. Bill Sedivy, Idaho Rivers United, Mr. Tom Flynn, Outdoor Alliance and Mr. Craig Gehrke with the Wilderness Society.

The final panel of the day was the timber interest panel and included Mr. Jerry Deckard, on behalf of Associated Logging Contractors, Mr. Jim Riley of Riley & Associates, Mr. Bob Boeh with the Idaho Forest Group, and Mr. Vincent Corrao of Northwest Management, Inc.

During the final meeting of the year which was held on December 4, 2013, the committee devoted two blocks of time, one in the morning and one in the afternoon, to public testimony.

In addition to public testimony, the committee also received testimony from Idaho County Commissioner Jim Chmelik, Valley County Commissioner Gordon Cruickshank, and Blaine County Commissioner Larry Schoen. As part of the public testimony there were three additional county commissioners addressing the committee; Boise County Commissioner Jamie Anderson, Shoshone County Commissioner Larry Yergler, and Custer County Commissioner Wayne Butts.

Mr. Jack Lyman of the Idaho Mining Association presented the committee with information associated with the federal classification of minerals. He noted that federal mining law allows individuals and companies to acquire the right to minerals through the process of discovery.

Mr. Seth Grigg with the Idaho Association of Counties presented the committee with the

results of a survey he was asked to share with the 132 county commissioners throughout the state. He told the members that one-half of the commissioners responded with thirty-four of Idaho's forty-four counties being represented.

Mr. Grigg noted that the association adopted a resolution at its fall meeting wherein it voted to support the work of the committee to explore the transfer of ownership of certain federal lands from the federal government to the state of Idaho, provided that in the event that there is a transfer of federal lands to the state, the state will permanently provide continuous funding to respective counties for the state owned lands.

The committee also took testimony from a group of presenters associated with various collaborative efforts in the state of Idaho and elsewhere. Members providing testimony included Mr. Will Whelan and Mr. Rick Tholen, with the Idaho Forest Restoration Partnership, Mr. Bill Higgins with the Clearwater Basin Collaborative, and Mr. Tom Richards with Northwest Management, Inc.

The final testimony of the December meeting was provided by Ms. Sandra Mitchell with the Idaho State Snowmobile Association and Mr. David Claiborne, Idaho State ATV Association, who provided the committee with information and perspectives of motorized recreationists in the state.

Recommendations will be presented to the First Session of the Sixty-third Idaho Legislature in January of 2015. The committee will continue to do its work over the remaining months of 2014.

Speakers

The following is a list of people, groups or agencies that testified or provided comments during one or more of the committee meetings:

Office of Congressman Mike Simpson

Mr. Doug Taylor, Office of Congressman Raul Labrador

Mr. Jay O'Laughlin, Ph.D., Professor of Forestry & Policy Sciences, Director of Policy Analysis Group, College of Natural Resources, University of Idaho

Mr. Donald J. Kochan, Professor of Law, Chapman University School of Law

Mr. Steve Strack, Deputy Attorney General, Natural Resources Division, Office of the Attorney General

Mr. Andy Brunelle, Capital City Coordinator, U.S. Forest Service

Mr. Kurt Wiedenmann, Branch Chief for Resources, Bureau of Land Management, Idaho State Office

Mr. David Groeschl, State Forester/Deputy Director Forestry & Fire, Idaho Department of Lands

L. Michael Bogert and Amy Lombardo, Parsons Behle & Latimer

Chairman Nathan Small, Shoshone-Bannock Tribes

Mr. Helo Hancock, Legislative Director for the Coeur d'Alene Tribe

Vice-Chairman Joel Moffett, Nez Perce Tribe

Mr. Scott Stouder, Trout Unlimited

Ms. Holly Endersby, Backcountry Hunters and Anglers

Mr. Grant Simonds, Idaho Outfitters and Guides Association

Mr. Marty Morache, Ada County Fish and Game League

Mr. Harry Soulen, Idaho Wool Growers

Mr. Richard Savage, Idaho Cattle Association

Mr. Wally Butler, Idaho Farm Bureau Range Consultant

Mr. Ric Branch, Idaho State Grazing Board Central Committee

Mr. Jonathan Oppenheimer, Idaho Conservation League

Mr. Bill Sedivy, Idaho Rivers United

Mr. Tom Flynn, Outdoor Alliance

Mr. Craig Gehrke, Wilderness Society

Mr. Jerry Deckard, on behalf of Associated Logging Contractors

Mr. Jim Riley, Riley & Associates

Mr. Bob Boeh, Idaho Forest Group

Mr. Vincent Corrao, Northwest Management, Inc.

Commissioner Jim Chmelik, Idaho County

Commissioner Gordon Cruickshank, Valley County

Commissioner Larry Schoen, Blaine County

Commissioner Jamie Anderson, Boise County

Commissioner Larry Yergler, Shoshone County

Commissioner Wayne Butts, Custer County

Mr. Jack Lyman, Idaho Mining Association

Mr. Seth Grigg, Idaho Association of Counties

Mr. Will Whelan, The Nature Conservancy, Idaho Forest Restoration Partnership

Mr. Rick Tholen, Idaho Forest Restoration Partnership

Mr. Bill Higgins, Clearwater Basin Collaborative

Mr. Tom Richards, Northwest Management, Inc.

Ms. Sandra Mitchell, Public Lands Director, Idaho State Snowmobile Association

Mr. David Claiborne, President, Idaho State ATV Association

Mr. Chuck Thomas

Mr. Ed Wardwell

Mr. George Bacon, Snake River Chapter of the Society of American Foresters

Dr. Evan Hjerpe

Mr. Russ Smerz

Vice-Chairman Buster Gibson, Shoshone-Paiute Tribes

Mr. Derek Farr

Mr. Lewis Work

Mr. Jeff Wright

Mr. Robert Neugebauer

Mr. Jack Trueblood

Ms. Valerie Candelaria

Mr. Chad Inman

Mr. Jack Stuart

Mr. Mike Larkin

Mr. Daryl Ford

Ms. Sheila Ford

Mr. Jeff Barney

Mr. Jim Nunley

Mr. Ken Postma

Ms. Anne Hausrath

Mr. Mark Hill

Ms. Viki Purdy

Ms. Kate Ringer

Mr. Forrest Goodrum

Ms. Carol Wiens

Ms. Angela Rossman

Ms. Sophie Owen

Mr. Del Kohtz

Mr. Duane Marler

Mr. Norm Nelson

Mr. Burk Mantel

Mr. Warren Grover

Mr. John Hoff

Dr. Karen Balch

Dr. Olin Balch

Mr. Larry Lundin

Mr. Richard Howard

Mr. Herb Malany

Mr. Todd Graeff

Mr. Donald Anderson

Mr. Roy Heberger

Mr. David Starr

Mr. Roger Inghram

Ms. Janice Inghram

Mr. Ron Hamilton

Ms. Christine Gertschen

Ms. Diane Jones

Ms. Cailin O'Brien-Feeney

Mr. Chris Schwarzhoff

Ms. Lois Schwarzhoff

Mr. Darrell Kenops

Dr. William Platts

Ada County Fish and Game League

Ms. Pam Conley

Ms. Tamsen Binggeli

Mr. Bryan Moore

Mr. William Pittman

Mr. Steven Huffaker

Mr. Mark Caywood

Ms. Anne Olden

Mr. Charles Graham