

MINUTES
SENATE RESOURCES & ENVIRONMENT COMMITTEE

DATE: Monday, February 04, 2013

TIME: 1:30 P.M.

PLACE: Room WW55

MEMBERS PRESENT: Chairman Pearce, Vice Chairman Bair, Senators Cameron, Brackett, Heider, Tippetts, Stennett and Lacey

ABSENT/ EXCUSED: Senator Siddoway

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.

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

ANNOUNCEMENTS: The **Chairman** stated that JFAC had extended invitations to all committee chairmen to appear before them with budget requests and/or suggestions for their respective committees. **Chairman Pearce** ask that committee members submit their requests to him within the next few days so that they may be reviewed (by the full Committee) before a presentation is made to JFAC.

Chairman Pearce announced that Ms. Sharon Kiefer from the Idaho Department of Fish and Game has provided each committee member with a folder containing answers to their questions from a previous meeting. (See Attachments 1 and 2.)

Also, Mr. Dustin Miller, Administrator, Office of Species Conservation, submitted an "Issues Briefing" regarding Sage-grouse, Slickspot Peppergrass, Woodland Caribou, North American Wolverine, Gray Wolves, and the Salmon-Challis National Forest Biological Opinions. (See Attachment 3.)

HEARING: Appearing before the Committee for his confirmation hearing was William B. Booth, who has been appointed to the Northwest Power and Conservation Council "(Council)", to serve a term commencing January 15, 2013 and expiring January 15, 2016.

Mr. Booth stated that he was first appointed to the Council in 2007 by the governor and that he also serves as a member of the governor's cabinet.

In 2008 and 2009, he was elected Chairman of the Council and has served as Chairman of the Council's Fish and Wildlife Committee. Mr. Booth has had extensive experience negotiating state and federal settlement agreements and environmental permits in both the public and private sectors.

He grew up on a ranch near Post Falls and is a 50-year Idaho resident. He is a former U.S. Air Force Officer and retired Vice President of Hecla Mining Company. As an instructor for North Idaho College, he taught Micro and Macro Economics, Environmental Economics and Accounting. Mr. Booth holds a Bachelor of Science degree in Business from the University of Idaho and is a Distinguished Military Graduate. He earned a Master of Business Administration while serving in the Air Force. In his spare time, he enjoys exploring the Idaho back country, spending time with his family and is an avid fly fisherman.

Mr. Booth provided information regarding the Council's background. In the late 1960's and 70's was a time of discord and anxiety for electricity producers and consumers in the Northwest. Hydropower was the primary source of electricity and the demand for power was growing but the power supply was not. New resources were needed.

In the 1960's, the region embarked on an ambitious effort to build new thermal power plants - coal and nuclear. A coal plant was built at Centralia, Washington, and the Trojan Nuclear Plant in Oregon. Others were started but never completed. The failure is called "demand forecasting." **Mr. Booth** said the region's largest power supplier, the federal Bonneville Power Administration and its utility customers, simply guessed wrong about how much electricity would be needed in the future. There were also two other problems. First, there was a growing unease that new generating plants were the only solution to the problem of increasing demand for power and second, Snake River salmon runs were declining and many people thought the dams on the Columbia and Snake rivers were the primary cause. With these three problems, Congress realized it needed to act.

Mr. Booth stated that it took four years, but in 1980 Congress passed the Pacific Northwest Electric Power Planning and Conservation Act "(Power Act)". Senator Jim McClure played a key role. This Act authorized the states of Idaho, Montana, Oregon, and Washington to create the Council. The Council met for the first time that April. The Council is an interstate compact and each state governor appoints two members to the Council. The Council has three specific responsibilities and they are: 1) Develop a regional power plan that looks 20 years into the future and revise the plan every five years. 2) Have a program to protect, mitigate, and enhance fish and wildlife that have been affected by hydropower dams in the Columbia River Basin. 3) The Council is to conduct its business in public and also to inform and involve Northwest citizens in its decision-making.

With regard to the Council's current power plan, which was completed in 2010, they identified about 7,000 megawatts of new demand for power over the 20 year planning horizon. A majority of that new demand can be met with improved energy efficiency and the remainder with new natural gas-fired plants and renewable power.

Mr. Booth addressed the issue of the fish and wildlife program. The Power Act requires the Council to base the program primarily on the recommendations of fish and wildlife managers in the region. The program does address all of the so-called Four H's of fish and wildlife improvements - habitat, hatcheries, hydropower and harvest. The program is funded by Bonneville and in fiscal year 2011, the total was \$221 million. Of this, about \$41 million went to entities in Idaho including the Department of Fish and Game, tribes, and the Office of Species Conservation. Habitat improvements are a major focus of the program, and in many places these improvements are accomplished in conjunction with hatchery programs. Idaho's ongoing effort to restore Redfish Lake sockeye is an example of a program that combines hatchery production and habitat improvements involving state, federal, and tribal interests.

In closing, **Mr. Booth** talked about the value of the Power Act and the Council. Points addressed were: equality, common goals, public involvement, low-cost power, national leader in energy efficiency, enhanced environmental quality, cultural benefits and economic development.

There was no one in the audience to testify for or against Mr. Booth.

Chairman Pearce thanked Mr. Booth for his willingness to serve on the Council and said voting would be held at the next committee meeting.

HEARING:

Ms. Susan Buxton, Gubernatorial Appointee to the Idaho Parks and Recreation Board, was the next speaker. Her term commenced August 1, 2012 and will expire July 1, 2018.

Ms. Buxton said that her family has enjoyed outdoor recreation in Idaho for four generations. They participate in motorized, non-motorized and equestrian modes of recreational activities. In her work, she has had the chance to work in the acquisition, construction and funding of parks and pathways. She stated that she has also worked with several motorized recreational groups in permitting events on state and federal lands and believes that those experiences would benefit the Idaho Parks and Recreation Board.

Ms. Buxton's education includes Whitman College, Bachelor of Arts in Philosophy, Minor in Biology; Portland State University; and the University of Idaho College of Law, Juris Doctorate. She has been admitted to practice law in five Courts. They are: State Court of Idaho; Federal District Court of Idaho; Federal District Court of Oregon; U.S. Federal Court of Claims; and Ninth Circuit Court of Appeals. Ms. Buxton has served as a Judicial Law Clerk for Judge James A. Redden and also for Roger A. Swanstrom, Idaho Court of Appeals. Other employment includes serving as City Attorney to over twenty Idaho cities and dozens of local government entities. During the last five years, she has appeared more before quasi-judicial bodies than in court rooms. During the recent real estate boom, most of those quasi-judicial matters related to land use applications.

She has also represented clients in proceedings before courts and agencies including: the U.S. Forest Service, Bureau of Land Management "(BLM)", Interior Board of Land Appeals, and federal cases in Oregon, Idaho, Washington, D.C., Colorado, Guam, Arizona and Montana. Matters addressed were issues from mining, grazing, recreation, land exchanges, depredation, air quality, water rights, to pollution control on both the federal and state levels. She has also assisted clients appearing before the Idaho Public Utilities Commission.

The Idaho Parks and Recreation Board is tasked with setting general policy direction for leaders and staff at the Idaho Department of Parks and Recreation "(IDPR)". In the press release of Ms. Buxton, IDPR Director Nancy Merrill said that Ms. Buxton will be a wonderful addition to the board, as she has extensive working relationships with recreational users throughout the state of Idaho, and broad-based experience working with local, state and federal agencies.

Vice Chairman Bair asked Ms. Buxton to describe her goals for IDPR and also, what would she improve? **Ms. Buxton** replied that she thinks the most important thing is to continue to maintain availability to the parks for the citizenry. By doing that, she said they need to work closely with the local governments and interested entities. Local vendors help support the parks and again, she stressed the need to work with them.

Vice Chairman Bair then asked her to identify problems associated with All Terrain Vehicles (ATVs) and ATV trails in Idaho. **Ms. Buxton** responded by saying that one of her previous jobs was working with ATV groups across the U.S. for trail access on public lands. Motorcycle groups only need a single track trail and ATVs need a wider track trail, but working with those groups and the BLM, it brings them together and that brings in revenue.

Senator Brackett inquired if Ms. Buxton would continue to register as a lobbyist and would she also continue in her law practice? Ms. Buxton said that she had no choice but to continue in her law practice and with regard to lobbying, it was working with local government entities dealing with public finance issues. She stated that she is not registered to lobby this year and she sees no forthcoming legislation from her clients that would require her to.

Senator Heider inquired about the Billingsley Creek State Park in Hagerman Valley and the development of it. **Ms. Buxton** said it is a unique park, especially for equestrians. It is also suited for all types of outdoors interests, such as camping, fishing, canoeing, hiking and looking for artifacts.

There was no one in the audience in testify for or against Ms. Buxton.

Chairman Pearce thanked Ms. Buxton for appearing before the committee.

HEARING:

Ms. Joan Hurlock, Gubernatorial Appointee to the Idaho Fish and Game Commission, was the next speaker. Ms. Hurlock was appointed to the Commission on July 1, 2012 and will serve until June 30, 2016.

The following information was provided by Ms. Hurlock:

When asked why she would like to serve on the Commission, her response was, "As the daughter of a Fish and Game Warden, the management and protection of wildlife and habitat was an integral part of my upbringing. I would like to serve on the Commission to ensure a perpetual supply of wildlife for future generations. Educating our youth on responsible harvesting practices is extremely important and I wholeheartedly support Hunter Education for children and adults alike. Idaho's legacy of hunting, fishing, and trapping needs to be preserved and our right to do these things needs to be cherished and protected."

Organizations that Ms. Hurlock is currently a member of includes the Buhl Chamber of Commerce, Magic Valley Republican Women, National Rifle Association, Sportsmen for Fish and Wildlife, lifetime member of Front Sight, a parent helper for the Boy Scouts of America, a parent helper for the 4-H Shotgun Club and the Southern Idaho Draft Horse and Mule Association.

Ms. Hurlock's civic duties have included Board of Directors, Buhl Chamber of Commerce; Vice Chair of School Board, Xavier Charter School; Treasurer, Southern Idaho Draft Horse and Mule Association; Twin Falls County Precinct Committee person; and Correspondence Secretary, Magic Valley Republican Women.

Ms. Hurlock received her Bachelor of Science Degree in Forensic Science from California State University at Sacramento. For the next three years, she worked as a forensic chemist with the Bureau of Alcohol, Tobacco, and Firearms and with the Explosives and Arson Unit in Walnut Creek, California. Later, she moved to Washington, D.C. and was a federal police officer and also a member of the United States Capitol Police. Ms. Hurlock is presently owner and president of The Body Works, Inc., in Buhl, Idaho.

Ms. Hurlock stated that she has been involved in the outdoors her whole life. She has involved her children in the outdoors also, enrolling them in the Hunter Education Class, and attending that class with them.

Ms. Hurlock said that she would like to address her qualifications. She said that Idaho Code says that to be on the Commission, you have to be a bona fide resident of the region in which you are applying for, declare your political party, and (she quoted) "No person shall be appointed a member of said commission unless he shall be well informed upon and interested in the subject of wildlife conservation and restoration." She said that she hopes to demonstrate that she is interested in and well informed on the subject of wildlife conservation and restoration. She said that she has read every wildlife game management plan that Idaho Fish and Game has, as well as the entire Fish and Game Code. Also, she stated that she is the only Commissioner who has taken the wolf trapping class.

As for her reasons to want to be on the Commission, **Ms. Hurlock** said her reasons are: 1) For her love for Idaho; 2) For the children; 3) Honor her father; and 4) Educate the public about the history of hunting and conservation.

- TESTIMONY:** Testifying in opposition to the appointment of Ms. Hurlock were the following: **Doug Palmer** and **Jack Oyler**. Also testifying in opposition and submitting written testimony were **Monte Bruhn, Jevon Benson, and Chantelle Benson**. Copies of their testimony are on file. (See Attachments 4, 5, 6.) Written testimony was submitted by **Priscilla Sisson** who also opposes the appointment. (See Attachment 7.)
- TESTIMONY:** Testifying in support of Ms. Hurlock were **Dyke Nally, Billie Dinges, Matt Bridges for Scott Claiborn** (See Attachment 8), and **Bill Benkula** (See Attachment 9).
- TESTIMONY:** **Ms. Bonnie Butler**, representative from the Governor's Office, was asked to clarify some questions regarding the interviewing process. She stated that her position is to act as coordinator for the interviewing panel.
- ANNOUNCEMENT:** **Chairman Pearce** said that concluded the hearing. He then announced that Wednesday's Committee meeting will start at 1:15 p.m. in this room, followed by a Joint Meeting at 1:30 p.m. in the auditorium
- ADJOURNED:** The **Chairman** adjourned the meeting at 4:00 p.m.

Senator Pearce
Chairman

Juanita Budell
Secretary