

MINUTES
SENATE RESOURCES & ENVIRONMENT COMMITTEE

DATE: Monday, March 11, 2013

TIME: 1:30 P.M.

PLACE: Room WW55

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

**ABSENT/
EXCUSED:**

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.

GUBERNATORIAL HEARING: Ms. Linda Mitchell has been reappointed to the Lake Pend Oreille Basin Commission and the committee hearing for her was accomplished through a conference call originating from Mexico where she spends part of her time.

Ms. Mitchell thanked the Chairman for allowing the flexibility of a conference call. She provided background information that she feels enables her to be a good candidate for the Basin Commission. **Ms. Mitchell** stated that she spends thousands of hours on Lake Pend Oreille and the Pend Oreille River, as she owns "Pend Oreille Cruises." She has great concerns for Idaho's resource (water).

Senator Siddoway asked her what some of the issues are and how are they solved. **Ms. Mitchell** replied that a critical issue at this time is the conflict with the Kalispel Tribe. Their reservation is located in the state of Washington and they are down river from the Pend Oreille River. They applied in the late summer months to de-water Lake Pend Oreille in order to benefit their fishery downstream. The Basin Commission, nor any other Idaho agencies, were included in the discussion. However, now several agencies are involved, including the Bonneville Power Administration (BPA) and the Corps of Engineers. She has high hopes that the de-watering will not come about.

Another issue is the enormous pressure on the Rathdrum aquifer which is fed by Lake Pend Oreille.

There is concern about aquatic invasive species, especially the quagga mussels. It requires continuous monitoring; however, the Inspection program is doing well and they plan to stay on top of that.

Ms. Mitchell was asked about the other members of the Commission and she said they are very diversified and are knowledgeable.

TESTIMONY: **Senator Keough** thanked Chairman Pearce for arranging the conference call between Ms. Mitchell and the Committee. She said that she supports Ms. Mitchell and that the Basin Commission is very important to their area.

Chairman Pearce thanked Ms. Mitchell for her service to the Basin Commission and said the Committee would vote regarding her reappointment at their next meeting. He said the next order of business is to approve some minutes.

- MOTION:** **Senator Heider** moved that the minutes of February 25 be approved. **Vice Chairman Bair** seconded the motion. The motion carried by **unanimous voice vote**.
- MOTION:** **Senator Siddoway** moved that the minutes of February 27 be approved. **Senator Tippets** seconded the motion. The motion carried by **unanimous voice vote**.
- MOTION:** **Senator Lacey** moved that the minutes of March 4 be approved. **Senator Stennett** seconded the motion. The motion carried by **unanimous voice vote**.
- Chairman Pearce** called on Representative Marc Gibbs to present **HJM 1**.
- HJM 1** **Representative Gibbs** said this Joint Memorial is to request that Congress urge the Secretary of Agriculture and the Chief of the United States Forest Service to reopen the Frank Church River of No Return Wilderness trail system for public use. Numerous large fires have resulted in tremendous damage and destruction to the watersheds, streams, wildlife habitat, scenic values, recreational use, historic structures, public access and safety, to name just a few. Hundreds of miles of trails have been severely damaged, blocked, rendered unsafe for travel or simply wiped out by fire, and the continuing destructive aftermath of blowdown, washouts and landslides have not been opened, cleared, repaired or replaced. The Joint Memorial declares the Frank Church River of No Return Wilderness and the adjacent national forest lands to be a Natural Resources Disaster Area. **Representative Gibbs** said he is not advocating for change, just wants Congress to live up to its agreement.
- TESTIMONY:** **Mr. John Robison**, Public Lands Director, Idaho Conservation League, testified in opposition to **HJM 1**. He said it is not correct by calling the Frank Church River of No Return Wilderness area a natural disaster area and it will do more harm than good. He agreed that the problem of trail maintenance is real, but the proposed solution does not help the cause. **Mr. Robison** said there needs to be a clear call to action for local communities, user groups and agency personnel to come together and get work done on the ground. A copy of his complete testimony is on file. (See Attachment 1).
- TESTIMONY:** **Mr. John Burns**, retired supervisor of the Salmon National Forest and representative of the Salmon River Chapter, Back Country Horsemen of Idaho, testified in favor of **HJM 1**. He was with the Forest Service for 33 years and he stated that the Forest Service has not met or anticipated meeting the requirement of the law, which states in Section 5 (b) of the Central Idaho Wilderness Act (CIWA) of 1980, "The Secretary shall, to the maximum extent practicable, consistent with the management plan required by this section, clear obstructions from all of the national forest trails within and adjacent to the wilderness on at least an annual basis." The intent of the Congress is also expressed in Report 96-414, House Report 96-838 and Conference Report 96-1126.
- Mr. Burns** further stated that the Memorial urges that prompt emphasis and priority be placed on long overdue actions by the Forest Service to address those conditions, and prevent further cumulative loss of the unique values in this Wilderness. It does not urge increased appropriations or changes in laws or regulations. The solutions lie within the existing authorities available to the Secretary and Chief, but firm and explicit leadership is needed. The Frank Church River of No Return Wilderness consists of 2.25 million acres and 2,500 miles of trails, as well as two world class rivers, the Salmon River Canyon and the Middle Fork of the Salmon. In the 32 years following passage of CIWA, the requirement of the Act has not been met. Trail maintenance has steadily declined and is now at a crisis point.

In closing, **Mr. Burns** said that the Frank Church River of No Return Wilderness is the largest in the lower 48 states and has many unique attributes. It should be managed as the flagship of the Wilderness System, an example of outstanding stewardship through common sense application of the principles expressed in the Wilderness Act of 1964 and the Central Idaho Wilderness Act of 1980. Unfortunately, that has not occurred, and will not unless the Secretary and Chief take a strong hand in the current crisis. A copy of Mr. Burns' testimony is on file. (See Attachment 2).

TESTIMONY: **Ms. Kiere Schroeder**, manager of the Sulphur Creek Ranch, also testified in favor of **HJM 1**. She stated that the Idaho Wilderness is a natural getaway and should be a source of pride. **Ms. Schroeder** feels there is a need to be more aggressive.

TESTIMONY: **Mr. Tom Demorest**, owner of the Diamond D Ranch for 51 years, expressed frustration with the Forest Service and the lack of maintenance on the trail system. He strongly supports **HJM1**.

TESTIMONY: **Mr. Mike Rust**, Flying Resort Ranches, also spoke about the trail system being in great need of repair. He supports **HJM 1**.

TESTIMONY: **Mr. Grant Simonds**, Executive Director, Idaho Outfitters and Guides Association, said that **HJM 1** emphasizes the current situation with trail conditions not only in the Frank, but elsewhere across Idaho and we need to find ways to stem the tide of loss of access while continuing to emphasize collaboration among all interested. IOGA supports the message in **HJM 1**. A copy of his testimony is on file. (See Attachment 3).

TESTIMONY: **Mr. Andy Brunelle**, Liaison for the United States Forest Service, provided background information on the Frank Church River of No Return Wilderness area trails. The Middle Fork District has 835.3 miles of trails and maintained 139 miles, plus some airstrips as part of their duty. The North Fork District has 453 miles of trails and maintained 169 miles. The Krassel District has 659.7 miles of trails and maintained 412 miles.

Mr. Brunelle stated that several groups have helped with trail maintenance. A partial list is as follows:

Back Country Horsemen (several chapters);
Selway Bitterroot - Frank Church Foundation;
Student Conservation Association;
Northwest Youth Corps; and
Idaho Trails Association.

When asked about the wording - "a natural disaster area" in the Memorial, **Mr. Burnelle** said that it is up to the legislature for the language it chooses.

TESTIMONY: **Mr. ValDean Schroeder**, guide at the Sulphur Creek Ranch, testified in support of **HJM 1**.

TESTIMONY: **Mr. Phil Ryan**, Public Lands Liaison for Back Country Horsemen (BCH), testified in support of **HJM 1**. He said that he has ridden and cleared trails in Idaho's national forests and wildernesses for 35 years. As a member of BCH, he has worked with other volunteer groups to clear the trail systems. A copy of his testimony is on file. (See Attachment 4).

**WRITTEN
TESTIMONY:**

Ms. Tammy Overacker, General Manager of the Flying Resort Ranches, Inc., submitted written testimony in favor of **HJM 1**. She stated that they privately hold property in the Frank Church Wilderness and have a special use permit to operate on Forest Service lands. She represents the corporation, dba Flying B Ranch on the Middle Fork of the Salmon and Root Ranch in the Chamberlain Basin.

She said that since the Central Idaho Wilderness Act of 1980, their areas have been severely affected by wilderness fires that have been managed according to the "let it burn" policy. Their combined areas of operation total approximately 307 square miles. They operate and pay taxes in four different counties of Idaho including: Custer, Idaho, Lemhi and Valley. They also operate on two different Idaho forests: Payette Forest, Krassel Ranger District and Salmon-Challis Forest, Middle Fork Ranger District. **Ms. Overacker** said they pay those forests three percent of their gross sales, forest grazing fees and fees for camp sites.

Ms. Overacker's letter indicated that three-fourths of her area has burned at least once and much of it has burned multiple times. Today, she has about one-third of her forest permitted area that they cannot access due to trail conditions. The "let it burn" policy has failed from a usage standpoint because there is no policy for area rehabilitation following the fire. Effects of fire are a several year rehabilitation program, not just one year. She said that they are being told from forest managers that their cost of trail maintenance is averaging \$2,200 per mile of trail. **Ms. Overacker** said her business is doing what they can and their cost is \$475 per mile. Their cost and time spent would be significantly less if they could use chain saws. The Frank has 2,500 miles of trail and currently the forest service is servicing about 20 percent of the trails system.

Ms. Overacker said that they want to see a heightened awareness to this issue and would like political support from the legislators to change the mindset of forest managers. She stated that they shouldn't be expected to fund that themselves and fight the battle they are fighting. They are overwhelmed with paperwork and restrictions, which increases their costs.

Ms. Overacker stated that they are not looking for or expecting federal natural disaster money - they are simply looking for a more efficient use of the money currently involved and time spent by working groups.

A copy of Ms. Overacker's letter is on file. (See Attachment 5).

**WRITTEN
TESTIMONY:**

Mr. Steve Adams, Executive Director, Youth Employment Program, Inc., asked that his letter be given to the committee members, as well as acknowledged in the minutes. The Youth Employment Program is committed to working with trail user groups and the various state and federal agencies to restore and maintain the access to public lands. They feel strongly that the youth of Idaho have a large stake in this issue, not only as potential job opportunities, but as the future users and stewards of our public lands. He supports **HJM 1**. (See Attachment 6).

Mr. Adams included with his letter, several letters of support for **HJM 1**, signed by **Max Lohmeyer**, Coordinator for the Youth Employment Program in Salmon; **Tammy Stringham**, Executive Director of Lemhi County Economic Development Association; and **John Jakovac**, Chairman for the Office of the County Commissioners, Salmon.

MOTION:

Senator Siddoway moved that **HJM 1** be sent to the floor with a **do pass** recommendation. **Senator Heider** seconded the motion. The motion carried by **unanimous voice vote**. **Senator Siddoway** will be the sponsor.

HCR 14

Representative Gibbs presented **HCR 14**, which is a House Concurrent Resolution rejecting Docket No. 13-0108-1204, Rules Governing the Taking of Big Game Animals in the State of Idaho. This Committee did not reject this docket.

Ms. Sharon Kiefer, Idaho Department of Fish and Game (IDFG), was asked to review the rule for the committee members. She stated that the rule is on page 55 of the rule book. It revises the Motorized Hunting Rule (MHR) as applied to hunting big game. The MHR is a tool to reduce vulnerability of big game to balance hunting opportunity with meeting herd objectives and hunter expectations. One way to reduce vulnerability, particularly of large bucks and bulls, is to reduce accessibility.

The MHR only affects hunters. Hunters, while hunting, are restricted to using motorized vehicles on established roadways capable of travel by a full-sized automobile. No other motorized vehicle user is restricted. There were three changes in this docket and they include:

- Added definitions of motorized vehicle and hunter to add clarity to the rule;
- Designation of the motorized restriction for hunters by Hunt Unit and date, rather than by designating each individual hunt;
- Hunt Unit 39 was dropped from the MHR.

There was a discussion regarding hunt units, but due to the time, **Chairman Pearce** said that **HCR 14**, along with **S 1155**, **S 1156** and **S 1157** would be carried over to Wednesday, March 13.

ADJOURNED: **Chairman Pearce** adjourned the meeting at 3:05 P.M.

Senator Pearce
Chairman

Juanita Budell
Secretary