

AGENDA
HOUSE RESOURCES & CONSERVATION COMMITTEE
1:30 P.M.
Room EW40
Tuesday, January 15, 2013

SUBJECT	DESCRIPTION	PRESENTER
	Organizational Meeting	

If you have written testimony, please provide a copy of it to the committee secretary to ensure accuracy of records.

COMMITTEE MEMBERS

Chairman Denney	Rep Raybould	Rep Gestrin
Vice Chairman Gibbs	Rep Andrus	Rep Miller
Rep Wood(35)	Rep Shepherd	Rep Anderson(1)
Rep Barrett	Rep Wood(27)	Rep Pence
Rep Moyle	Rep Boyle	Rep Erpelding
Rep Eskridge	Rep Vander Woude	Rep Ward-Engelking

COMMITTEE SECRETARY

Rosee Winder
Room: EW62
Phone: 332-1136
email: hres@house.idaho.gov

MINUTES
HOUSE RESOURCES & CONSERVATION COMMITTEE

DATE: Tuesday, January 15, 2013
TIME: 1:30 P.M.
PLACE: Room EW40
MEMBERS: Chairman Denney, Vice Chairman Gibbs, Representatives Wood(35), Barrett, Moyle, Eskridge, Raybould, Andrus, Shepherd, Wood(27), Boyle, Vander Woude, Gestrin, Miller, Anderson(1), Pence, Erpelding, Ward-Engelking
**ABSENT/
EXCUSED:** None
GUESTS: Matthew May, ISCAC; Kent Lauer, Idaho Farm Bureau; Roger Batt, Batt Assoc.; Andy Brunelle, U.S. Forest Service; Norm Semanko, Idaho Water Users Assoc.; Elizabeth Criner, NWFFA/FWAA

Chairman Denney called the meeting to order at 1:32 p.m.

Chairman Denney asked the committee to bring their copy of the rules to the next committee meeting for Rules Review. **Rep. Erpelding** and **Rep. Boyle** volunteered as proofreaders for the minutes.

Chairman Denney introduced the Page, **Juritzi Enriquez** and Secretary, **Rosee Winder** and asked all committee members to introduce themselves.

Chairman Denney announced the committee would review all rule dockets for the committee, except for the Fish and Game Rules which will be reviewed later. He stated he wanted to start the meetings on time, so asked the committee members to please be prompt.

Chairman Denney announced the committee will meet in a Joint Committee meeting with the Senate for the next meeting and Ken Ivy, American Lands Council will make the presentation.

ADJOURN: There being no further business to come before the committee, the meeting adjourned at 2:18 p.m.

Representative Denney
Chair

Rosee Winder
Secretary

AMENDED AGENDA #1
HOUSE RESOURCES & CONSERVATION COMMITTEE
1:30 P.M.
Room EW40
Thursday, January 17, 2013

SUBJECT	DESCRIPTION	PRESENTER
<u>20-0201-1201</u>	Idaho Forest Practices Act	Ara Andrea/Craig Foss Alternate Idaho Department of Lands
<u>20-0314-1201</u>	Grazing, Farming, Conservation, Noncommercial Recreation, & Communication Leases	Neil Crescenti Idaho Department of Lands
<u>20-0315-1201</u>	The Issuance of Geothermal Resource Leases	Bob Pietras Idaho Department of Lands
<u>25-0101-1202</u>	Idaho Outfitters and Guides Licensing Board	Jake Howard Idaho Outfitters & Guides
<u>26-0120-1201</u>	Administration of Park and Recreation Areas and Facilities	Tammy Kolsky Idaho Parks and Recreation
<u>26-0136-1201</u>	Winter Recreational Parking Permit Program	Tammy Kolsky Idaho Parks and Recreation
<u>26-0120-1202</u>	Adoption of Pending Fee Rule Administration of Parks and Recreation Facilities	Tammy Kolsky Idaho Parks and Recreation
<u>37-0303-1201</u>	Rules and Minimum Standards for the Construction and Use of Injection Wells	Tom Neace Idaho Department of Water Resources
	Pacific Northwest Economic Region Presentation	Pacific Northwest Economic Region

If you have written testimony, please provide a copy of it to the committee secretary to ensure accuracy of records.

COMMITTEE MEMBERS

Chairman Denney	Rep Raybould	Rep Gestrin
Vice Chairman Gibbs	Rep Andrus	Rep Miller
Rep Wood(35)	Rep Shepherd	Rep Anderson(1)
Rep Barrett	Rep Wood(27)	Rep Pence
Rep Moyle	Rep Boyle	Rep Erpelding
Rep Eskridge	Rep Vander Woude	Rep Ward-Engelking

COMMITTEE SECRETARY

Rosee Winder
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Phone: 332-1136
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MINUTES
HOUSE RESOURCES & CONSERVATION COMMITTEE

DATE:	Thursday, January 17, 2013
TIME:	1:30 P.M.
PLACE:	Room EW40
MEMBERS:	Chairman Denney, Vice Chairman Gibbs, Representatives Wood(35), Barrett, Moyle, Eskridge, Raybould, Andrus, Shepherd, Wood(27), Boyle, Vander Woude, Gestrin, Miller, Anderson(1), Pence, Erpelding, Ward-Engelking
ABSENT/ EXCUSED:	Representatives Moyle and Vander Woude
GUESTS:	The sign-in sheet will be retained with the minutes in the committee secretary's office until the end of session. Following the end of the session, the sign-in sheet will be filed with the minutes in the Legislative Services Library. Chairman Denney called the meeting to order at 1:30 p.m.
MOTION:	Rep. Boyle made a motion to approve the minutes of the January 15, 2013 meeting. Motion carried by voice vote. Rep. Eskridge introduced Lyle Stewart , President, Pacific Northwest Economic Region (PNWR), member of the Legislative Assembly of Saskatchewan and Alana Delong , member of the Legislative Assembly of Alberta. Lyle Stewart , PNWR, reviewed Alberta's location and its geography. He explained the energy breakdown in the Canadian economy. He described where oil sands are in the northern part of Alberta and he reviewed the other areas of mineral deposits. Mr. Stewart reviewed the total value of mineral sales in Saskatchewan from the last four years and explained the continuous uranium production numbers from 2011. He gave a summary of the importance of the petroleum sector. He described the differences between light, medium and heavy oil. Mr. Stewart described the process of carbon dioxide capture and storage and said Saskatchewan has large amounts of un-captured carbon dioxide. He gave a background of the carbon dioxide projects and reviewed the success of the projects. He said this creates an important economic and energy win for the sector. Alana Delong , Alberta Legislative Assembly, reviewed the geography of the oil pipeline in Alberta. She described what oil sands are and said they are a naturally occurring mix of sand and clay and water and a very heavy oil. She described what percentage of oil can be extracted from the different types of oil sands. She reviewed where the oil from Canada is going within the U.S. Ms. Delong described the issue of pipeline corrosion. She reviewed the top U.S. trade partners, and explained the economic impact in the US. She reviewed the number of jobs in the U.S. from Canadian oil production and explained the economic impact in the U.S. Ms. Delong reviewed Carbon Capture and Storage (CCS) which is a key element to Alberta's climate change regulations.

**DOCKET NO:
20-0201-1201:**

Ara Andrea, Idaho Department of Lands, presented **Docket No. 20-0201-1201**, Idaho Forest Practices Act, saying the Idaho Forest Practices Act defines the best management practices for harvesting operations all over Idaho. She reviewed several of the changes to the rule. She said the rules provide for a careful balance of practices for all forest practice managers. The rule provides for definitions and also provides for timber salvage operations, which were currently not allowed. She said the rule sets new lower stocking minimum levels and also clarifies intent of another rule. She said this rule sets new tree retention standards (shade rule) and removed the definition of clear-cut. She said the correct definition of clear-cut was inserted into the rule and will promote more successful practices.

Jim Riley, President, Riley and Assoc., spoke on behalf of Stinsen Lumber Company, Hancock Forest Management and Bannock Lumber Products, who stand in support of adoption of this rule.

MOTION:

Rep. Wood(27) made a motion to accept **Docket No. 20-0201-1201**. Motion carried by voice vote.

**DOCKET NO:
20-0314-1201:**

Neil Crescerti, Idaho Department of Lands, presented **Docket No. 20-0314-1201** regarding leasing of State Endowment Trust Lands. He said after the passage of **S 1271** in the 2012 legislative session, the State Board of Land Commissioners directed negotiating rule making for this rule. He reviewed the changes in the Pending Rule, which include sections of definition. He said these changes will incorporate management plans. He reviewed clarifications in applicant processing and explained redundant sections and their proposed removal.

In response to questions regarding stricken language of the rights of the Department, **Mr. Crescerti** explained that this language is removed from the rule because it is redundant and the rights of the Department are added word for word in the lease contract documents.

MOTION:

Rep. Wood(27) made a motion to accept **Docket No. 20-0314-1201**. Motion carried by voice vote. **Rep. Wood(35)** requested she be recorded as voting NAY.

**DOCKET NO:
20-0315-1201:**

Bob Pietras, Idaho Department of Lands, presented **Docket No. 20-0315-1201**, Geothermal Leases. He said this rule governs the leasing of state land for geothermal resources. Mr. Pietras said their stakeholders voiced concerns regarding this rule and the Department made a commitment to address these concerns of the stakeholders in further negotiated rule making. He reviewed the key changes to the rule which include the deletion of three sections, which brought resolution to the concerns brought forward in 2011, regarding shut downs. He said the substance of these sections has been incorporated into the lease. Mr. Pietras said there was concern with sampling requirements and that has been moved to the lease. He said there were concerns regarding by-products and the content of this section has been moved to the lease regarding by-products. Mr. Pietras said several other sections were deleted to allow the leases to be negotiated on a lease by lease bases. He reviewed the other sections that were also deleted. He said the section on lease requirements was modified to protect the state. He reviewed the changes on water rights and said in summary the Pending Rule clarifies these rights.

In response to questions, **Mr. Pietras** said all leases go to the Land Board for approval, they are the oversight for leases. He said the Attorney General's Office is involved in all negotiations of leases and ensure the language is in the appropriate place and the lease language stays consistent.

Ben Otto, Idaho Conservation League, said he participated in the negotiated rule making process and believes in the promotion of geothermal energy. He said the important parts of the rule are still there for protection of the Department and the details of the lease are in the lease. He gave an example of geothermal development and said they are comfortable with the changes. He said the changes in the rule allows more flexibility in talking with lessees and creates a clearer and simpler system.

MOTION: **Rep. Gibbs** made a motion to accept **Docket No. 20-0315-1201**. **Motion carried by voice vote.**

DOCKET NO: 25-0101-1202: **Jake Howard**, Outfitters and Guides Licensing Board, presented **Docket No. 25-0101-1202**. He explained the rule represents what is currently allowed regarding wolf trapping. He said this rule sets training and licensing requirements, and sets limitations on what clients can do during a hunt.

In response to questions, **Mr. Howard** said this rule allows outfitters to accommodate their clients, it doesn't effect the public and sets the framework of what an outfitter can do when trapping wolves. He also clarified that the outfitter is the company, the guide is the employee, and the trapping equipment must be owned by the outfitter. If trapping equipment is owned by the guide, it must be leased to the outfitter and the documentation must be on file. This rule clarifies that a guide may not on his/her own accord place traps and treat those traps as incidental to the hunt.

MOTION: **Rep. Erpelding** made a motion to accept **Docket No. 25-0101-1202**. **Motion carried by voice vote.**

ADJOURN: There being no further business to come before the Committee, the meeting adjourned at 2:55 p.m.

Representative Denney
Chair

Susan Werlinger
Secretary

JOINT
HOUSE RESOURCES & CONSERVATION COMMITTEE
AND
SENATE RESOURCES & ENVIRONMENT COMMITTEE
1:30 P.M.
WW02
Monday, January 21, 2013

SUBJECT	DESCRIPTION	PRESENTER
	State Sovereignty Regarding Public Lands	Ken Ivory, President, American Lands Council

If you have written testimony, please provide a copy of it to the committee secretary to ensure accuracy of records.

COMMITTEE MEMBERS

Chairman Denney	Rep Raybould
Vice Chairman Gibbs	Rep Andrus
Rep Wood(35)	Rep Shepherd
Rep Barrett	Rep Wood(27)
Rep Moyle	Rep Boyle
Rep Eskridge	Rep Vander Woude

COMMITTEE SECRETARY

Rep Gestrin	Rosee Winder
Rep Miller	Room: EW62
Rep Anderson(1)	Phone: 332-1136
Rep Pence	email: hres@house.idaho.gov
Rep Erpelding	
Rep Ward-Engelking	

MINUTES
JOINT MEETING

**HOUSE RESOURCES & CONSERVATION COMMITTEE
SENATE RESOURCES & ENVIRONMENT COMMITTEE**

DATE: Monday, January 21, 2013

TIME: 1:30 P.M.

PLACE: WW02

MEMBERS: Chairman Denney, Vice Chairman Gibbs, Representatives Wood(35), Barrett, Moyle, Eskridge, Raybould, Andrus, Shepherd, Wood(27), Boyle, Vander Woude, Gestrin, Miller, Anderson(1), Pence, Erpelding, Ward-Engelking
Chairman Pearce, Vice Chairman Bair, Senators Cameron, Siddoway, Brackett, Heider, Tippets, Stennett, Lacey

**ABSENT/
EXCUSED:** None.

GUESTS: The sign-in sheet will be retained in the committee secretary's office until the end of the session. Following the end of the session, the sign-in sheet will be with the minutes in the Legislative Services Library.
Chairman Pearce called the meeting to order at 1:43 p.m. **Chairman Pearce** turned the time over to **Chairman Denney** for an introduction.
Chairman Denney introduced Utah Rep. Ken Ivory, stating that Rep. Ivory was the lead sponsor of Utah legislation **H 148**; Utah Transfer of Public Lands Act. This legislation is a possible solution to many of the fiscal problems in the country and the West. Rep. Ivory gave a short history of how state lands were put under Federal jurisdiction in the 1700s. He said it took hundreds of years to get where we are with state lands and it will take some time to get to a state self-reliance. He said there is the perception that states cannot manage their land and there are hundreds of acres of land burned because of that perception. He said the 1976 Federal Land Policy Management Act (FLPMA), is the policy that allows the retention of Federal ownership within the states.
Rep. Ivory said currently we cannot get to our state minerals or our state resources because they are federally owned. Rep. Ivory said Utah's **H 148**; Transfer of Public Lands Act, establishes the deadline for the federal government to extinguish title to the public lands. He said difficult discussions need to be made and a deadline needs to be set far enough in advance to have a meaningful transfer made. He said National parks are excluded from the transfer. In response to questions from the committee and public, Rep. Ivory clarified that this will be a tremendous transition and probably won't solve all the problems.
Idaho County Commissioner **Jim Chmelik**, stated that in Idaho County thousands of acres were burned at a great cost in fire fighting efforts. He said there was a loss of money and animals due to the fires and also damage was done to watersheds.

ADJOURN: There being no further business to come before the Committees, the meeting adjourned at 3:33 p.m.

Representative Denney
Chair

Rosee Winder
Secretary

AGENDA
HOUSE RESOURCES & CONSERVATION COMMITTEE
1:30 P.M.
Room EW40
Wednesday, January 23, 2013

SUBJECT	DESCRIPTION	PRESENTER
<u>26-0120-1201</u>	Administration of Park and Recreation Areas and Facilities	Tamara Humiston Idaho Parks and Recreation
<u>26-0136-1201</u>	Administration of Park and Recreation Areas and Facilities	Idaho Parks and Recreation
<u>26-0120-1202</u>	Administration of Recreational Parking Permit Program	Tammy Kolsky Idaho Parks and Recreation
<u>37-0303-1201</u>	Standards for the Construction and Use of Injection Wells	Tom Neace Idaho Department of Water Resources
<u>RS-21632</u>	Bonding Authority for Injection Wells	Idaho Department of Water Resources
<u>RS-21633</u>	Provide Definition for Class II Injection Wells, Establish a Fee to be Filed with Application for Permit	Idaho Department of Water Resources
<u>RS-21615</u>	Provide Authority to the Director of Department of Water Resources to Appoint Water District Manager	Idaho Department of Water Resources
<u>RS-21634</u>	Renewal of Expired Hydropower Water Right	Idaho Department of Water Resources

If you have written testimony, please provide a copy of it to the committee secretary to ensure accuracy of records.

COMMITTEE MEMBERS

Chairman Denney	Rep Raybould	Rep Gestrin
Vice Chairman Gibbs	Rep Andrus	Rep Miller
Rep Wood(35)	Rep Shepherd	Rep Anderson(1)
Rep Barrett	Rep Wood(27)	Rep Pence
Rep Moyle	Rep Boyle	Rep Erpelding
Rep Eskridge	Rep Vander Woude	Rep Ward-Engelking

COMMITTEE SECRETARY

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MINUTES
HOUSE RESOURCES & CONSERVATION COMMITTEE

DATE:	Wednesday, January 23, 2013
TIME:	1:30 P.M.
PLACE:	Room EW40
MEMBERS:	Chairman Denney, Vice Chairman Gibbs, Representatives Wood(35), Barrett, Moyle, Eskridge, Raybould, Andrus, Shepherd, Wood(27), Boyle, Vander Woude, Gestrin, Miller, Anderson(1), Pence, Erpelding, Ward-Engelking
ABSENT/ EXCUSED:	Representative Moyle
GUESTS:	The sign-in sheet will be retained with the minutes in the committee secretary's office until the end of session. Following the end of the session, the sign-in sheet will be filed with the minutes in the Legislative Services Library.
MOTION:	Chairman Denney called the meeting to order at 1:31 p.m.
DOCKET NO. 26-0120-1201:	Rep. Erpelding made a motion to approve the minutes of the January 17, 2013 meeting. Motion carried by voice vote. Tamara Humiston , Deputy Director, Idaho State Parks and Recreation, presented Docket No. 26-0120-1201 and reviewed the changes needed to enhance the governing of parks through language for enforcing parking violations. It is anticipated that enforcement will bring in \$15,000 of fee revenue to state funds. Ms. Humiston said in answer to questions that the fee is tied to vehicles that fit in the designated campgrounds and boat trailers not associated with campers are charged an overnight use fee.
MOTION:	Rep. Erpelding made a motion to approve Docket No: 26-0120-1201 . Motion carried by voice vote.
DOCKET NO. 26-0136-1201:	Ms. Humiston presented Docket No. 26-0136-1201 . She stated this was published for public comment and comments had been received. This rule will allow for 3-day temporary parking permits. She said a customer will receive a document with the valid dates listed. The permit should be displayed on the vehicles' driver-side dashboard.
MOTION:	Rep. Wood(35) made a motion to approve Docket No. 26-0136-1201 . Motion carried by voice vote.
DOCKET NO. 26-0120-1202:	Tammy Kosky , Deputy Director, Idaho State Parks and Recreation, presented Docket No. 26-0120-1202 , she said the rule will propose changes to the Idaho State Park Passport Program. The rule will provide the definition of a fee schedule, establish an annual motor vehicle entrance fee, and an annual motor vehicle fee replacement. There is also a change to the motor vehicle entrance fee, and other housekeeping changes for conformity.
MOTION:	Rep. Gestrin made a motion to approve Docket No. 26-0120-1202 . Motion carried by voice vote.
DOCKET NO. 37-0303-1201:	Tom Neace , Idaho Department of Water Resources presented Docket No. 37-0303-1201 , and stated that the majority of injection wells are for disposal of excess irrigation water. They had five well-attended rule-making meetings. Definitions for Class V injection well rules were necessary for consistency in state and federal law.

Mr. Neace said in answer to Committee questions regarding a definition of mechanical integrity, that they kept a lot of the federal language. He said this allows for a variety of different tests to be used.

Courtney Washburn, Idaho Conservation League, said the construction standards are not sufficient, this rule does not cover natural gas so Idaho would be left without any rules to cover that.

Heather Smith, on behalf of **Amanda Buchanan**, stated they participated in the IDWR comment period but it did not alleviate their concerns.

Ms. Smith in response to committee questions, said they would like the rules to be more specific and less open-ended.

Lynn Tominaga, Idaho Water Policy Group, Inc., stated that they sat through the rule-making process and are good with the federal rules and there's not much the state can do to change federal rules. The Class II rules have been in place since the 1980's so potential problems would have shown up by now.

Mr. Tominaga said in response to questions from the Committee that the meetings were well represented and explained how the drilling is capped and cemented with each geologic layer.

MOTION: **Rep. Gibbs** made a motion to approve **Docket No. 37-0303-1201. Motion carried by voice vote.**

RS 21632: **Tom Neace**, Idaho Department of Water Resources, presented **RS 21632** and spoke of the need for sufficient security as a condition of every Class II injection well permit. A monetary increase is necessary to cover the work for staff for Class II injection wells.

MOTION: **Rep. Andrus** made a motion to introduce **RS 21632. Motion carried by voice vote.**

RS 21633: **Tom Neace**, Idaho Department of Water Resources, presented **RS 21633** stating that it gives a better description of Class II injection wells, and filing fees are necessary to cover the work for staff for Class II injection well.

Mr. Neace in response to questions from the committee, said that the monetary amount for filing is just for the Class II injection well.

MOTION: **Rep. Barrett** made a motion to introduce **RS 21633. Motion carried by voice vote.**

RS 21615: **Tim Luke**, Idaho Department of Water Resources, presented **RS 21615** and clarified that the RS was for election of watermasters giving the Director of the Department of Idaho Water Resources the ability to appoint a successor watermaster under certain conditions. As it is now, notice has to be given up to 14 days in advance. There would be no fiscal impact.

Mr. Luke clarified the wording in response to questions from the Committee.

MOTION: **Rep. Wood(35)** made a motion to introduce **RS 21615. Motion carried by voice vote.**

RS 21634: **Garrick Baxter**, Idaho Department of Water Resources presented **RS 21634**. He stated this would give authority to limit a permit or license for power purposes for a fixed date and should extend to run concurrently with annual renewals of the project's FERC licence. If there is no FERC license, the Director can set a term.

Mr. Baxter, in response to questions from the Committee, clarified that the opportunity to request a water right once they expire would be like any other water right.

MOTION: **Rep. Raybould** made a motion to introduce **RS 21634. Motion carried by voice vote.**

ADJOURN: There being no further business to come before the Committee, the meeting adjourned at 2:47 p.m.

Representative Denney
Chair

Rosee Winder
Secretary

AGENDA
HOUSE RESOURCES & CONSERVATION COMMITTEE
1:30 P.M.
Room EW40
Tuesday, January 29, 2013

SUBJECT	DESCRIPTION	PRESENTER
Docket No. <u>13-0102-1201</u>	Public Safety	Sharon Keifer & Dallas Burkhalter, Idaho Dept. of Fish & Game
<u>13-0104-1201</u>	Licensing	
<u>13-0104-1202</u>	Licensing	
<u>13-0107-1201</u>	Taking of Upland Game Animals	
<u>13-0108-1201</u>	Taking of Big Game Animals in the State of Idaho	
<u>13-0108-1202</u>	Taking of Big Game Animals in the State of Idaho	
<u>13-0108-1203</u>	Taking of Big Game Animals in the State of Idaho	
<u>13-0108-1204</u>	Taking of Big Game Animals in the State of Idaho	
<u>13-0108-1205</u>	Taking of Big Game Animals in the State of Idaho	
<u>13-0109-1201</u>	Governing the Taking of Game Birds in the State of Idaho	
<u>13-0109-1202</u>	Governing the Taking of Game Birds in the State of Idaho	
<u>13-0109-1203</u>	Governing the Taking of Game Birds in the State of Idaho	
<u>13-0109-1204</u>	Governing the Taking of Game Birds in the State of Idaho	
<u>13-0116-1201</u>	The Trapping of Predatory and Unprotected Wildlife and the taking of Furbearing Animals	
<u>13-0117-1201</u>	Governing the use of Bait for Taking Big Game Animals	

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COMMITTEE MEMBERS

Chairman Denney	Rep Raybould	Rep Gestrin
Vice Chairman Gibbs	Rep Andrus	Rep Miller(Barron)
Rep Wood(35)	Rep Shepherd	Rep Anderson(1)
Rep Barrett	Rep Wood(27)	Rep Pence
Rep Moyle	Rep Boyle	Rep Erpelding
Rep Eskridge	Rep Vander Woude	Rep Ward-Engelking

COMMITTEE SECRETARY

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MINUTES
HOUSE RESOURCES & CONSERVATION COMMITTEE

DATE:	Tuesday, January 29, 2013
TIME:	1:30 P.M.
PLACE:	Room EW40
MEMBERS:	Chairman Denney, Vice Chairman Gibbs, Representatives Wood(35), Barrett, Moyle, Eskridge, Raybould, Andrus, Shepherd, Wood(27), Boyle, Vander Woude, Gestrin, Miller (Barron), Anderson(1), Pence, Erpelding, Ward-Engelking
ABSENT/ EXCUSED:	Rep. Moyle
GUESTS:	Matthew May, ISCAC; Lisa Jean Newbill and Bill Mulder, Tree Top Ranches; Sharon Kiefer, IDFG; Tyler Mallard, Risch Pisca; Dallas Burkhalter, IDFG; Virgil Moore, IDFG; John Robison, ICC; Phil Homel, INSA; Harold Ott, IRS; Ed Hawley; Wally Butler, IFBF; Norm Semanko, IWUA; Kent Lauer, IFBF.
MOTION:	Chairman Denney called the meeting to order at 1:30 p.m.
MOTION:	Rep. Erpelding made a motion to approve the minutes of January 21, 2013. Motion carried by voice vote.
MOTION:	Rep. Boyle made a motion to approve the minutes of January 23, 2013. Motion carried by voice vote.
DOCKET NO. 13-0102-1201:	Sharon Kiefer , Deputy Director of Idaho Department of Fish and Game stated the rule will establish a Mentored Hunting Program that was not through negotiated rulemaking, but was a result of public input. The rule change is to create special authorization to take wildlife and to establish a description for the mentee and mentor.
MOTION:	Rep. Pence made a motion to approve Docket No. 13-0102-1201 . Motion carried by voice vote.
DOCKET NO. 13-0104-1201:	Sharon Kiefer , stated this rule does not address the issuance of tags. The rule allows for equitable adjustments in resident and nonresident elk tag allocation where resident demand exceeds tag availability and non resident tags are undersubscribed. Also, the rule will update the dates to sell leftover nonresident deer or elk tags as a second tag to residents and non residents to August 1st.
MOTION:	Ms. Kiefer , in response to committee questions, clarified that some citations are in another docket and will be addressed, and that because of the number of hunters, it was not possible to have negotiated rulemaking.
DOCKET NO. 13-0104-1202:	Rep. Wood(35) made a motion to reject Docket No. 13-0104-1201 . Motion carried by voice vote.
DOCKET NO. 13-0104-1202:	Ms. Kiefer , stated this rule is in response to comments regarding equitable distribution of Landowner Appreciation Tags (LAP). It describes valid designations for LAP tag.
	Wally Butler , Range and Livestock Specialist, Idaho Farm Bureau, stated his concerns with the limitations of the tags, and the narrow definition of designated agent. Landowners do not seem represented as well as sportsman's groups.
	Ms. Kiefer , in response to committee questions, clarified that this rescinds the rule for upland game animals and was represented by several interest groups on clarification of these rules.

- MOTION:** **Rep. Shepherd** made a motion to reject Docket No. 13-0104-1202. Motion carried by voice vote.
- DOCKET NO. 13-0107-1201:** **Ms. Kiefer**, clarified that this rule specifically addresses upland game animals, primarily rabbit. She said references to motorized vehicle use restrictions in this rule would be rescinded.
- Ms. Kiefer**, in answer to committee questions clarified motorized travel restrictions. She also said, there was not negotiated rulemaking but the Commission has been working with several interest groups on these rules.
- John Robison**, Public Lands Director for the Idaho Conservation League, spoke in opposition to Docket No. 13-0107-1201. He said there are concerns that this only applies to hunters, not other recreationists. The effects of driving cross country are the same no matter what you are hunting. They are particularly concerned about the impact of the sage grouse population and increased threat with cross country travel spreading noxious weeds, causing vegetation damage, and an increased threat of wildfires.
- MOTION:** **Rep. Raybould** made a motion to accept Docket No. 13-0107-1201. Motion carried by voice vote . **Reps. Pence, and Ward-Engelking** requested to be recorded as voting NAY.
- DOCKET NO. 13-0108-1201:** **Ms. Kiefer** stated this rule is to allow the use of a rimfire weapon to dispatch a wolf in a trap or snare, and allows wolves to be dispatched in a trap or snare outside of big game hunting hours.
- MOTION:** **Rep. Gibbs** made a motion to approve Docket No. 13-0108-1201. Motion carried by voice vote.
- DOCKET NO. 13-0108-1202:** **Ms. Kiefer** said there was legislation passed in 2012 allowing the Commission to promulgate rules to a minor child if child is eligible for the tag and allowing a process for creating rules to exempt the rules to a disabled hunter to aid in the dispatch of an animal without having a tag and putting the tag on the animal. Idaho has not had a disabled companion rule in the past while other states have.
- In answer to committee questions, **Ms. Kiefer** clarified the minor child language.
- MOTION:** **Rep. Eskridge** made a motion to approve Docket No. 13-0108-1202. Motion carried by voice vote.
- DOCKET NO. 13-0108-1203:** **Ms. Kiefer** stated that this was a companion docket needed to govern the use of the new Governor's Wildlife Partnership Tags. This rule will also clarify control hunt use, eligibility, and other limitations.
- In answer to committee questions, **Ms. Kiefer**, clarified that they have always had a waiver on the bighorn sheep tag.
- MOTION:** **Rep. Wood(27)** made a motion to approve Docket No. 13-0108-1203. Motion carried by voice vote.

- DOCKET NO.
13-0108-1204:** **Ms. Kiefer**, said this rule deals specifically with the taking of big game animals. This is where we find application for motorized hunting rules as it applies to the taking of big game. She said motorized hunting itself has not changed. The key change is how we are designating the rule which was confusing to the hunters and to motorized recreationists. She said they continue to work with hunters and recreationists and the Fish and Game rules do not override land management vehicle guidance rules.
- MOTION:** **Rep. Wood(27)** made a motion to approve Docket No. 13-0108-1204.
- SUBSTITUTE
MOTION:** **Rep. Wood(35)** made a substitute motion to reject Docket No. 13-0108-1204.
- ROLL CALL
VOTE:** **Rep Boyle** requested a roll call vote. **Substitute Motion carried by a vote of 9 AYE, and 7 NAY, 2 absent/excused.** Voting in favor of the motion: **Reps. Wood(35), Barrett, Andrus, Shepherd, Boyle, Vander Woude, Gestrin, Ward-Engelking, Denney.** Voting in opposition to the motion: **Reps. Gibbs, Eskridge, Raybould, Wood(27), Anderson(1), Pence, Erpelding. Reps. Moyle and Miller were absent/excused.**
- DOCKET NO.
13-0108-1205:** **Sharon Kiefer**, stated this rule was a continuation of conversation of appreciation of landowner and makes the change to implement a one-year waiting period for antlered deer and elk LAP hunts oversubscribed.
- MOTION:** **Rep. Wood(35)** made a motion to approve Docket No. 13-0108-1205. Motion carried by voice vote.
- DOCKET NO.
13-0109-1201:** **Sharon Kiefer**, stated that this rule addresses previous rules designated to a minor child or grandchild and tag exemptions for a disabled hunter companion assisting a disabled hunter. The tags apply to big game, but also reference the controlled turkey hunt permits.
- MOTION:** **Rep. Eskridge** made a motion to approve Docket No. 13-0109-1201. Motion carried by voice vote.
- DOCKET NO.
13-0109-1202:** **Sharon Kiefer**, stated this docket specifies that sandhill crane tags must be validated by removing the notches for month and day of kill similar to the requirement for turkey tags.
- MOTION:** **Rep. Wood(35)** made a motion to approve Docket 13-0109-1202. Motion carried by voice vote.
- DOCKET NO.
13-0109-1203:** **Sharon Kiefer**, said this rule proposes changes to clarify the WMA Permit marking requirement to require non-erasable ink and removal of notch on permits, to require that collared doves have a fully feathered wing or head attached while in the field or in transport, and to allow an exception to the Hagerman WMA hunting closure for Department sponsored waterfowl hunts.
- Ms. Kiefer**, in response to committee question, stated that you do not have to have the WMA permit to go pheasant hunting.

- MOTION:** **Rep. Gibbs** made a motion to approve Docket No. 13-0109-1203. Motion carried by voice vote.
- DOCKET NO. 13-0109-1204:** **Sharon Kiefer**, stated this is similar to the rule for upland game animals where the motorized hunting rule was rescinded. This would rescind the motorized hunting rule for upland game birds.
- Ms. Kiefer**, in answer to committee questions, stated that this rule was not a part of negotiated rulemaking, but several meetings/surveys with stakeholders was held on this issue.
- John Robison** stated he was testifying in opposition to this rule for the same reason he stated previously.
- MOTION:** **Rep. Gestrin** made a motion to approve Docket No. 13-0109-1204.
- ROLL CALL VOTE:** **Rep. Ward-Engelking** requested a roll call vote. Motion carried by a vote of 11 AYE, 3 NAY, 4 absent/excused. Voting in favor of the motion: Reps. Gibbs, Wood(35), Barrett, Eskridge, Raybould, Andrus, Wood(27), Boyle, Vander Woude, Gestrin, Denney. Voting in opposition to the motion: Reps. Pence, Erpelding, Ward-Engelking. Reps. Moyle, Shepherd, Miller, and Anderson(1) were absent/excused.
- DOCKET NO. 13-0116-1201:** **Sharon Kiefer**, stated this rule allows for trapping on wildlife management areas with the number of trappers to be limited by Regional Supervisors. She stated the Commission must be equitable in dealing with numbers allowed and equitable allocation must be posted, and reporting requirement must be met.
- Ms. Kiefer**, in answer to committee questions, stated that there is an incredible amount of diversity in WMAs, so they cannot prescribe a certain number.
- MOTION:** **Rep. Erpelding** made a motion to approve Docket No. 13-0116-1201. Motion carried by voice vote.
- DOCKET NO. 13-0117-1201:** **Sharon Kiefer** stated that this rule clarifies baiting for wolves. The docket makes the following changes: consolidation of bear baiting and wolf trapping rules into one rules chapter; establish gray wolf trapping requirements and method of take; to allow the use of legally salvaged road kill as bait for trapping wolves in identified areas; allow the use of a trapped wolf carcass with the hide attached as bait, eliminate requirements in Units 10 and 12 to remove bear baits from the field between summer dog training season and fall season, and to rename the chapter.
- MOTION:** **Rep. Gibbs** made a motion to approve Docket No. 13-0117-1201. Motion carried by voice vote.
- ADJOURN:** There being no further business to come before the committee. The meeting was adjourned at 3:15 p.m.

Representative Denney
Chair

Rosee Winder
Secretary

AMENDED AGENDA #1
HOUSE RESOURCES & CONSERVATION COMMITTEE
1:30 P.M.
Room EW40
Thursday, January 31, 2013

SUBJECT	DESCRIPTION	PRESENTER
<u>RS21732</u>	Defining Nonprofit Rangeland Fire Protection Association	Tom Schultz, Director, Idaho Department of Lands
	Range Management	Wally Butler, Range & Livestock Specialist, Idaho Farm Bureau
	The difference Between Rules and Guidance and the Issue of Stringency	Norm Semanko, IWUA & Chairman of ICIE E/RAC Roy Eiguren, Arkoosh Eiguren Jack Lyman, Idaho Mining Joan Cloonan, former member of the DEQ Board

If you have written testimony, please provide a copy of it to the committee secretary to ensure accuracy of records.

COMMITTEE MEMBERS

Chairman Denney	Rep Raybould	Rep Gestrin
Vice Chairman Gibbs	Rep Andrus	Rep Miller(Barron)
Rep Wood(35)	Rep Shepherd	Rep Anderson(1)
Rep Barrett	Rep Wood(27)	Rep Pence
Rep Moyle	Rep Boyle	Rep Erpelding
Rep Eskridge	Rep Vander Woude	Rep Ward-Engelking

COMMITTEE SECRETARY

Rosee Winder
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MINUTES
HOUSE RESOURCES & CONSERVATION COMMITTEE

DATE:	Thursday, January 31, 2013
TIME:	1:30 P.M.
PLACE:	Room EW40
MEMBERS:	Chairman Denney, Vice Chairman Gibbs, Representatives Wood(35), Barrett, Moyle, Eskridge, Raybould, Andrus, Shepherd, Wood(27), Boyle, Vander Woude, Gestrin, Miller (Barron), Anderson(1), Pence, Erpelding, Ward-Engelking
ABSENT/ EXCUSED:	Rep. Moyle
GUESTS:	Tom Schultz, Bob Brammer, and Kurt Houston, IDL; Pat Barclay, ICIE; Wally Butler, IFBF; Norm Semanko, IWUA/ICIE; Dan Oberling, Id. Grain Producers; Matthew May, ISCAC, Dennis Stevenson, Rules Coordinator; Sue Eaton and Cally Younger, OSC; Jack Lyman, Idaho Mining; Andy Brunelle, USFS
	Chairman Denney called the meeting to order at 1:30 p.m.
RS 21732:	Tom Schultz , Director, Idaho Department of Lands, stated that this proposed legislation provides the authority to define a nonprofit rangeland fire protection association. He said the Governor has provided funds for new rangeland fire protection associations. The statute provides authority for the Director to enter into agreements with timber and rangeland fire protective associations, but the process for establishment and operation is only provided in detail for timber protective associations. He said rangeland fire protection associations are distinctly different organizations, and this proposed legislation will specify the process for establishing and operating standards to address the differences.
	Mr. Shultz , in response to questions from the committee about start-up costs, stated that one association in place in Mt. Home had start up costs of about \$35,000. He also clarified that these are primarily rangelands.
MOTION:	Rep. Boyle made a motion to introduce RS 21732. Motion carried by voice vote.
	Wally Butler , Range & Livestock Specialist, Idaho Farm Bureau, stated he will be involved in an association of range management, the Society for Range Management, that provides background use in decision making. He said this is a largely based organization that tries to provide the best science. He said sage grouse is a big issue in the West and land management agencies try to be pre-emptive of lawsuits, and supportive of the land managers.
	Mr. Butler , in response to questions from the committee about the taking of sage grouse, stated the sage grouse seasons are set by the Idaho Fish and Game Commission based on what the local groups recommend. He said if hunting sage grouse were completely eliminated, we'd be saying they are endangered in all areas. Mr. Butler said over protection does not make the species do well. Ecosystem management is a better way to look at management.

Norm Semanko, Idaho Water Users Association and Chairman of Idaho Council on Industry and the Environment (ICIE), spoke for **Roy Eiguren**, Arkoosh Eiguren. ICIE has been around since the late 1980s to advance the use of facts and sound science in policy making. It is the practice to go to the committees and make comments. Mr. Semanko gave a brief overview of the rulemaking process.

Mr. Semanko said the EPA provides the legislature authority to accept or reject rules. Idaho is one of the three states in the nation that has such authority. The separation of powers issue declared that Legislature's power to reject a rule does not violate the Constitutional doctrine of Separation of Power provided that Legislative rejections of rules are based upon a rule being contrary to Legislative intent.

Ms. Joan Cloonan, Past President, RBC Polycomposites, LLC, for **Jack Lyman**, Idaho Mining Association, stated that they started working in stringency in 1983, the year the first stringency clause went into effect. She referenced the Idaho State Waste Management Act, Toxic Substance Control Act, The Idaho Solid Waste Facilities Act, The Idaho Clean Air Act, The Idaho Clean Water Act, The Idaho Land Remediation Act, and Stringency amendments to the EPA.

Ms. Cloonan stated guidance is not enforceable like a rule. Guidance is written documentation of how an agency interprets a rule, agency policy, checklists, technical background info, QA/QC procedures, treatment method alternatives, handbook or manual. Most rules are negotiated.

Ms. Cloonan said DEQ's Guidance Policy advises that guidance is not law, so consultation with the AG office on whether it's a rule or guidance is needed.

Ms. Cloonan, in response to committee questions, clarified that the procedure to know whether we are looking at a rule or a guidance, stated that rules are published in the administrative book, and you should ask why you are being asked to do something. Rules are goal orientated and the guidance has technicality.

Norm Semanko gave an example of underground injection well rules, and stated that the IDWR is charged with enforcing the rules.

ADJOURN: There being no further business to come before the committee, the meeting was adjourned at 2:24 p.m.

Representative Denney
Chair

Rosee Winder
Secretary

AGENDA
HOUSE RESOURCES & CONSERVATION COMMITTEE
1:30 P.M.
Room EW40
Tuesday, February 05, 2013

SUBJECT	DESCRIPTION	PRESENTER
<u>H 38</u>	Idaho State Water Plan	Clive Strong, Div. Chief, Natural Resources Div., Office of the Idaho Attorney General

If you have written testimony, please provide a copy of it to the committee secretary to ensure accuracy of records.

COMMITTEE MEMBERS

Chairman Denney	Rep Raybould	Rep Gestrin
Vice Chairman Gibbs	Rep Andrus	Rep Miller
Rep Wood(35)	Rep Shepherd	Rep Anderson(1)
Rep Barrett	Rep Wood(27)	Rep Pence
Rep Moyle	Rep Boyle	Rep Erpelding
Rep Eskridge	Rep Vander Woude	Rep Ward-Engelking

COMMITTEE SECRETARY

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MINUTES
HOUSE RESOURCES & CONSERVATION COMMITTEE

DATE: Tuesday, February 05, 2013
TIME: 1:30 P.M.
PLACE: Room EW40
MEMBERS: Chairman Denney, Vice Chairman Gibbs, Representatives Wood(35), Barrett, Moyle, Eskridge, Raybould, Andrus, Shepherd, Wood(27), Boyle, Vander Woude, Gestrin, Miller, Anderson(1), Pence, Erpelding, Ward-Engelking
**ABSENT/
EXCUSED:** None.
GUESTS: Jim Tucker, Idaho Power; Lynn Tominaga, IGWA; Courtney Washburn, BRS; Shelley Dunn, BRS; Norm Semanko, IWUA; Teresa Molitor, Great Feeder Canal Co.; Angela Rossman, ACFGL; Matthew May, ISCAC; Ann Vonde, AG; Neil Colwell, Avista Corp.

Chairman Denney called the meeting to order at 1:34 p.m.

H 38: **Peter Van Der Meulen**, Idaho Water Resource Board, introduced **Ms. Helen Harrington**, and **Mr. Clive Strong** to give the presentation.

Ms. Helen Harrington, Planning Section Manager, Idaho Water Resources Board, stated that the Idaho State Water Plan was adopted by the Idaho Water Resource Board, approved by the Legislature, and signed by the Governor. She said state agencies are required to exercise their duties in a manner consistent with the Plan. The Plan provides guidance and direction for water planning, management, conservation, and development.

Ms. Harrington said the first state water plan was adopted in 1976. The 5-year review process was dropped but it is still recognized that plans are needed. Ms. Harrington, stated that statewide policies include optimum use, conservation, management in the Snake River Basin, Bear River Basin, Panhandle Basins, and Salmon-Clearwater basin. The plan is specific to the different basins.

Mr. Clive Strong, Deputy Attorney General for the State of Idaho, spoke about Snake River Basin policies. He said there are many competing demands for the water that affect the management of the river, for instance, irrigation, hydroelectricity, supply, flood control, recreation, fish, and wildlife management. Government agencies regulate activities that affect the use of the waters. This plan provides for guidance for management for the public interest.

In answer to questions from the committee, Mr. Strong stated that the Plan is a policy, not a law.

Mr. Strong stated that general policies remain generally the same, the major difference is the extended detail and adoption of implement strategies. Policy 4A describes the minimum streamflow which is a framework for the development and management of the Snake River. Policy 4B reaffirms the Milner Zero minimum average daily flow policy that guides the optimum development of unappropriated flows of the Snake River above Milner Dam. Policy 4C addresses reallocation of Snake River trust water. Policy 4D addresses conjunctive management of the Eastern Snake Plain Aquifer and the Snake River. Policy 4E addresses the need for development of storage in the Snake River Basin, Policies 4F through 4J sets forth policies for agriculture, DCMI (domestic, commercial, municipal and industrial), hydropower, navigation, fish, wildlife, recreation, and scenic values.

Mr. Strong said that policy 4C, was a point of great contention in 2006 but has been resolved. As part of The Swan Falls agreement, the conflict of flow of the Snake River for hydropower, agriculture, and other uses was resolved.

Mr. Strong said that the plan established minimum stream flow for hydropower purposes below Milner Dam and for irrigation purposes above Milner Dam. Trust water rights were issued with a term and are coming up for a renewal and need to be reviewed. He said these policies include surface storage, raising of Minidoka Dam when budgeted, water studies at Henry Forks/Teton River Basins and, Weiser Galloway, resolving conflicts over management flows in Thousand Springs, fish and wildlife, recreation and scenic resources, and wild and scenic river use. Mr. Strong said some water is provided through the rental of water to the federal government but there are no federal rights in the Hells Canyon area. He said they are looking at a holistic system so they don't create unintended consequences.

Mr. Strong, in response to questions from the committee, stated that riparian habitat of wetlands are managed through the federal government, this plan represents the state plan; The Corps of Engineers manages wetlands. **Mr. Brian Patton**, Planning Bureau Chief, Idaho Water Resources Board, was asked to respond, he stated that sedimentation has not been a huge problem in Idaho, but studies allow for some space for sediment to occur. **Ms. Harrington** reviewed the Columbia Basin water transaction program which balances the different needs and meets the minimum stream flow to keep communities whole. **Mr. Patton** stated the board purchases easements of water rights. The water board has purchased dry year easement from people who are willing to enter in the agreement. The Board has the authority to issue bonds for larger projects and a number of ways to raise money.

The Committee asked if passing these policies found within the plan would mean future legislatures would be told they must pass a new law to implement those policies. **Mr. Strong** replied the legislature is not bound by agency policy and do not have to pass laws to match policies. He clarified that agency policies are not law.

Mr. Lynn Tominaga, Executive Director, Idaho Groundwater Appropriators, stated they participated in most of the meetings and provided input on those policies. He said they are concerned about the economic impact to the state; when the water is taken away from the land, the land is not worth much but no one has gone out of business. He said they are actively involved in managing fish facilities, and providing money for recharge, and they are trying to do recharge farther away from the river.

Mr. Tominaga, in response to committee questions, stated they are trying to provide water for future development. He stated most new industries do not need a lot of water, but it is the difference in new jobs and businesses coming to the communities.

Mr. Norm Semanko, Executive Director, Idaho Water Users, said it has been 16 years since the State Water Plan has been updated. He said the policies are set forth and are not going to change. He stated the plan needs to be accurate and up to date and there are a lot of changes in water needs. He said this Plan is about appropriating the water for the state to the people of the state.

Mr. Semanko, in response to committee questions, said there is still unappropriated water available and Idaho has to appropriate our water first, so someone else does not get it. Idaho does not have most of their water in storage. There is only about 20% of Idaho's water in storage.

MOTION: **Representative Andrus** made a motion to **Hold H 38** subject to the Call of the Chair. **Motion carried by voice vote.**

ADJOURN: There being no further business to come before the committee, the meeting was adjourned at 3:46 p.m.

Representative Denney
Chair

Rosee Winder
Secretary

AMENDED AGENDA #1
HOUSE RESOURCES & CONSERVATION COMMITTEE
1:30 P.M.
Room EW40
Thursday, February 07, 2013

SUBJECT	DESCRIPTION	PRESENTER
<u>H 48</u>	Injection Wells Security	Tom Neace, Idaho Department of Water Resources
<u>H 49</u>	Class II Injection Wells	Tom Neace
<u>RS21855</u>	Water Liens/3-year Period	Norm Semanko, Idaho Water Users Association
<u>RS21856</u>	Irrigation District/Delinquent Assessment	Norm Semanko
<u>RS21859</u>	Irrigation District Elections	Norm Semanko
<u>RS21868</u>	Forest & Range Fires/Damages	Jeremy Chou, Givens Pursley
<u>RS21867</u>	Relating to Establishment of Water Rights	Rep Barrett

If you have written testimony, please provide a copy of it to the committee secretary to ensure accuracy of records.

COMMITTEE MEMBERS

Chairman Denney	Rep Raybould	Rep Gestrin
Vice Chairman Gibbs	Rep Andrus	Rep Miller
Rep Wood(35)	Rep Shepherd	Rep Anderson(1)
Rep Barrett	Rep Wood(27)	Rep Pence
Rep Moyle	Rep Boyle	Rep Erpelding
Rep Eskridge	Rep Vander Woude	Rep Ward-Engelking

COMMITTEE SECRETARY

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MINUTES
HOUSE RESOURCES & CONSERVATION COMMITTEE

DATE:	Thursday, February 07, 2013
TIME:	1:30 P.M.
PLACE:	Room EW40
MEMBERS:	Chairman Denney, Vice Chairman Gibbs, Representatives Wood(35), Barrett, Moyle, Eskridge, Raybould, Andrus, Shepherd, Wood(27), Boyle, Vander Woude, Gestrin, Miller, Anderson(1), Pence, Erpelding, Ward-Engelking
ABSENT/ EXCUSED:	None
GUESTS:	Tom Neace, IDWR; Kent Lauer, Id. Farm Bureau; Will Hart, ICUA; Norm Semanko, IWUA; Terry Jones, Rim Fire Ranch; Shelley Dan, BRS; Brenda Tominaga, IRWA/IGWWA/IIPA; Michael Christian, IPC; Kate Haas, Id. Pet. Council; Marie Kellner, ICL; Miguel Legarreta, Realtors; Suzanne Budge, SBS Assoc. LLC.; Marc Shigeta, Payette County
Chairman Denney called the meeting to order at 1:31 p.m.	
H 48:	Mr. Tom Neace , Idaho Department of Water Resources, states this bill provides bonding authority only for the Class II injection wells associated with the gas industry. He said this establishes a bond of \$10,000 per well, plus \$1.00 per foot for the Class II injections wells. He said it's consistent with the bond that is currently charged for the oil and gas production wells with the Department of Lands.
	Mr. Neace , in response to questions from the committee, stated wells in the Payette Basin are several thousand feet deep. The bond should cover the cost to close the well. He stated the bond would be put in the name of the Department of Water Resources, so if there is a problem that bond would be available to the Department who would contract with the appropriate driller to close that well.
MOTION:	Rep. Wood(35) made a motion to send H 48 to the floor with a DO PASS recommendation. Motion carried by voice vote. Rep. Miller will sponsor the bill on the floor.
H 49:	Mr. Neace , stated this bill provides a definition for a Class II injection well associated with the gas and oil industry and establishes a fee of \$2,500 per well for each Class II injection well. Currently there is a \$100 fee that only applies to a Class V injection well.
	Mr. Neace , in response to committee questions, states the oil and gas companies were present and were fine with that fee, which is consistent with the Department of Lands fee.
	Mr. Norm Semanko , Executive Director, Idaho Water Users Association, spoke in favor of the bill. The association would prefer a user fee.
MOTION:	Rep. Gibbs made a motion to send H 49 to the floor with a DO PASS recommendation. Motion carried by voice vote. Rep. Gestrin will sponsor the bill on the floor.
RS 21855:	Mr. Norm Semanko , Executive Director, Idaho Water Users Association, explained the Association represents the irrigation delivery entities, the canal companies, irrigation districts, water districts, municipalities, hybrids like Hayden Lake irrigation, and the business sector that support agriculture. He said all those entities vote on positions of the Association and very often members have issues that they feel need to be addressed by the Legislature. He stated this proposed legislation changes the period a lien can be against a property before you go to court.

In answer to committee questions, **Mr. Semanko**, explained that this bill will have no affect on private corporations' ability to govern themselves. It is a change in the lien on the land for up to 3 years for consistency.

MOTION:

Rep. Gibbs made a motion to introduce **RS 21855. Motion carried by voice vote.** **Mr. Semanko** said this proposed legislation deals with the assessments in irrigation districts, one has a 12% interest rate, one has an 8% interest rate, and they would like to make them consistent.

MOTION:

Rep. Raybold made a motion to introduce **RS 21856. Motion carried by voice vote.**

RS 21859:

Mr. Semanko, stated there are special requirements to serve as a director of an irrigation district and one of those requirements is to be a land owner. He said this requirement was upheld in a Supreme Court case. He said there is currently no protection if the director does not meet this requirement. Mr. Semanko said the irrigation district would like to have this protection spelled out in detail in the Code.

In answer to committee questions, **Mr. Semanko**, said in these types of situations, they want a process they can follow.

MOTION:

Rep. Wood(35) made a motion to introduce **RS 21859. Motion carried by voice vote.**

RS 21868:

Mr. Jeremy Chou, Attorney, Givens Pursley, stated that this legislation restates current law in Idaho that real and personal property damage for forest and range fire can be for actual restoration costs. Willful and intentional acts are required to receive treble damages for trespass; otherwise, reasonable costs will apply. He said, this bill is supported by members in both the House and the Senate.

Mr. Chou, in answer to concerns about the language, stated they did have discussions about those concerns and they thought this language would best meet the interests of those involved.

MOTION:

Rep. Shepherd made a motion to introduce **RS 21868. Motion carried by voice vote.**

RS 21867:

Rep. Barrett, presented **RS 21867** and stated this was not a controversial issue. She said the purpose of the RS is to prevent water speculation and promote good faith diligence among permit holders to complete projects. This RS will make an allowance for the developer to have an extension if a qualification can be proven through the Idaho Department of Water Resources. She said this has been presented to the Idaho Department of Water Resources, the Farm Bureau, and Idaho Water Users and they are in support of this legislation and there is no fiscal impact.

MOTION:

Rep. Wood(27) made a motion to introduce **RS 21867. Motion carried by voice vote.**

ADJOURN:

There being no further business to come before the committee, the meeting was adjourned at 2:10 p.m.

Representative Denney
Chair

Rosee Winder
Secretary

AMENDED AGENDA #3
HOUSE RESOURCES & CONSERVATION COMMITTEE
1:30 P.M.
Room EW40
Monday, February 11, 2013

SUBJECT	DESCRIPTION	PRESENTER
<u>RS21866</u>	Well Construction Standards	Rep. Shepherd
<u>RS21821</u>	Invasive Species Permits/Stickers	Rep. Anderson(1)
<u>RS21931</u>	Controlled Hunt Bonus/Preference Pt.	Reps. Perry and Moyle
<u>RS21952</u>	Frank Church-River of No Return	Rep. Gibbs
<u>RS21974</u>	Livestock, feeding emergency	Rep. Boyle
	Idaho Soil & Water Conservation Annual Report	Teri Murrison, and Brett Rumble, Idaho Association of Soil Conservation District

If you have written testimony, please provide a copy of it to the committee secretary to ensure accuracy of records.

COMMITTEE MEMBERS

Chairman Denney	Rep Raybould	Rep Gestrin
Vice Chairman Gibbs	Rep Andrus	Rep Miller
Rep Wood(35)	Rep Shepherd	Rep Anderson(1)
Rep Barrett	Rep Wood(27)	Rep Pence
Rep Moyle	Rep Boyle	Rep Erpelding
Rep Eskridge	Rep Vander Woude	Rep Ward-Engelking

COMMITTEE SECRETARY

Rosee Winder
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MINUTES
HOUSE RESOURCES & CONSERVATION COMMITTEE

DATE:	Monday, February 11, 2013
TIME:	1:30 P.M.
PLACE:	Room EW40
MEMBERS:	Chairman Denney, Vice Chairman Gibbs, Representatives Wood(35), Barrett, Moyle, Eskridge, Raybould, Andrus, Shepherd, Wood(27), Boyle, Vander Woude, Gestrin, Miller, Anderson(1), Pence, Erpelding, Ward-Engelking
ABSENT/ EXCUSED:	None
GUESTS:	The sign-in sheet will be retained with the minutes in the committee secretary's office until the end of the session. Following then end of the session, the sign-in sheet will be filed with the minutes in the Legislative Services Library. Chairman Denney called the meeting to order at 1:31 p.m.
MOTION:	Rep. Boyle made a motion to approve the minutes for January 29, 2013. Motion carried by voice vote.
RS 21866:	Rep. Shepherd introduced Mr. Lee Barren , who is a professional well driller. Mr. Barren stated that this proposed legislation would be a correction to the Idaho Department of Water Resources rules for a new standard for well systems. He stated drillers have found this unnecessarily arbitrary and in many cases can almost double the cost of a domestic well.
MOTION:	Rep Gestrin made a motion to introduce RS 21866. Motion carried by voice vote.
RS 21821:	Rep. Anderson(1) , explained this proposed legislation transfers the issuance of the aquatic non-motorized boat registrations to the Idaho Department of Fish & Game. He stated the Idaho Department of Parks & Recreation has done this in the past, but they are moving away from issuing recreational vehicle stickers. In answer to committee question, Rep Anderson(1) said a motorized boat registration in the state will be issued through the Idaho Department of Transportation. He clarified a non-motorized boat, or a boat registered in another state, can be registered online with the Idaho Department of Fish & Game.
MOTION:	Rep. Gibbs made a motion to introduce RS 21821. Motion carried by voice vote.
RS 21931:	Rep. Perry stated this proposed legislation is in response to the frustrations posed by many who would like to see a bonus point system put in place for a controlled hunt. The main change in the RS is changing the word "may" to "shall."
MOTION:	Rep. Raybould made a motion to introduce RS 21931. Motion carried by voice vote.
RS 21952:	Rep. Gibbs explained this proposed joint memorial is asking the House of Representatives to take action to open the Frank Church Wilderness Area.
MOTION:	Rep. Wood(35) made a motion to introduce RS 21952. Motion carried by voice vote.
RS 21974:	Rep. Boyle explained that about twenty years ago the Legislature designated 75 cents from each deer, elk, and antelope tag be set aside for a winter feeding account. She said animals feed at the landowners expense and damage their resources. She said if feeding could be done in a manner to make the animals, the hunters, and the landowners happy, it would go a long ways towards public relations.

MOTION: **Rep. Shepherd** made a motion to introduce **RS 21974. Motion carried by voice vote.**

Ms. Teri Murison, Administrator, Idaho Association of Soil Conservation District, explained the commission's core functions which include technical support, conservation programs, and administration. She stated that soil and water conservation is a bit misleading, there is a lot more to districts than soil and water. She said they are also a leading force for the conservation of soil, water, air, plant, and animal resources. She stated that when they say conservation the "Idaho way," they mean using the natural resources of the state to benefit Idahoans while maintaining the state's resources and improving those resources for future generations. She said the districts focus is on voluntary, cooperative efforts with local people rather than a regulatory approach. She said the districts are involved in conservation planning, engineering services, project implementation, construction inspections, and low interest loans for equipment and projects. She said they also manage the Conservation Reserve Enhancement Program and the completed Cooperative Conservation Partnership Initiative grant from the Natural Resources Conservation Service. She stated they are the designated lead agency for the agricultural and grazing components of the Total Maximum Daily Load implementation plan for water quality impaired surface waters in the state. She stated they are also working on improved communication and outreach relationships. She explained their major challenges include Idaho's urban growth, land-use conflicts, and the loss of agricultural land and open space. She stated the commission will continue to do more with less when facing those challenges.

Mr. Bret Rumbleck, Executive Director, Idaho Association of Soil Conservation, explained that soil conservation isn't just rural and that we are in an Idaho Soil and Conservation District right now. He said the Association is the unified voice for the soil conservation districts in the state. The Association is in a strong partnership with local, state, and federal partnerships.

He shared some conservation districts specific to the committee member's districts and mentioned the boat wash stations being run by the Bonners Soil and Water Conservation District. He stated that the Association keeps the private landowner in the driver's seat when it comes to their own land.

In answer to committee questions, **Mr. Rumbleck** stated the Idaho Soil Conservation was formed in 1944, and in the 1930's Roosevelt sent out sample legislation for each state to develop a district and a commission. He said they partner federally with the Natural Resources Conservation. He stated they are locally elected.

ADJOURN: There being no further business to come before the committee, the meeting was adjourned at 2:15 p.m.

Representative Denney
Chair

Rosee Winder
Secretary

AMENDED AGENDA #1
HOUSE RESOURCES & CONSERVATION COMMITTEE
1:30 P.M.
Room EW40
Wednesday, February 13, 2013

SUBJECT	DESCRIPTION	PRESENTER
	Idaho Rangeland Center Update	Dr. Karen Launchbaugh, Idaho Rangeland Center
HB 47	Watermaster Succession	Garrick Baxter, IDWR
HB 50	Hydropower Water Right Term	Garrick Baxter
	Overview of Mining in Idaho	Jack Lyman, Idaho Mining Association
	Mining Update -Ernie Simmons, Atlanta Gold -Anne LaBelle, Midas Gold -Del Steiner, Premium Exploration -Erika Stone, Agrium/Nu-West -Bill Seals, Formation Capitol Corporation -Chris Guill, Gold Hill Mining	

If you have written testimony, please provide a copy of it to the committee secretary to ensure accuracy of records.

COMMITTEE MEMBERS

Chairman Denney	Rep Raybould	Rep Gestrin
Vice Chairman Gibbs	Rep Andrus	Rep Miller
Rep Wood(35)	Rep Shepherd	Rep Anderson(1)
Rep Barrett	Rep Wood(27)	Rep Pence
Rep Moyle	Rep Boyle	Rep Erpelding
Rep Eskridge	Rep Vander Woude	Rep Ward-Engelking

COMMITTEE SECRETARY

Rosee Winder
Room: EW62
Phone: 332-1136
email: hres@house.idaho.gov

MINUTES
HOUSE RESOURCES & CONSERVATION COMMITTEE

DATE: Wednesday, February 13, 2013
TIME: 1:30 P.M.
PLACE: Room EW40
MEMBERS: Chairman Denney, Vice Chairman Gibbs, Representatives Wood(35), Barrett, Moyle, Eskridge, Raybould, Andrus, Shepherd, Wood(27), Boyle, Vander Woude, Gestrin, Miller, Anderson(1), Pence, Erpelding, Ward-Engelking
**ABSENT/
EXCUSED:** Rep. Moyle
GUESTS: Karen Launchbaugh, University of Idaho, Rich Hahn, Idaho Power, Jim Tucker, Idaho Power, Shelley Keen, IDWR, Shelley Davis, BRS, Norm Semanko, IWUA, Andy Brunelle, USFS
MOTION:

Chairman Denney called the meeting to order at 1:31 p.m.

Rep. Wood(35) made a motion to approve the minutes of January 31, 2013.
Motion carried by voice vote.

Dr. Karen Launchbaugh, Director of Rangeland Center, stated that Idaho is taking a major lead in rangeland education. She stated most of us live in rangeland areas. She said the Rangeland Center is unique and they want to educate people on how to manage rangelands. The grazing profession has made massive improvements. She stated that no single science is going to help solve the range problems, it will take many disciplines. A series of workshops were held in connection with the Idaho extension specialists and included information on plant identification, sage grouse, and water quality. She explained students are the working hands of the Center, and they now have 60 students, of which 80% were hired in the field they were trained.

In answer to questions from the committee, **Dr. Launchbaugh**, said improper grazing can lead to weeds. She said the Center has gone through the NEPA process with Forest Service and the Bureau of Land Management. She explained that most of the faculty in the rangeland center have 9 month contracts. She said they plan on a decade of research to determine the effect of livestock grazing on sage grouse. She said there is no answer to why there is a decline in sage grouse, but grazing has also gone down radically, and there is more fire and diseases.

H 47: **Mr. Garrick Baxter**, Deputy Attorney General, representing the Idaho Department of Water Resources, stated that this legislation is to appoint a water district watermaster if a watermaster is unable to perform the duties during the elected or appointed term of service.

MOTION: **Rep. Raybould** made a motion to send **H 47** to the floor with a **DO PASS** recommendation. **Motion carried by voice vote.** **Rep. Ward-Engelking** will sponsor the bill on the floor.

H 50: **Mr. Garrick Baxter**, stated this legislation would provide an automatic renewal to hydropower water right unless the Director issues an order prior to the end of the current term.

In answer to committee questions, **Mr. Baxter** explained there wouldn't be an opportunity for a challenge later because it would be automatically renewed. He clarified that at the end of the term the Director has the discretion to revisit the license and see if it's in the public interest. He said the term condition would enable the Director to review the term. He said every hydropower water right has a condition placed on it. He explained the language that is stricken is a clean up by legislative services and reverts back to the original language.

Mr. James Tucker, Idaho Power Company, stated that Idaho Power had input on this bill. He stated the lawsuit brought by Idaho Power was for a water right that was received under permit that did not provide a term and later the Idaho Department of Water Resources placed a term limit on the water right. He said they questioned that right and took it to the Idaho Supreme Court who upheld the term limit.

Mr. Norm Semanko, Idaho Waters Users Association, stated that the Food Producers of Idaho also support this legislation. He said irrigators that have hydropower are glad to have this legislation and consider it a benefit.

MOTION:

Rep. Gibbs made a motion to send **H 50** the floor with a **DO PASS** recommendation. **Motion carried by voice vote.** **Rep. Miller** requested to be recorded as voting **NAY**. **Rep. Gibbs** will sponsor the bill on the floor.

Mr. Jack Lyman, Idaho Mining Association, as a way of introduction, explained that this would be a brief overview of mining in Idaho. He explained the rise in interest in mining is due to the rise in the price of gold. He said a study indicates that in 2011 they added \$1.3 billion to the state gross product.

Mr. Ernest Simmons, President and CEO, Atlanta Gold, stated he has nearly 60 years experience in mining and started in Idaho in 1978. He explained that Atlanta Gold is located just outside the historic mining town of Atlanta, Idaho, and is operating on about 2,500 acres on both private and federally leased lands. Atlanta Gold conducts sampling and exploration to provide an estimate of the resources. He stated that through financing and resources, Atlanta Gold has provided a solution to a long-running problem for the state by successfully removing the arsenic from the Boise Watershed. He said that they have invested over 2 million dollars in water treatment, tunnel maintenance, road maintenance, and chemicals for treating the water. He stated that if they are fully permitted and able to come into operation, they could generate 400 jobs in Idaho, which would add to the tax base within the community, and that would continue for a number of generations.

Mr. Curt Williams, introduced **Mr. Chris Guill**, President, Goldhill Reclamation Mining Co., and stated they use environmentally friendly techniques and have a good relationship with Boise County.

Mr. Chris Guill, Goldhill Reclamation Mining, stated their company believes in leaving the ground better than it was. He stated that Goldhill Mining has a good relationship with Boise County. The goal is to be a leader in a highly sustainable and profitable mining company.

Mr. Bill Seals, Formation Capitol Corp., Idaho Cobalt Project, stated that the Idaho Cobalt Project is located outside Challis. He said they spent 10 years in the NEPA process to acquire permits and they do have the permit now. He said all the disturbance to the land will be returned to its original state at closure. He stated the cobalt production facility has zero liquid discharge, minor air emission, and no tailing ponds. He said it's projected they will employ about 200 people with an annual payroll in the millions. This will add millions to employee, corporate, state, and federal taxes.

Ms. Erica Stone, Mine Manager for Agrium, reviewed the locations for phosphate ore reserves in Idaho and neighboring states. She stated that phosphates are used for crop nutrient, pharmaceuticals, industrial projects, and food and beverages. She stated they employ 300 individuals in Idaho and thousand across North America. She said at the North Rasmussen Ridge Mine they have 240 employees and maintain an excellent safety record. She said they started the permit process for the Proposed Rasmussen Valley Project in 2010 and an environmental impact statement is expected in 2014/2015 with production to begin in 2017.

Ms. Anne LaBelle, Midas Gold, said they are located in the Cascade area. She said the idea is to bring the investment dollars to Idaho and investors are looking for a safe place to invest. She stated they are the largest private employer in Valley County and they spent approximately \$45 million in Idaho in 2012. She said they plan to employ 400 direct employees, approximately 1,000 indirect jobs would be created, and that would mean an average annual payroll of approximately \$20 million for the state. She said much of the land is federal land which means they must go through the permit process and their concept is to streamline that process.

Mr. Del Steinger, President and CEO Premium Exploration, Inc., stated the Silver Valley area has had mining and logging since the late 1800's and was last dredged in the 1950s. He stated that nearly \$15 million has been spent on the Idaho Gold Project which employs up to 20 people at a time and supports local business, services and contractors. He said the high-tech process used for exploration is geophysics, soil sampling, and drilling and then concurrent reclamation, and voluntary remediation. He stated they are involved in the community and educate and inform neighbors. He said they began Elk City operations in 2008, have 2,140 claims covering about 18,000 hectares, and have 20,000 m drilled to date.

In response to questions from the committee, **Mr. Lyman** said that a typical time frame from discovery through the permitting process is a minimum of 7 years. He said if the land is state land they are held to the same standards as federal land, but an EIS is not required, so the time frame is closer to 2 to 5 years. Mr. Lyman, said in regards to the Mining Act, some mines were grandfathered in and can go to patent, but the mining law has not been changed.

In response to committee questions, **Ms. LaBelle** stated that their company is a public traded company, and Canada is where they get their investment dollars but there is also a significant American investment group. She said Toronto is considered the mining capitol of the world, and there are a lot of mining dollars there.

Chairman Denney recognized the Legislative Page, **Juritizi Enriquez**, who has been assigned to the committee for the first half of the session.

ADJOURN: There being no further business to come before the committee, the meeting was adjourned at 3:12 p.m.

Representative Denney
Chair

Rosee Winder
Secretary

AMENDED AGENDA #1
HOUSE RESOURCES & CONSERVATION COMMITTEE
1:30 P.M.
Room EW40
Tuesday, February 19, 2013

SUBJECT	DESCRIPTION	PRESENTER
<u>H 93</u>	Non-profit Rangeland Fire Protection Associations	Mr. David Goeschl, Idaho Department of Lands
<u>H 132</u>	Forest and Range Fire, Damages	Mr. Jeremy Chou, Givens Pursley
<u>H 128</u>	Water Liens/Time Limit	Mr. Norm Semanko, Idaho Water Users Assoc.
<u>H 129</u>	Irrigation District/Delinquent Assessment Interest Rate	Idaho Water Users Assoc.
<u>H 130</u>	Irrigation District Elections	Idaho Water Users Assoc.

If you have written testimony, please provide a copy of it to the committee secretary to ensure accuracy of records.

COMMITTEE MEMBERS

Chairman Denney	Rep Raybould	Rep Gestrin
Vice Chairman Gibbs	Rep Andrus	Rep Miller
Rep Wood(35)	Rep Shepherd	Rep Anderson(1)
Rep Barrett	Rep Wood(27)	Rep Pence
Rep Moyle	Rep Boyle	Rep Erpelding
Rep Eskridge	Rep Vander Woude	Rep Ward-Engelking

COMMITTEE SECRETARY

Rosee Winder
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MINUTES
HOUSE RESOURCES & CONSERVATION COMMITTEE

DATE:	Tuesday, February 19, 2013
TIME:	1:30 P.M.
PLACE:	Room EW40
MEMBERS:	Chairman Denney, Vice Chairman Gibbs, Representatives Wood(35), Barrett, Moyle, Eskridge, Raybould, Andrus, Shepherd, Wood(27), Boyle, Vander Woude, Gestrin, Miller, Anderson(1), Pence, Erpelding, Ward-Engelking
ABSENT/ EXCUSED:	None
GUESTS:	The sign-in sheet will be retained with the minutes in the committee secretary's office until the end of the session. Following the end of the session, the sign-in sheet will be filed with the minutes in the Legislative Services Library. Chairman Denney called the meeting to order at 1:31 p.m.
MOTION:	Rep. Erpelding made a motion to approve the minutes of February 7, 2013. Motion carried by voice vote.
MOTION:	Rep. Boyle made a motion to approve the minutes of February 11, 2013. Motion carried by voice vote.
H 93:	Mr. David Groeschl , Idaho Department of Lands, Division Administrator of Forestry and Fire, stated this bill provides language for non-profit rangeland fire protection associations, defines a term, and provides procedures. He stated that private landowners are funded solely by dues from membership. He stated the Governor supports this proposed statutory change. In response to questions from the committee, Mr. Groeschl said the membership for the rangeland fire protection association would be volunteer. He said the ranchers can form a board consisting of their own members. He stated the Bureau of Land Management (BLM) has provided training for the ranchers. The BLM and ranchers are working cooperatively together as there is a mutual interest in keeping the fires down to reduce damage. He said there is federal grant money that has provided some equipment and there is a separate budget item that the Governor has supported to help incentivise the startup costs.
MOTION:	Rep. Gibbs made a motion to send H 93 to the floor with a DO PASS recommendation. Motion carried by voice vote. Rep. Boyle will sponsor the bill on the floor.
H 132:	Mr. Jeremy Chou , Givens Pursley, stated this legislation restates Idaho law in cases of range fire and property damage. Also this legislation will limit damages in certain civil actions for real and personal property damage caused by forest or range fire and will define terms and clarify the applicability of provisions of the law. He said this legislation will clarify that recovery for real and personal property damage caused by forest or range fire will be limited to reasonable costs, economic damages, and fair market value of the real and personal property, or the actual and tangible costs for restoration. In answer to questions from the committee, Mr. Chou stated this legislation clarifies if a fire is inadvertently started, the fair market value would be used to cover the damage. He said language in this legislation will ensure the court would apply state law rather than federal law.

Mr. Dennis Tanikuni, Idaho Farm Bureau Federation, stated among their 14,500 producer members, many are range and forest land owners. He stated this bill can protect them from intangible damages should fires escape from their land and cause damage.

Mr. Mark Benson, Vice President of Public Affairs, The Potlatch Corporation, stated that in addition to timberland ownership, they own and operate a sawmill and plywood mill in St. Maries, Idaho. He said that as forest managers they are very aware of the risks of fire in the Inland West. He stated this legislation is a common sense piece of legislation and allows reasonableness to prevail when assessing the damages of a fire that spreads from one landowner to another.

Mr. Stan Boyd, Idaho Cattle Association, spoke in support of the legislation, stating this legislation is a common sense safety guard for Idaho. He stated that without this legislation, environmental groups could come in for environmental damages on behalf of the sage grouse.

Mr. Jim Riley, President, Riley & Associates, stated this bill would have a very good impact on the State of Idaho. He said last summer in the State of California, logging was shut down for fear of an escaped wildfire.

MOTION: **Rep. Gestrin** made a motion to send **H 132** to the floor with a **DO PASS** recommendation. **Motion carried by voice vote.** **Rep. Gestrin** will sponsor the bill on the floor.

H 128: **Mr. Norm Semanko**, Idaho Water Users Association, said this statute has remained the same since 1913. He said the proposed changes would limit the lien for delinquent canal company assessments from two years to three years.

In answer to committee questions, **Mr. Semanko** stated foreclosure proceedings relate only to the water, not the land.

MOTION: **Rep. Miller** made a motion to send **H 128** to the floor with a **DO PASS** recommendation. **Motion carried by voice vote.** **Rep. Miller** will sponsor the bill on the floor.

H 129: **Mr. Norm Semanko**, stated this legislation will make the interest rates consistent for delinquent assessments.

MOTION: **Rep. Raybould** made a motion send **H 129** to the floor with a **DO PASS** recommendation. **Motion carried by voice vote.** **Rep. Erpelding** will sponsor the bill on the floor.

H 130: **Mr. Norm Semanko** stated this legislation provides a more defined process for a candidate of an irrigation district to qualify for office. He said the candidate must reside in the district's county and must notify the secretary if they no longer meet those requirements.

In answer to questions from the committee, **Mr. Semanko** stated this legislation will build more integrity in the process and provide more guidance to the irrigation districts.

Mr. Dan Steenson, Nampa Meridian Irrigation District, in answer to questions from the committee, gave an example of how a person in this position was not a qualified land owner at the time the office was taken. He stated that this legislation would provide safeguards and protect the integrity of the office.

Mr. Darren Coon, Secretary Treasurer, Nampa Meridian Irrigation District, in answer to committee questions, stated that 38,000 notices were sent out as required by Idaho Code and the district's website is used for voter notification. He said they have three polling places in the District and they also provide for absentee voting. He stated there is an honor oath that is taken by the voters to verify they are eligible to vote.

Mr. Semanko in summary stated this legislation is important for protecting the integrity of the office. He said this legislation is about upholding the law and making better procedures.

MOTION **Rep. Raybould** made a motion to send H 130 to the floor with a **DO PASS** recommendation. **Motion carried by voice vote.** **Rep. Raybould** will sponsor the bill on the floor.

ADJOURN: There being no further business to come before the committee, the meeting was adjourned at 2:39 p.m.

Representative Denney
Chair

Rosee Winder
Secretary

AMENDED AGENDA #1
HOUSE RESOURCES & CONSERVATION COMMITTEE
1:30 P.M.
Room EW40
Thursday, February 21, 2013

SUBJECT	DESCRIPTION	PRESENTER
<u>H 131</u>	Extension Provision for Permit Holders	Rep. Barrett
<u>HJM 1</u>	Frank Church Wilderness	Rep. Gibbs
<u>H 146</u>	Winter Feeding Area	Rep. Boyle

If you have written testimony, please provide a copy of it to the committee secretary to ensure accuracy of records.

COMMITTEE MEMBERS

Chairman Denney	Rep Raybould	Rep Gestrin
Vice Chairman Gibbs	Rep Andrus	Rep Miller
Rep Wood(35)	Rep Shepherd	Rep Anderson(1)
Rep Barrett	Rep Wood(27)	Rep Pence
Rep Moyle	Rep Boyle	Rep Erpelding
Rep Eskridge	Rep Vander Woude	Rep Ward-Engelking

COMMITTEE SECRETARY

Rosee Winder
Room: EW62
Phone: 332-1136
email: hres@house.idaho.gov

MINUTES
HOUSE RESOURCES & CONSERVATION COMMITTEE

DATE: Thursday, February 21, 2013
TIME: 1:30 P.M.
PLACE: Room EW40
MEMBERS: Chairman Denney, Vice Chairman Gibbs, Representatives Wood (Hall)(35), Barrett, Moyle, Eskridge, Raybould, Andrus, Shepherd, Wood(27), Boyle, Vander Woude, Gestrin, Miller, Anderson(1), Pence, Erpelding, Ward-Engelking
**ABSENT/
EXCUSED:** Rep. Anderson(1)

GUESTS: Andrew Waldera, Moffit Thomas; Terry Jones, Rimfire Ranch; Marc Landblom, Salmon Idaho Mt. Bike Assoc.; Max Lohmeyer, Youth Employment Program; Phil Ryan, Back Country Horsemen; Jim Unsworth, Idaho Fish and Game; Andy Brunelle, U.S. Forest Service; Gary Spackman, Idaho Dept. of Water Resources; Sharon Kiefer, Idaho Dept. of Fish and Game, Kent Lauer, Idaho Farm Bureau; Tyler Mallard, Risch Pisca; Dr.I Bill Barton, ISDA; John Burns, BCH; Grant Simonds, Idaho Outfitters and Guide Association; Wyatt Prescott, Idaho Cattlemen's Association; John Foltz, Uol College of Ag. & Life Science; Wally Butler, Idaho Farm Bureau Federation, Dan Olberding, IGPA; Elizabeth Criner, NNFPA

Chairman Denney called the meeting to order at 1:32 p.m.

H 131: **Rep. Barrett** introduced **Andrew J. Waldera**, Moffit Thomas, to speak on this legislation. He stated they would like to work together with water agencies and others for improved legislation. He said larger water rights take longer to develop and a one time five-year extension will not allow enough time for development.

In answer to questions from the committee, **Mr. Waldera** clarified a large water right as 2 cfs or larger.

Mr. Gary Spackman, Director of Idaho Department of Water Resources, spoke in support for the statutory language of this bill. He said the amendment allows the opportunity to clean up and clarify some language.

Mr. Kent Lauer, Government Affairs Office, spoke for Idaho Farm Bureau Federation and Idaho Farm Bureau in support of this legislation. He stated this legislation will help people facing unforeseen delays.

MOTION: **Rep. Ward-Engelking** made a motion to send **H 131** to the floor with a **DO PASS** recommendation. **Motion carried by voice vote.** **Rep. Barrett** will sponsor the bill on the floor.

HJM 1: **Rep. Gibbs** stated as a result of fires, portions of the Frank Church River of No Return Wilderness trail system have been closed. This legislation will request Congress to urge the Secretary of Agriculture and the Chief of the United States Forest Service to reopen the Frank Church Wilderness trail system.

Mr. John Burns, Back Country Horsemen, and for **Val Johnson**, stated this resolution urges agencies to put a priority on natural resources. He said they urge compliance with section 5b of the Central Wilderness Act of 1980, but there is concern about the Forest Service being constrained with the wording. He stated there are approximately 2 1/2 million acres and about 2,500 miles of wilderness trails that need attention in order for people to enjoy them. He said there are too many restrictions for volunteers to get work done. He said they would like a proper priority and emphasis on the wilderness.

Mr. Mark Landblom, Salmon Idaho Mt. Bike Association, stated his organization volunteers time in order to keep trails open. He said they use their own funds to clear trails that have been neglected. He said they promote multi-use trail recreation and support community events. Other recreationists have expressed appreciation for the work they have done on the trails.

Mr. Max Lohmeyer, Coordinator for the Youth Employment Program, said their program has provided youth the opportunity to work on enhancement and maintenance projects. He said they would ask the leaders of the state to look at the funding mechanisms the state and federal agencies are using to fund trails and public lands access projects.

Mr. Phil Ryan, Back Country Horsemen, stated this legislation is supported by many recreation groups. He said for the past two summers volunteers have worked the West Side of the Frank Church trails and Marble Creeks. He said it took weeks to clear trails and repair the tread. The Frank Church does not have one summer Forest Service Trail Crew working inside the wilderness and volunteers can't do it alone.

Mr. Andrew Brunelle, United States Forest Service, stated there is a lot of cooperation on this project. He said with the cooperation of volunteers, they were able to get into many miles of trails.

In answer to committee questions, **Mr. Brunelle** stated that funds coming from the federal government are being reduced at the local level due to U. S. Congress appropriations.

Mr. Grant Simonds, Idaho Outfitters & Guide Associations, stated this memorial addresses the growing backlog on some trail maintenance despite the annual trail work of agency trail crews and volunteers. He said the trail system as is, compromises the safety and health of humans as well as livestock. He stated he thought a trail maintenance effort similar to the Civilian Conservation Corps of the 1930s is needed.

- MOTION:** **Rep. Barrett**, made a motion to send **HJM 1** to the floor with a **DO PASS** recommendation. **Motion carried by voice vote**. **Rep. Gibbs** will sponsor the bill on the floor.
- H 146:** **Rep. Boyle** requested that this legislation be removed from the agenda due to the need for additional information.
- ADJOURN:** There being no further business to come before the committee, the meeting was adjourned at 2:23 p.m.

Representative Denney
Chair

Rosee Winder
Secretary

AGENDA
HOUSE RESOURCES & CONSERVATION COMMITTEE
1:30 P.M.
Room EW40
Monday, February 25, 2013

SUBJECT	DESCRIPTION	PRESENTER
<u>S 1001</u>	Revise Provisions Relating to Disease Research	Sharon Kiefer, Idaho Fish & Game
<u>S 1003</u>	Revise Provisions Relating to Class 2 Licenses	Idaho Fish & Game
<u>S 1004</u>	Provide Specifications for Licenses	Idaho Fish & Game
<u>S 1049</u>	Oil & Gas Conservation Commission	Tom Schultz, Idaho Department of Lands

If you have written testimony, please provide a copy of it to the committee secretary to ensure accuracy of records.

COMMITTEE MEMBERS

Chairman Denney	Rep Raybould	Rep Gestrin
Vice Chairman Gibbs	Rep Andrus	Rep Miller
Rep Wood(35)(Hall)	Rep Shepherd	Rep Anderson(1)
Rep Barrett	Rep Wood(27)	Rep Pence
Rep Moyle	Rep Boyle	Rep Erpelding
Rep Eskridge	Rep Vander Woude	Rep Ward-Engelking

COMMITTEE SECRETARY

Rosee Winder
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MINUTES
HOUSE RESOURCES & CONSERVATION COMMITTEE

DATE:	Monday, February 25, 2013
TIME:	1:30 P.M.
PLACE:	Room EW40
MEMBERS:	Chairman Denney, Vice Chairman Gibbs, Representatives Wood (Hall)(35), Barrett, Moyle, Eskridge, Raybould, Andrus, Shepherd, Wood(27), Boyle, Vander Woude, Gestrin, Miller, Anderson(1), Pence, Erpelding, Ward-Engelking
ABSENT/ EXCUSED:	Rep. Anderson(1)
GUESTS:	Tom Schultz, Idaho Dept. of Lands; Sharon Kiefer, Idaho Department of Fish & Game; Eric Wilson, Idaho Dept. of Lands; Jack Lyman, Idaho Mining Assoc.; Russell Westerberg, ICOA, Bonnie Butler, Governor's Office; Shelley Dunn, BTS; Suzanne Budge, SBS Assoc., LLC.; Courtney Washburn, IICA
S 1001:	<p>Chairman Denney called the meeting to order at 1:34 p.m.</p> <p>Ms. Sharon Kiefer, Deputy Director, Idaho Department of Fish & Game, stated this legislation amends the current code to remove the obsolete job classification term of "state wildlife veterinarian." This is for the purposes of the agreement between the University of Idaho Caine Veterinary Teaching and Research Center (Center) and the Department of Fish and Game for disease research regarding the interaction of disease between wildlife and domestic livestock. Due to recent revenue conditions, the funding for the shared veterinarian was changed to funding a veterinarian for each agency, which was done with agreement of both agencies and which resulted in no loss of service or coordination between either agency. To ensure coordination regarding the use of these funds, the bill directs the use of the Fish and Game funds relative to interaction of disease between wildlife and domestic livestock to occur between the Center and the Director of the Department of Fish and Game.</p>
MOTION:	<p>Rep. Wood(27) made a motion to send S 1001 to the floor with a DO PASS recommendation. Motion carried by voice vote. Rep. Wood(27) will sponsor the bill on the floor.</p>
S 1003aa:	<p>Ms. Sharon Kiefer, presented S 1003aa saying this bill consolidates licenses for resident and non-resident youth for hunting. She said feedback indicated that the youth license structure was confusing. This bill makes some technical corrections and removes obsolete provisions of the non resident nongame license.</p> <p>In answer to committee questions, Ms. Kiefer, clarified that the license fees go into the Department of Fish and Game fund. She clarified that unless money is specified for a specific account it goes into a set-aside provision.</p>
MOTION:	<p>Rep. Pence made a motion to send S 1003aa to the floor with a DO PASS recommendation. Motion carried by voice vote. Rep. Pence will sponsor the bill on the floor.</p>
S 1004:	<p>Sharon Kiefer, stated this legislation would create a new three-year licence for adult, junior, resident senior, and resident disabled person's licences. Purchase of a three-year license would be voluntary because the existing lifetime license and annual licenses would still be available. The Department has been investigating aspects of licensing to create a more desirable product for customers. A survey was done and from the positive response, the Department proposed the three-year license. She stated the monies received will be similar in manner to lifetime licenses.</p>

- MOTION:** **Rep. Gibbs** made a motion to send **S 1004** to the floor with a **DO PASS** recommendation. **Motion carried by voice vote.** **Rep. Gibbs** will sponsor the bill on the floor.
- S 1049:** **Mr. Tom Schultz**, Idaho Department of Lands, stated this legislation changes the membership of the Oil & Gas Conservation Commission. He said the legislation would replace the current members of the Commission, who are also members of the State Land Board. He said the legislation would also establish Commission member terms, election of officers, member compensation, frequency of meetings, staffing and other duties. It also allows the new Commission to designate hearing officers, establish advisory committees related to oil and gas, and perform duties associated with oil and gas regulation in Idaho. The new Commission can either retain the department as their administrative agency and the departments director as their secretary, or they may hire their own staff and secretary. The separation of the Land Board and the Commission is to remove the appearance of a conflict of interest.
- In answer to questions from the committee, **Mr. Schultz** stated that they are not changing the Commission, they are changing what they do. He said it would bring the expertise of people which is not currently available on the Board.
- MOTION:** **Rep. Erpelding** made a motion to send **S 1049** to the floor with a **DO PASS** recommendation.
- In response to questions, **Mr. Shultz** clarified the compensation for an honorarian is not considered a salary. He said his understanding is the position would count toward PERSI and longevity. He stated the Commission would not have an engineer. He said the Commission would take over the duties of the Land Board. He said they are not creating a new Commission, just a different membership that would be appropriate to Idaho.
- Rep. Vander Woude** clarified that under the honorarian you are not responsible for PERSI and the bill would need to be amended prior to sending it to the floor.
- SUBSTITUTE MOTION:** **Rep. Vander Woude** made a substitute motion to send **S 1049** to General Orders with amendments attached to change "h" to "n", on page 2, line 7. **Motion carried by voice vote.** **Rep. Vander Woude** will sponsor the bill on the floor.
- ADJOURN:** There being no further business to come before the committee, the meeting was adjourned at 2:09 p.m.

Representative Denney
Chair

Rosee Winder
Secretary

AMENDED AGENDA #2
HOUSE RESOURCES & CONSERVATION COMMITTEE
1:30 P.M.
Room EW40
Wednesday, February 27, 2013

SUBJECT	DESCRIPTION	PRESENTER
<u>H 38</u>	Idaho State Water Plan Discussion	

If you have written testimony, please provide a copy of it to the committee secretary to ensure accuracy of records.

COMMITTEE MEMBERS

Chairman Denney	Rep Raybould	Rep Gestrin
Vice Chairman Gibbs	Rep Andrus	Rep Miller
Rep Wood(35)	Rep Shepherd	Rep Anderson(1)
Rep Barrett	Rep Wood(27)	Rep Pence
Rep Moyle	Rep Boyle	Rep Erpelding
Rep Eskridge	Rep Vander Woude	Rep Ward-Engelking

COMMITTEE SECRETARY

Rosee Winder
Room: EW62
Phone: 332-1136
email: hres@house.idaho.gov

MINUTES
HOUSE RESOURCES & CONSERVATION COMMITTEE

DATE: Wednesday, February 27, 2013
TIME: 1:30 P.M.
PLACE: Room EW40
MEMBERS: Chairman Denney, Vice Chairman Gibbs, Representatives Wood(35), Barrett, Moyle, Eskridge, Raybould, Andrus, Shepherd, Wood(27), Boyle, Vander Woude, Gestrin, Miller, Anderson(1), Pence, Erpelding, Ward-Engelking
**ABSENT/
EXCUSED:** Reps. Moyle, and Wood(27)
GUESTS: Kent Lauer, Idaho Farm Bureau; Shirley Davis, BRS; Teresa Molitor, Great Feeder Canal Co.; Tom Arkoosh, Surface Water Coalition; Marie Kellner, Idaho Conservation League; Elizabeth Criner, NWFPA/FWAA;. Stephen Goodson, Gov. Office; Norm Semanko, IWUA
MOTION: **Chairman Denney** called the meeting to order at 1:35 p.m.
MOTION: **Rep. Boyle** made a motion to approve the minutes of the February 13, 2013 meeting. **Motion carried by voice vote.**
MOTION: **Rep. Erpelding** made a motion to approve the minutes of the February 19, 2013 meeting. **Motion carried by voice vote.**

H 38: **Chairman Denney** stated this hearing would be for discussion purposes only and there would not be a vote taken today. He introduced **Ms. Helen Harrington**, **Mr. Brian Patton**, **Mr. Clive Strong**, Idaho Department of Water Resources, and **Mr. Norm Semanko**, Idaho Water Users Association.

Mr. Clive Strong stated that in response to the committee's concerns, the three areas in the Idaho State Water Plan (Plan) that were addressed were incidental aquifer recharge, instream water use, and implementation strategies. He also stated they are not establishing policy.

In answer to questions from the committee, **Mr. Strong** stated the last time the water plan was written was in 1996 and was approved in 1997. It is a comprehensive plan which addresses current uses and how to achieve water policies in the future.

Mr. Patton stated the Board felt the policy should be in the Plan.

In answer to questions, **Mr. Semanko** stated the Water Users support the plan as is. He stated it took two years to have language removed which gave the Board the ability to acquire water rights to use as permanent instream flow.

Mr. Strong said they consider the water policy as a whole and all the completed plans are included. He stated the law allows for the Plan to be done in components, when the Snake River Adjudication plan in the Treasure Valley is complete it will also be included.

Rep. Boyle thanked **Mr. Strong** and **Mr. Semanko** for their input on assisting Committee members reviewing this legislation.

Rep. Wood(35) stated that concerns were raised and had been addressed and she thanked them for their participation.

Chairman Denney stated that the committee will be asking for privileged status on Friday to introduce any proposed legislation regarding the Plan. He also clarified that if it is the will of the committee to make changes before proposed legislation is sent to print that it will not delay the process.

ADJOURN: There being no further business to come before the committee, the meeting was adjourned at 2:04 p.m.

Representative Denney
Chair

Rosee Winder
Secretary

AMENDED AGENDA #2
HOUSE RESOURCES & CONSERVATION COMMITTEE
1:30 P.M.
Room EW40
Friday, March 01, 2013

SUBJECT	DESCRIPTION	PRESENTER
<u>H 38</u>	Idaho State Water Plan	Idaho Water Resources Board
<u>RS22182</u>	Idaho State Water Plan	Idaho Water Resources Board

If you have written testimony, please provide a copy of it to the committee secretary to ensure accuracy of records.

COMMITTEE MEMBERS			COMMITTEE SECRETARY
Chairman Denney	Rep Raybould	Rep Gestrin	Rosee Winder
Vice Chairman Gibbs	Rep Andrus	Rep Miller	Room: EW62
Rep Wood(35)	Rep Shepherd	Rep Anderson(1)	Phone: 332-1136
Rep Barrett	Rep Wood(27)	Rep Pence	email: hres@house.idaho.gov
Rep Moyle	Rep Boyle	Rep Erpelding	
Rep Eskridge	Rep Vander Woude	Rep Ward-Engelking	

MINUTES
HOUSE RESOURCES & CONSERVATION COMMITTEE

DATE:	Friday, March 01, 2013
TIME:	1:30 P.M.
PLACE:	Room EW40
MEMBERS:	Chairman Denney, Vice Chairman Gibbs, Representatives Wood(35), Barrett, Moyle, Eskridge, Raybould, Andrus, Shepherd, Wood(27), Boyle, Vander Woude, Gestrin, Miller, Anderson(1), Pence, Erpelding, Ward-Engelking
ABSENT/ EXCUSED:	Reps. Shepherd, Raybould, and Anderson(1)
GUESTS:	Scott Hauser, Upper Snake River Tribes; Sharon Kiefer, IDF&G; Peter Anderson, Trout Unlimited; Norm Semanko, IWUA; Roger Chase, State Water Board; Marie Kellner, Idaho Conservation League; Courtney Washburn, Idaho Conservation League; Pat Barclay, ICIE; Elizabeth Criner, JR Simplot; Stephen Goodson, Gov. Office; Gary Spackman, IDWR; Angela Rossmann, ACFGI; Teresa Molitor, Great Feeder Canal; Ann Vonde, AG; Kent Lauer, Idaho Farm Bureau; Andy Brunelle, Forest Service; Lynn Tominaga, IGWA
	Chairman Denney called the meeting to order at 1:30 p.m.
MOTION:	Rep. Boyle made a motion to approve the minutes of February 21, 2013. Motion carried by voice vote.
MOTION:	Rep. Erpelding made a motion to approve the minutes of February 25, 2013. Motion carried by voice vote.
RS 22182:	Chairman Denney explained to the Committee when the hearing was held on H 38 , the Committee had concerns regarding the State Water Plan (Plan) and some members met with the Water Resources Board to make some suggestions. These suggestions are in RS 22182 . The Committee will have a hearing on Thursday, March 7, to consider both pieces of legislation regarding the Plan.
MOTION:	Rep. Wood(35) made a motion to introduce RS 22182 . Motion carried by voice vote. Reps. Erpelding and Ward-Engelking requested to be recorded as voting NAY . In response to questions from the Committee, Chairman Denney explained the Constitution requires action on the Plan within 60 days from the first day of the session. The Water Board delivered the Plan to the Legislature on time. He stated the deadline is near and the Plan has not been reviewed properly. He said it would be beneficial for everyone to have the chance to review it.
	Chairman Denney invited Roger Chase , Idaho Water Resources Board, to speak who thanked the Committee for their work.
	Chairman Denney invited Bert Stevenson , Idaho Water Resources Board, to speak. He stated that he appreciated the opportunity. He recognized some of the Representatives he used to work with when he was a Representative and thanked the Committee for their work.
ADJOURN:	There being no further business to come before the Committee, the meeting was adjourned at 1:42 p.m.

Representative Denney
Chair

Rosee Winder
Secretary

AMENDED AGENDA #1
HOUSE RESOURCES & CONSERVATION COMMITTEE
1:30 p.m. or Upon Adjournment
Room EW40
Tuesday, March 05, 2013

SUBJECT	DESCRIPTION	PRESENTER
<u>H 143</u>	Relating to Invasive Species	Rep. Anderson(1)
<u>HCR 13</u>	Fish & Game Rejecting a Rule	Rep. Gibbs
<u>HCR 14</u>	Fish & Game Rejecting a Rule	Rep. Gibbs
<u>SCR 106</u>	Fish & Game Rules Regarding Licensing	Rep. Gibbs
<u>SCR 107</u>	Fish & Game Rule Governing Taking of Big Game	Rep. Gibbs
<u>SCR 108</u>	Fish & Game Rule Governing Taking of Big Game	Rep. Gibbs
<u>SCR 109</u>	Fish & Game Rules Governing Taking of Big Game Birds	Rep. Gibbs
<u>SCR 110</u>	Fish & Game Rule Governing Licensing	Rep. Gibbs

If you have written testimony, please provide a copy of it to the committee secretary to ensure accuracy of records.

COMMITTEE MEMBERS		COMMITTEE SECRETARY	
Chairman Denney	Rep Raybould	Rep Gestrin	Rosee Winder
Vice Chairman Gibbs	Rep Andrus	Rep Miller	Room: EW62
Rep Wood(35)	Rep Shepherd	Rep Anderson(1)	Phone: 332-1136
Rep Barrett	Rep Wood(27)	Rep Pence	email: hres@house.idaho.gov
Rep Moyle	Rep Boyle	Rep Erpelding	
Rep Eskridge	Rep Vander Woude	Rep Ward-Engelking	

MINUTES
HOUSE RESOURCES & CONSERVATION COMMITTEE

DATE:	Tuesday, March 05, 2013
TIME:	1:30 P.M.
PLACE:	Room EW40
MEMBERS:	Chairman Denney, Vice Chairman Gibbs, Representatives Wood(35), Barrett, Moyle, Eskridge, Raybould, Andrus, Shepherd, Wood(27), Boyle, Vander Woude, Gestrin, Miller, Anderson(1), Pence, Erpelding, Ward-Engelking
ABSENT/ EXCUSED:	Rep. Moyle
GUESTS:	Amy Ferry, CPS; Sharon Kiefer, IDF&G; Tyler Mallard, Risch Pisca; Nancy Merril, Idaho Parks & Rec: Lloyd Knight, ISDA; Wally Butler, IFBF; Dan Olberling, IGPH.
	Chairman Denney called the meeting to order at 2:45 p.m.
H 143:	Rep. Anderson(1) said this legislation transfers the administration of invasive species stickers to the Idaho Department of Fish & Game because they have more available vendors than the Idaho Department of Parks and Recreation. He said this transfer has been negotiated between the Idaho Department of Parks and Recreation, Idaho Department of Agriculture, Idaho Department of Fish & Game, the Governor's Office, and Idaho Outfitters and Guides.
MOTION:	Rep. Gestrin made a motion to send H 143 to the floor with a DO PASS recommendation. Motion carried by voice vote. Rep. Anderson(1) will sponsor the bill on the floor.
HCR 13:	Rep. Gibbs stated this legislation rejects Docket No. 13-0104-1201 which is the Rule regarding eligibility for the Governor's auction tag. He encouraged the Committee to hold HCR 13 and concur with SCR 110 .
MOTION:	Rep. Wood(35) made a motion to HOLD HCR 13 in Committee. Motion carried by voice vote.
SCR 110:	Rep. Gibbs urged the Committee to concur with the Senate and send this resolution to the floor.
MOTION:	Rep. Wood(35) made a motion to send SCR 110 to the floor with a DO PASS recommendation. Motion carried by voice vote. Rep. Wood(35) will sponsor the bill on the floor.
HCR 14:	Rep. Gibbs stated this legislation will reject Docket No. 13-0108-1204 relating to the ATV Restrictions Rule. If the Committee approves HCR 14 , it will be sent to the Senate for their concurrence. In answer to Committee questions, Rep. Gibbs stated the House and Senate did not take the same action on this Rule. He said the House rejected the rule and the Senate accepted it.
	Sharon Kiefer , Idaho Department of Fish and Game, was called upon to clarify the ruling between the House and Senate. She stated the proposed action would be consistent with the vote taken when the Committee had the Rules discussion.
MOTION:	Rep. Wood(35) made a motion to send HCR 14 to the floor with a DO PASS recommendation. Motion carried by voice vote. Rep. Miller will sponsor the bill on the floor.

- SCR 106:** **Rep. Gibbs** said to be consistent with the action that was taken in the House, he urged the Committee to concur with the Senate on rejection of **Docket No. 13-0104-1202**, and to pass **SCR 106**.
- MOTION:** **Rep. Wood(35)** made a motion to send **SCR 106** to the floor with a **DO PASS** recommendation. **Motion carried by voice vote.** **Rep. Wood(35)** will sponsor the bill on the floor.
- SCR 107:** **Rep. Gibbs** said to be consistent with the action that was taken as a Committee, he would urge the Committee to not concur with the Senate on this legislation. He stated it is regarding Rule **Docket No. 13-0108-1202**.
- In answer to questions from the Committee, **Ms. Kiefer** stated the Committee did not reject this docket. This Rule was to implement **H 457** and **H 525** (2012), which allows for transfer of a controlled hunt tag to a minor child and for a companion to a disabled hunter.
- Rep. Gibbs** stated the Senate took exception to some of the requirements to aid a disabled hunter and rejected the entire docket. To be consistent with the actions of this Committee he urged a vote to not concur with the Senate Concurrent Resolution.
- In answer to questions, **Ms. Kiefer**, stated one of the Senate concerns was a minor technical fix and documentation for a companion hunter assisting a disabled hunter which was the basis for the rejection.
- MOTION:** **Rep. Raybould** made a motion to **HOLD SCR 107** in Committee. **Motion carried by voice vote.**
- SCR 108:** **Rep. Gibbs** stated this is another **Rule Docket No. 13-0108-1205** that the Committee rejected and the Senate rejected it as well.
- MOTION:** **Rep. Erpelding** made a motion to send **SCR 108** to the floor with a **DO PASS** recommendation. **Motion carried by voice vote.** **Rep. Wood(27)** will sponsor the bill on the floor.
- SCR 109:** **Rep. Gibbs** said this is a Rule that the House Committee accepted and the Senate rejected because of reference to an affidavit system involving a disabled hunter. He said to be consistent, he urged the Committee to hold **SCR 109** in Committee.
- MOTION:** **Rep. Wood(27)** made a motion to **HOLD SCR 109** in Committee. **Motion carried by voice vote.**
- ADJOURN:** There being no further business to come before the committee, the meeting was adjourned at 3:08 p.m.

Representative Denney
Chair

Rosee Winder
Secretary

AMENDED AGENDA #2
HOUSE RESOURCES & CONSERVATION COMMITTEE
1:30 or Upon Adjournment
Room EW40
Thursday, March 07, 2013

SUBJECT	DESCRIPTION	PRESENTER
<u>H 38</u>	State Water Plan	Idaho Water Resources Board
<u>H 247</u>	State Water Plan	Idaho Water Resources Board

If you have written testimony, please provide a copy of it to the committee secretary to ensure accuracy of records.

COMMITTEE MEMBERS			COMMITTEE SECRETARY
Chairman Denney	Rep Raybould	Rep Gestrin	Rosee Winder
Vice Chairman Gibbs	Rep Andrus	Rep Miller	Room: EW62
Rep Wood(35)	Rep Shepherd	Rep Anderson(1)	Phone: 332-1136
Rep Barrett	Rep Wood(27)	Rep Pence	email: hres@house.idaho.gov
Rep Moyle	Rep Boyle	Rep Erpelding	
Rep Eskridge	Rep Vander Woude	Rep Ward-Engelking	

MINUTES
HOUSE RESOURCES & CONSERVATION COMMITTEE

DATE: Thursday, March 07, 2013
TIME: 1:30 P.M.
PLACE: Room EW40
MEMBERS: Chairman Denney, Vice Chairman Gibbs, Representatives Wood(35), Barrett, Moyle, Eskridge, Raybould, Andrus, Shepherd, Wood(27), Boyle, Vander Woude, Gestrin, Miller, Anderson(1), Pence, Erpelding, Ward-Engelking
**ABSENT/
EXCUSED:** None
GUESTS: Roger Chase, IDWRB; Shelley Dunn, BRS; Chuck Colter, Shoshone-Bannock Tribes; Norm Semanko, IWUA; Lynn Tominaga, IGWA; Peter Anderson, Trout Unlimited; John Simpson, Water User; Tom Arkoosh, SWR; Gary Spackman, IDWR; Randy MacMillan, Clear Springs Foods; Bert Stevenson; Brian Patton, IDWR; Marie Kellner, ICL; Courtney Washburn, ICL; Elizabeth Criner, NWFP/J.R. Simplot; Pat Barclay, ICIE; Teresa Molitor, Great Feeder Canal Co.; John Ellsworth, Great Feeder Canal Co.; Viki Pursly, self; Bruce Grover, Great Feeder Canal; Luke Hicks, Burgess Canal Co.; Kent Lauer, Idaho Farm Bureau

Chairman Denney called the meeting to order at 2:22 p.m.

MOTION: **Rep. Erpelding** made a motion to approve the minutes of March 1, 2013. **Motion carried by voice vote.**

H 38: **Mr. Roger Chase**, Chairman, Idaho Department of Water Resources Board, stated hundreds of people have sent in comments and there was a great consensus on the Idaho State Water Plan. He thanked **Gary Spackman, Brian Patton, Helen Harrington, Harriet Hemsley and Clive Strong**. He stated the revision for the Idaho State Water Plan started in 2007. He said open meetings and hearings were held across the state to discuss and propose revisions and public comment was received. He stated that minimum stream flow policy, recharge, climate variability, legislative criteria, fishery, environmental policies, and funding policies were covered in the Idaho State Water Plan.

In answer to questions from the Committee, **Mr. Chase** stated their expectations were that the Legislature would review the Idaho State Water Plan. He said the Board is open to any thoughts the Committee might have.

Mr. Chase introduced **Mr. Clive Strong**, Attorney General's Office, to answer questions regarding instream flow. He clarified that the Attorney General's Office takes no position, but provides legal advice. He said instream flow refers to different uses and is protected through the minimum streamflow statute. He said the rationale for the climate variability provision is due to lower snow pack for water storage, so the intent is to take that variability into account.

Mr. Brian Patton, Idaho Department of Water Resources, said that riparian policy is very similar to the policy in the 1996 Idaho State Water Plan. The intent is to show federal agencies and others that the state does have a proactive policy to protect the landowner. He stated the weather cycles through wet and dry years, there is a revision on the standard snow pack charts based on a 30-year cycle.

In answer to questions from the committee, **Mr. Chase** said they are always aware of funding and keeping cost down is a primary concern of the Board. **Mr. Patton** said there is no intention in this Idaho State Water Plan to seek a water-user fee.

The Board makes loans to irrigation districts, cities, etc., they issue revenue bonds, and they want differential costs within the same irrigation system.

Rep. Shepherd requested the minutes show the Board would not use the Idaho State Water Plan as a way to institute fees.

Rep. Wood(35) explained to the Board that the Committee is prescribed by law to reject or amend the State Water Plan and that they take this charge to review the Plan seriously. The Committee wanted to make sure the work was legally acceptable and non-challenging. She said their aim was more emphasis on state water rights and prior appropriation doctrine. The Committee looked at the Idaho Water Resource Board Aquifer Management Plans as required by the law, has suggested some language changes and consolidated implementation strategies.

Rep. Andrus stated he appreciated the work the staff has done on the Idaho State Water Plan. He reviewed his concern with wetlands. He said he does not understand why removing the climate variability is a concern.

Rep. Wood(35) said other parts of the Idaho State Water Plan gives reference to climate variability and the recommendation was to pare that down.

Rep. Boyle stated they removed language they felt was redundant. She stated the language should be in the most simple terms for the public's use. They added in Idaho Code so the public will know what authority the board has and clarified wording in the safety measures program.

Rep. Wood(35) stated the Committee is aware that federal funding is being reduced, and there needs to be a better understanding of local and private funding.

Rep. Barrett stated the Legislature shall have the authority to amend or reject the Idaho State Water Plan in a manner that is prescribed by State law. She said they have looked upon the Board as partners and it was a learning experience to review this Plan.

In answer to Committee questions, **Mr. Strong** said he did not think the reference to Native Americans had been taken out. He also spoke regarding the authority for the Committee to change the Idaho State Water Plan as allowed by law. He said the Legislature had been given the required 60-days for review and **H 38** will go into effect tomorrow if no action is taken; however, the Board is amenable to discussing any concerns.

Rep. Miller said he feels there is a compromise on water rights for environmental concerns and there is no mention of Soil Conservation Districts that deal with these issues.

Mr. Chase stated the Constitution of the State of Idaho needs to be followed.

Rep. Anderson(1) clarified that the Idaho State Water Plan becomes effective tomorrow and stated he does not share the concerns of some of the Committee members. He requested the record show he does not share the Committee's angst.

Mr. Chad Colter, Fish and Wildlife Director, Shoshone-Bannock Tribes, stated the Tribes reserved, by ratified peace treaty, the right to hunt on unoccupied lands of the United States for resources to sustain themselves and preserve traditional cultural practices. He said it is in the best interest of the state, the Tribes, and the ecosystem experts not to set a blanket policy in a document designed to manage water resources.

Rep. Shepherd said his concern is for climate change rather than climate variability.

Mr. Norm Semanko, Idaho Water Users Association, **spoke in support of H 38**. He said the changes that were requested by the Committee had been made. He stated the Idaho State Water Plan does not change the law, but it recommends changes to the policy.

H 247:

Mr. Lynn Tominaga, Director, Groundwater Appropriators, **spoke in opposition to H 247**. He said one problem in particular was incidental recharge. He said they reviewed the recharge from different distances from the river and determined the water stays in the aquifer longer when it is farther from the river. He said there are higher temperatures for longer periods of time, and higher periods of rain. He said 2004 to 2008 was worse than the great depression time period for drought. He explained the need to make sure that Idaho has the capability to build more reservoirs in the state.

Mr. Peter Anderson, on behalf of Trout Unlimited, **spoke in favor** of the Idaho State Water Plan. He said they appreciate the way the members of the board understand the critical ways water is related to the many forms of recreation.

Ms. Marie Kellner, Idaho Conservation League, **spoke in opposition to H 247**. She stated this bill removes entire policies and changes critical wording in the proposed Idaho State Water Plan. She said the bill removes references to climate variability, and removes a long-standing policy entitled "Riparian Habitat and Wetlands." She stated this sends a message to people that their views were not valued when they went through the process.

Mr. John Ellsworth, Vice President, Great Feeder Canal Board, expressed concerns that fees are a part of the Idaho State Water Plan. He stated the Great Feeder Canal Board is unique in that they divert 75% more water than is used.

Mr. Bruce Grover, Chairman, Great Feeder Canal Board, stated they are charged through District 1 by diversion rates, not by acreage. He said fees would be a double hit for them because they are already providing a tremendous amount of water.

Mr. Luke Hicks, Burgess Canal Co., **spoke in favor of H 247**.

Reps. Andrus, Raybould, Gibbs, Boyle, Pence, Wood(35), and Wood(27) invoked **Rule 38** stating a conflict of interest but they would be voting on the legislation.

Mr. Chase was called to answer questions, he stated they consider the Idaho State Water Plan a living document so they would be willing to meet with an interim committee this summer regarding revision.

MOTION:

Rep. Raybould made a motion to send **H 38** to the floor with a **DO PASS** recommendation.

ROLL CALL

Roll call vote was requested. **Motion carried by a vote of 13 AYE, and 5 NAY**.

VOTE:

Voting in favor of the motion: **Reps. Gibbs, Moyle, Eskridge, Raybould, Wood(27), Vander Woude, Gestrin, Miller, Anderson(1), Pence, Erpelding, Ward-Engelking, Denney**. **Voting in opposition** to the motion: **Reps. Wood(35), Barrett, Andrus, Shepherd, and Boyle**. **Rep. Raybould** will sponsor the bill on the floor.

ADJOURN:

There being no further business to come before the committee, the meeting was adjourned at 4:18 p.m.

Representative Denney
Chair

Rosee Winder
Secretary

AGENDA
HOUSE RESOURCES & CONSERVATION COMMITTEE
1:30 p.m. or Upon Adjournment
Room EW40
Monday, March 11, 2013

SUBJECT	DESCRIPTION	PRESENTER
<u>S 1061</u>	Threatened/Endangered Species	Sen. Brackett
<u>S 1062</u>	Trespass/Orange Colored Posts	Sen. Guthrie

If you have written testimony, please provide a copy of it to the committee secretary to ensure accuracy of records.

COMMITTEE MEMBERS

Chairman Denney	Rep Raybould	Rep Gestrin
Vice Chairman Gibbs	Rep Andrus	Rep Miller
Rep Wood(35)	Rep Shepherd	Rep Anderson(1)
Rep Barrett	Rep Wood(27)	Rep Pence
Rep Moyle	Rep Boyle	Rep Erpelding
Rep Eskridge	Rep Vander Woude	Rep Ward-Engelking

COMMITTEE SECRETARY

Rosee Winder
Room: EW62
Phone: 332-1136
email: hres@house.idaho.gov

MINUTES
HOUSE RESOURCES & CONSERVATION COMMITTEE

DATE: Monday, March 11, 2013
TIME: 1:30 pm or Upon Adjournment
PLACE: Room EW40
MEMBERS: Chairman Denney, Vice Chairman Gibbs, Representatives Wood(35), Barrett, Moyle, Eskridge, Raybould, Andrus, Shepherd, Wood(27), Boyle, Vander Woude, Gestrin, Miller, Anderson(1), Pence, Erpelding, Ward-Engelking
**ABSENT/
EXCUSED:** Reps. Raybould, Moyle
GUESTS: Stephen Goodson, Governor's Office; Sam Eaton; Cully Yanger; Wally Butler, IFBF; Dustin Miller, OSC; Elizabeth Criner, J.R. Simplot; Norm Semanko, IWUA
Chairman Denney called the meeting to order at 3:03 p.m.
S 1061: **Sen. Brackett** stated this act is relating to threatened and endangered species and reintroduction of any federally listed species onto lands within the State or into state waters without state consultation and approval is against policy.
In answer to questions, **Sen. Brackett** explained this legislation states that the State must be involved through the Species Conservation Office.
Mr. Wally Butler, Idaho Farm Bureau Federation, **spoke in support of S 1061** and said the state should be able to decide what should be approved.
Mr. Dustin Miller, Office of Species Conservation, **spoke in support of S 1061**. He stated this bill is complimentary to other statutes. Their office has statutory responsibility over endangered species in Idaho. He stated the federal agencies are in charge of endangered species, not candidate species in Idaho.
Mr. Norm Semanko, Idaho Department of Water Users Association, **spoke in support of S 1061**. He stated they are concerned about the reintroduction of salmon above Hells Canyon as part of the Federal Energy Regulatory Commission license through federal law.
MOTION: **Rep. Wood(35)** made a motion to send **S 1061** to the floor with a **DO PASS** recommendation. **Motion carried by voice vote.** **Rep. Wood(35)** will sponsor the bill on the floor.
S 1062aa: **Sen. Guthrie** stated that **S 1062aa** provides for the use of high visibility shades of orange paint associated with trespassing prohibitions, revises provisions relating to the painting of metal fence posts and to make a technical correction.
MOTION: **Rep. Gibbs** made a motion to send **S 1062aa** to the floor with a **DO PASS** recommendation. **Rep. Perry** will sponsor the bill on the floor.
ADJOURN: There being no further business to come before the committee, the meeting was adjourned at 3:32 p.m.

Representative Denney
Chair

Rosee Winder
Secretary

AGENDA
HOUSE RESOURCES & CONSERVATION COMMITTEE
1:30 pm or Upon Adjournment
Room EW40
Tuesday, March 19, 2013

SUBJECT	DESCRIPTION	PRESENTER
	Presentation	Idaho Department of Fish & Game
<u>H 277</u>	Additional Requirements Relating to Well Construction Standards	Rep. Shepherd

If you have written testimony, please provide a copy of it to the committee secretary to ensure accuracy of records.

COMMITTEE MEMBERS

Chairman Denney	Rep Raybould	Rep Gestrin
Vice Chairman Gibbs	Rep Andrus	Rep Miller
Rep Wood(35)	Rep Shepherd	Rep Anderson(1)
Rep Barrett	Rep Wood(27)	Rep Pence
Rep Moyle	Rep Boyle	Rep Erpelding
Rep Eskridge	Rep Vander Woude	Rep Ward-Engelking

COMMITTEE SECRETARY

Rosee Winder
Room: EW62
Phone: 332-1136
email: hres@house.idaho.gov

MINUTES
HOUSE RESOURCES & CONSERVATION COMMITTEE

DATE: Tuesday, March 19, 2013
TIME: 1:30 pm or Upon Adjournment
PLACE: Room EW40
MEMBERS: Chairman Denney, Vice Chairman Gibbs, Representatives Wood(35), Barrett, Moyle, Eskridge, Raybould, Andrus, Shepherd, Wood(27), Boyle, Vander Woude, Gestrin, Miller, Anderson(1), Pence, Erpelding (McLean), Ward-Engelking

**ABSENT/
EXCUSED:** None

GUESTS: The sign-in sheet will be retained with the minutes in the Committee Secretary's office until the end of the session. Following the end of the session, the sign-in sheet will be filed with the minutes of the Legislative Services Library.

Chairman Denney called the meeting to order at 1:34 p.m.

Chairman Denney welcomed the Commissioners from the Idaho Department of Fish and Game (Fish & Game).

Chairman Budge introduced **Virgil Moore** and **Sharon Kiefer** from the Boise area and then introduced Commissioners **Bob Barowsky**, Boise area, road mortality; **Fred Trevey**, Lewiston, Opportunity vs. quality; **Tony McDermitt**, wolf management; **Kenney Anderson**, Upper Snake River area, grizzly bears; **Will Naillon**, Challis area, depredation, federal management, and Land Owner Appreciation Program (LAP).

Chairman Budge stated that Fish & Game is different than other agencies in that they receive no funding from the State General Fund. Their funding comes from the sportsman, but due to an aging population and less younger-sportsmen recruitment there are less funds coming in. He said there is an explosion of pelicans in Idaho which causes degradation to the trout. He said the primary impact to the trout is the pelican and the pelicans are protected.

Commissioner Baroswky stated that as of 1971, they discovered big game was a contributor to many motor vehicle accidents. They estimate fifty percent are probably not reported and these accidents are a tremendous workload on all resources. He said they studied this in different areas in the state. He said that animals are migratory which puts them in conflict with the highway system and they are putting underpasses in the migratory areas.

In response to questions from the Committee, **Mr. Barowsky** said salt used on winter roads will create a salt lick for the animals, and sand creates a dust concern. He said the damage the salt can do may mean it might not be the best solution.

Commissioner Trevey said Fish & Game has regular discussions on the issue surrounding hunter preferences in trophy or a more general experience. He said in trying to keep track of what Idaho's sportsmen are thinking, Fish & Game conduct periodic surveys. An elk hunter survey was done and from that survey, they are revising the elk plan which will set the stage for the next five or ten years. He said there are significantly fewer elk today. He said it was found that elk hunting was a social family experience. He said we are shifting to a more urban orientation which presents a real challenge and a clash of values.

In response to questions from the Committee, **Mr. Trevey** stated that concerns about depredation would be considered.

Commissioner McDermott explained that predators come in all shapes and sizes. He said people are adapting to wolves in Idaho. He said 150 wolves and 15 packs is the minimum number required in Idaho. He said they have found wolf hunting is becoming less effective than trapping.

In response to questions from the Committee, **Mr. McDermott** said in March of last year there were between 1,200 to 1,500 wolves, but an educated guess for today is probably about 1,000 wolves in the state. He stated we have to harvest 30% each year to keep them stable. He said the packs are now smaller but are 101 confirmed packs.

Mr. McDermott called **Virgil Moore**, Director of Fish & Game, to respond to questions regarding funds. Mr. Moore said money is routed from the Office of Species Conservation, but the livestock compensation fund may not be available in the future from the federal government due to the sequestration and other reductions in federal budgets.

Commissioner Anderson said they hope to have the grizzly bear de-listed as of 2014. He said a black bear baiting is necessary because there are more bears now than previously in the Yellowstone area and the bear population causes some serious human conflict. He said the baiting of black bears makes the bears seek out human food, and they can smell things up to 18 miles away. They would like to manage bears properly so they do not want human food because they have a lot of grizzly bears that come in on this bait when it is used.

In answer to Committee questions, **Mr. Anderson** stated that they want Idaho to be more in line with neighboring states where baiting is not allowed.

Commissioner Naillon said there are more questions than answers to depredation and LAP issues. He stated it is necessary to get to the root of the problem to keep the depredation from happening.

Commissioner Budge said Fish & Game is trying to be very proactive in managing the wolves. The wolves are very difficult to hunt and they are getting smarter. He stated there is a healthy elk population despite the wolves, in many units.

H 277:

Rep. Shepherd stated this legislation is to return the minimum standard for well seals to 18 feet which was a standard that worked very well for many years. He introduced **Mr. Brett McCarty**, McCarty Drilling. Mr. McCarty said **H 277** corrects the problems they have sealing water wells. He said prior to the 38-foot rule the process took less than an hour. With the new rule it sometimes takes 2 days which is not necessary in Idaho. He stated there were no reports of people becoming sick from water from the old standards. He said 18-foot seals are much less expensive and during a time of economic hardship, Idaho families do not need to pay this additional cost.

Mr. Brent Orton, City of Caldwell, spoke **in opposition to H 277**. He discussed the boring process and stated some areas need deeper seals than other areas because the layers do not lie flat but can be curved.

In answer to questions from the Committee, **Mr. Orton** stated that his position is to ask the Committee not to pass the legislation. He explained the trick is detecting where the correct layer might be so a standard to drilling lower makes sense.

Mr. Dale Pitts, on behalf of Bob Pitts Drilling in Sandpoint Idaho, spoke **in favor of H 277**. He stated there has not been any instance of contamination in 18-foot wells other than natural-occurring elements.

Mr. Tom Richardson, H2O Well Service in Hayden, Idaho, spoke **in opposition to H 277**. He said he was on the board of directors for several years and was present when the negotiated rulemakings took place. The Board looked at the science involved as well as resource protection wells for contaminated sites so they have a good perspective on where these contaminants go. He said as drillers they do see contamination, so the 38-foot rule is burdensome, but necessary. He said 18 feet might be okay in some parts of the state, but the 38-foot rule will protect the citizens of the State.

Mr. Scott Braun, Aqua Drilling and Excavation, spoke **in favor of H 277**. He said the previous 18-foot seal was designed as a minimum depth. He does not agree that there is a need to have a blanket rule for the whole state. He said the study did not show any proof that the older wells with 18 feet seals were contaminated.

Mr. Steve Pitts, Bob Pitts and Sons, spoke **in favor of H 277**. He said the current rule is costly and it takes more time. He said they do not see where it is helping but it is just more costly to the customer.

Mr. David Baker, APEX Drilling in Burley, Idaho, spoke **in opposition to H 277**. He stated it is not hard to put in a 38-foot seal. He said they have to prove that is adequate and the Department would have to show that a 38-foot seal is needed when they require it.

Mr. Mark Horsley, Horsley Drilling, Rathrum, Idaho, spoke **in favor of H 277**. He said the surface sealing is something that is not simple in their area. He said if the tools are in good shape it takes a couple of hours in most situations.

The Chairman announced that the Committee will reconvene on Thursday, March 21, 2013, to further discuss **H 277**.

ADJOURN: There being no further business to come before the committee, the meeting adjourned at 3:30 p.m.

Representative Denney
Chair

Rosee Winder
Secretary

AMENDED AGENDA #1
HOUSE RESOURCES & CONSERVATION COMMITTEE
1:30 pm or Upon Adjournment
Room EW40
Thursday, March 21, 2013

SUBJECT	DESCRIPTION	PRESENTER
<u>HCR031</u>	To Appoint a Natural Resources Committee	Rep. Raybould
<u>H 277</u>	Additional Requirements Relating to Well Construction Standards Continued	Rep. Shepherd

If you have written testimony, please provide a copy of it to the committee secretary to ensure accuracy of records.

COMMITTEE MEMBERS

Chairman Denney	Rep Raybould	Rep Gestrin
Vice Chairman Gibbs	Rep Andrus	Rep Miller
Rep Wood(35)	Rep Shepherd	Rep Anderson(1)
Rep Barrett	Rep Wood(27)	Rep Pence
Rep Moyle	Rep Boyle	Rep Erpelding(McLean)
Rep Eskridge	Rep Vander Woude	Rep Ward-Engelking

COMMITTEE SECRETARY

Rosee Winder
Room: EW62
Phone: 332-1136
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MINUTES
HOUSE RESOURCES & CONSERVATION COMMITTEE

DATE: Thursday, March 21, 2013
TIME: 1:30 pm or Upon Adjournment
PLACE: Room EW40
MEMBERS: Chairman Denney, Vice Chairman Gibbs, Representatives Wood(35), Barrett, Moyle, Eskridge, Raybould, Andrus, Shepherd, Wood(27), Boyle, Vander Woude, Gestrin, Miller, Anderson(1), Pence, Erpelding, Ward-Engelking
**ABSENT/
EXCUSED:** None
GUESTS: The sign-in sheet will be retained with the minutes in the Committee secretary's office until the end of the session. Following the end of the session, the sign-in sheet will be filed with the minutes of the Legislative Services Library.
Chairman Denney called the meeting to order at 1:31 p.m.
MOTION: **Rep. Erpelding** made a motion to approve the minutes of the February 5, 2013, meeting, with the following correction: On page 1, paragraph one, it was noted that Mr. Peter Van Der Meulen, was not the Chairman of the Idaho Water Resources Board. The title of Chairman was deleted. **Motion carried by voice vote.**
MOTION: **Rep. Erpelding** made a motion to approve the minutes of February 27, 2013. **Motion carried by voice vote.**
MOTION: **Rep. Erpelding** made a motion to approve the minutes of March 5, 2013. **Motion carried by voice vote.**
HCR 31: **Rep. Raybould** stated that **HCR 31** authorizes the Legislative Council to appoint a committee to continue to undertake studies of natural resources. This will be a two-year term and will include five members from the House of Representatives and five members from the Senate. He said during the interim there will be some discussion on the Idaho State Water Plan.
MOTION: **Rep. Wood(27)** made a motion to send **HCR 31** to the floor with a **DO PASS** recommendation. **Motion carried by a voice vote.** **Rep. Raybould** will sponsor the bill on the floor.
H 277: A continuation of the March 19, 2013 hearing on **H 277** was conducted. Individuals signed up at the original hearing and who were unable to be accommodated due to time constraints were afforded the opportunity to testify.
Chairman Denney invited the representative from the Idaho Department of Water Resources to speak.
Mr. Rob Whitney, Idaho Department of Water Resources (IDWR), spoke on behalf of **Gary Spackman**, Director, IDWR, who had a prior commitment. Mr. Whitney stated that there is sound reasoning and technical support for a minimum seal depth of 38 feet. He explained that the existing rules were a result of negotiated rulemaking with a large group of stakeholders. He said **H 277** is flawed because it includes language from the existing bill, but omits some of the language which makes the text incomplete or confusing. He said the 38-foot seal requirement would better protect underlying aquifers from contamination and a lesser seal depth could be done if the 38-foot seal requirement is not needed. The 38-foot seal requirement was a compromise agreed upon by the majority of the participants in the negotiated rulemaking.

Mr. Whitney read from a letter from **Mr. Spackman**: "IDWR believes there is a way to proceed under the existing rules, and have offered, in writing, to the proponents of HB 277 to actively analyze, with the help of the drilling community, specific locations or areas where the sealing depth could be reduced. IDWR will also actively continue to consider any proposal for an individual waiver, and has done so in the past." (See attached letter.)

Mr. Rob Howarth, Central District Health Department, spoke **in opposition to H 277**. Mr. Howarth spoke about nitrate contamination. He said there are problems with less deep wells and prevention is better than costly treatment later.

In response to questions from the Committee, **Mr. Howarth** said he can not say for certain that the well cap is the problem in the elevated nitrate that was found, but it could be a contributing factor.

Ms. Shelley Roberts, CEO of Idaho Rural Water Association, spoke **in opposition to H 277**. Ms. Roberts stated the current rule works and helps to protect their communities. She said that whatever the cost for the extra 20 feet, it is less than what can become a great cost in treating drinking water if contamination occurs. She said a contaminated well causes a decline in the property value and poses an unnecessary risk for communities.

In response to Committee questions, **Ms. Roberts** stated that the problems she has observed were due to a well seal.

Mr. Robert Bohling, Water Superintendent for the City of Twin Falls, spoke **in opposition to H 277**. He stated our drinking water is our most valuable resource. He said there is a process of negotiated rulemaking, and it sounds to him as if the communication was not there with this proposed rule. Due to arsenic in his area, which is the highest in the state, if there were problems, a treatment plant would cost \$30 to \$40 million dollars. He said he has doubts that the 18-foot seal will protect our water.

Mr. Lynn Tominaga, Executive Director of the Idaho Groundwater Association, spoke **in opposition to H 277**. He said all drillers agree that they need to drill to the confining layer. He referenced a bid showing there is about a \$600 difference from drilling to 18 feet as opposed to 38 feet and drilling in rock shows a difference of about \$200.

In answer to questions from the Committee, **Mr. Tominaga** said that most customers do not know the geologic formation that their house is being built on, so the current rule is to protect them. He said that neither wording in **H 277** or the current rule, gives the customer a choice in drilling depth.

The meeting was recessed at 2:31 p.m.

Chairman Denney called the meeting to order at 5:01 p.m.

Mr. Gary Coonse, Coonse Well Drilling, Caldwell, licensed well driller for 32 years, spoke **in opposition to H 277**. Mr. Coonse said while he was on the Idaho Groundwater Association every time there was a negotiated rulemaking meeting, the question was always about the seal and there were compromises made. He said their industry and the State have the task of protecting our groundwater for now and for generations to come and he hopes they can work together on compromises.

Mr. Gary DuSpiva, Gary Duspiva Well Drilling and Development, Parma, Idaho, spoke **in favor of H 277**. He said statewide law of 38-foot sealing does not fit the diverse hydrogeology of our State.

In answer to questions from the Committee, **Mr. DuSpiva** said he has not had to use a waiver.

Mr. Kyle Radek, on behalf of the City of Meridian, spoke **in opposition to H 277**. He said the City does not support **H 277**. Wells are in danger of not only contaminating themselves, but others that use the same water. He said 18 feet is not adequate. They think wells need to be sealed to their full depth. He said standards should be made through rulemaking.

Mr. Ed Squires, Hydrologic, Inc., in Boise, spoke **in opposition to H 277**. He said he has been in the groundwater industry for about 25 years. He was also involved in the negotiated rulemaking. He has seen the contamination from aquifers and wells from poorly sealed wells. He is for full-depth seals rather than being preoccupied with the 38 or 18 foot seal rule to protect the groundwater from surface water.

Mr. Roger Dittus, on behalf of United Water of Idaho, spoke **in opposition to H 277**. He said his experience is mostly in the Boise area. He said undesirable water can find its way into the shallow ground water. He said several United Water wells have been impacted and they have had to build expensive treatment facilities. We need better protection than an 18-foot seal.

In response to questions from the Committee, **Mr. Dittus** said they have about 18 production wells that are full-depth seals, older wells are not sealed to as deep a depth. He said 400 to 500 feet might be an average depth. He said typically they decommission a well because they know there is contamination in the area.

Mr. Rod Hendricks, Vice President, Idaho Groundwater Association, spoke **in opposition to H 277**. He said a one-size seal for the state is not going to work. He said the drilling community knows where the seals need to be. They are not happy with the 38-foot seal, but thinks that they are making a better seal today than five years ago. He finds that most people want to see the rule stay at 38 feet.

In answer to questions from the Committee, **Mr. Hendricks** said if a well is drilled in a formation where it will stay open, it is about \$250. If a well is drilled in sand where it will not stay open, it is about \$750. The state of Idaho has different sealing requirements, but a waiver will give permission for whatever depth is needed. The 38-foot rule is a place to start. If they need to go deeper, they get that information from a well log and drill it down deeper. He said getting the waiver form is not difficult or time consuming and there is no money involved. The law states to 38 feet or the first confining layer, so they are not required to get permission to go deeper.

Mr. Jeff Fereday, Givens Pursley, on behalf of the City of Caldwell, spoke **in opposition to H 277**. He said it is not uncommon to find hundreds of wells drilled into the same aquifer and once contaminated it becomes difficult or impossible to remedy.

Mr. Mark Hiddleston, Hiddleston Drilling and Pump, spoke **in opposition to H 277**. He stated that they have had to go in and dig deeper from an 38-foot seal. He said the 38-foot seal rule was negotiated.

In answer to Committee questions, **Mr. Hiddleston** stated that most experienced well drillers know how deep a seal needs to be. He said 38 feet was chosen because it is two lengths of pipe.

Mr. Bruce Evans, Emmett City Works Department, spoke **in opposition to H 277**. He said regarding nitrate priority areas, some are close to dairies.

Mr. Lee Barren geologist, rancher, and licensed well driller spoke **in support of H 277**. He said most of the drillers that spoke in regard to this bill are professionals and have been in the business for years. He said to blame nitrate poisoning on well seals is disingenuous. He stated they drafted the bill according to what Legislative Services told them. He said they changed the word 'must' to 'shall' and the depth from 38 to 18 feet and that is all they changed. He said the 18-foot rule applies unless he finds out otherwise and the Director can tell them when they need to drill deeper.

In answer to questions from the Committee, **Mr. Barren** stated that 31% of the wells they surveyed would be okay with an 18-foot well.

MOTION:

Rep. Gibbs made a motion to **HOLD H 277** in Committee.

Mr. Brett McCarty was called to answer a question. He said it cost about \$700 to \$800 to drill with the previous 18-foot rule. He said the 38-foot rule would cost about \$3,000.

Rep. Anderson(1) spoke against the motion. He said science should dictate what the seal should be.

ROLL CALL

VOTE:

A roll call vote was requested on the motion to **HOLD H 277** in Committee.

Motion failed by a vote of 8 AYE and 10 NAY. Voting in favor of the motion:

Reps. Gibbs, Moyle, Raybould, Wood(27), Vander Woude, Pence, Erpelding, Ward-Engelking. Voting in opposition to the motion: **Reps. Wood(35), Barrett, Eskridge, Andrus, Shepherd, Boyle, Gestrin, Miller, Anderson(1), Denney.**

MOTION:

Rep. Anderson(1) made a motion to send **H 277** to the floor with a **DO PASS** recommendation. **Motion carried by voice vote. Reps. Pence, Erpelding, Raybould, Wood(27), Moyle, Ward Engleking, Gibbs** requested to be recorded as voting **NAY. Rep. Shepherd** will sponsor the bill on the floor.

ADJOURN:

There being no further business to come before the Committee, the meeting was adjourned at 6:32 p.m.

Representative Denney
Chair

Rosee Winder
Secretary

AGENDA
HOUSE RESOURCES & CONSERVATION COMMITTEE
1:30 pm or Upon Adjournment
Room EW40
Monday, March 25, 2013

SUBJECT	DESCRIPTION	PRESENTER
<u>S 1155</u>	Relating to Water Districts Compensation	Norm Semanko, Idaho Water Users Association
<u>S 1156</u>	Relating to Irrigation Districts	Norm Semanko
<u>S 1157</u>	Relating to Irrigation Districts, Voting	Norm Semanko

If you have written testimony, please provide a copy of it to the committee secretary to ensure accuracy of records.

COMMITTEE MEMBERS

Chairman Denney	Rep Raybould	Rep Gestrin
Vice Chairman Gibbs	Rep Andrus	Rep Miller
Rep Wood(35)	Rep Shepherd	Rep Anderson(1)
Rep Barrett	Rep Wood(27)	Rep Pence
Rep Moyle	Rep Boyle	Rep Erpelding
Rep Eskridge	Rep Vander Woude	Rep Ward-Engelking

COMMITTEE SECRETARY

Rosee Winder
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MINUTES
HOUSE RESOURCES & CONSERVATION COMMITTEE

DATE:	Monday, March 25, 2013
TIME:	1:30 p.m. or Upon Adjournment
PLACE:	Room EW40
MEMBERS:	Chairman Denney, Vice Chairman Gibbs, Representatives Wood(35), Barrett, Moyle, Eskridge, Raybould, Andrus, Shepherd, Wood(27), Boyle, Vander Woude, Gestrin, Miller, Anderson(1), Pence, Erpelding, Ward-Engelking
ABSENT/ EXCUSED:	Rep. Boyle
GUESTS:	Gary Spackman, IDWR
	Chairman Denney called the meeting to order at 1:34 p.m.
MOTION:	Rep. Erpelding made a motion to approve the minutes of March 11, 2013. Motion carried by voice vote.
S 1155:	<p>Rep. Raybould, who served as treasurer for a water district for several years, spoke on behalf of Norm Semanko. He said the employees of a water district office are state employees who have not had a raise in a few years, and that makes it hard to retain quality people. He read on page 2 of the bill: "Not notwithstanding any personnel classification assigned to the watermaster, and assistants pursuant to the provisions of Chapter 53, Title 67, Idaho Code, the water users shall, prior to the election of such watermaster and approval of the employment of assistants, fix the compensation to be paid them during the time actually engaged in the performance of their duties." He said prior to the election of such watermaster, the water users shall fix the compensation paid them while actually doing their duties. He said they would reimburse a portion of the watermasters' salary and would allow the Committee of Nine to approve a budget for the assistants to the watermasters.</p> <p>In answer to questions, Rep. Raybould said these are salaried people and if it is in the budget, the watermaster would get a raise, but only with approval of the Committee of Nine. He said the PERSI contribution is taken out of their wages, the employee contributes a portion and the water district contributes a portion, so the employer contribution would be covered. He said they set wages just for their district and as State employees they qualify for health care. He said they are setting these wages just for their district. He said all canal companies are set up this way.</p> <p>Rep. Moyle stated this sets a precedent, so he will be voting no.</p> <p>Mr. Norm Semanko, Idaho Water Users Association, clarified it is written in the code that water users set the salary. He said it is classified as a State employee position as it is stated in the Memorandum of Understanding.</p>
MOTION:	Rep. Gibbs made a motion to send S 1155 to the floor with a DO PASS recommendation. Motion carried by voice vote. Reps. Eskridge, Moyle, Vander Woude, and Wood(27) requested to be recorded as voting NAY . Rep. Raybould will sponsor the bill on the floor.

S 1156: **Mr. Semanko** stated this Legislation will authorize the owners of the land within an irrigation district whose land is served by that irrigation district with water rights to the land to partition the irrigation district into separate irrigation districts in order to preserve the agricultural uses of the district lands. It will provide for continuation of the irrigation of those lands and to set forth guidelines for ownership and operation of irrigation works between the newly partitioned irrigation districts. He said there would be a proposal, a notice in the paper, and a hearing. He stated it provides a process where otherwise there wouldn't be one. He said this is a situation where the water users own the water rights.

In answer to questions, **Mr. Semanko** said this is not an attempt to split the irrigation district. He said the vast majority of the landowners are urban and Nampa is the single largest customer of the Nampa Meridian Irrigation District. He said they made a conscious decision to serve urban Idaho. He said Nampa Meridian Irrigation District could not participate in this legislation because the statute would not apply. It is tailored for the situation in the Big Wood. He said they don't know of another district in the State that it would apply to. He said it excludes Bureau of Reclamation irrigation water.

MOTION: **Rep. Pence** made a motion to send **S 1156** to the floor with a **DO PASS** recommendation. **Motion carried by voice vote.** **Rep. Pence** will sponsor the bill on the floor.

S 1157: **Mr. Semanko** said this Legislation is a housekeeping bill, and will specifically provide that certain limited liability companies (LLC) shall have the same rights and privileges in the conduct of irrigation district business as do natural persons. It will provide revisions relating to voting and otherwise acting in regard to irrigation district business by corporations, limited liability companies, partnerships and trusts. He said written designation is required for certain entities to show authorization to vote or act for the entity under specified conditions and to revise provisions relating to the authority of spouses, and provisions relating to certain restrictions on voting.

In response to questions, **Mr. Semanko** said you have to own land in the district, trust, or limited liability corporation in order to vote. He said if the LLC is based outside the district but they have property in the district, the residency is determined by the residency of the designated voter for the LLC.

MOTION: **Rep. Wood(35)** made a motion to send **S 1157** to the floor with a **DO PASS** recommendation. **Motion carried by voice vote.** **Rep. Wood(35)** will sponsor the bill on the floor.

ADJOURN: There being no further business to come before the Committee, the meeting was adjourned at 2:10 p.m.

Representative Denney
Chair

Rosee Winder
Secretary

AGENDA
HOUSE RESOURCES & CONSERVATION COMMITTEE
1:30 or Upon Adjournment
Room EW40
Wednesday, March 27, 2013

SUBJECT	DESCRIPTION	PRESENTER
	Approval of Minutes	

If you have written testimony, please provide a copy of it to the committee secretary to ensure accuracy of records.

COMMITTEE MEMBERS

Chairman Denney	Rep Raybould	Rep Gestrin
Vice Chairman Gibbs	Rep Andrus	Rep Miller
Rep Wood(35)	Rep Shepherd	Rep Anderson(1)
Rep Barrett	Rep Wood(27)	Rep Pence
Rep Moyle	Rep Boyle	Rep Erpelding
Rep Eskridge	Rep Vander Woude	Rep Ward-Engelking

COMMITTEE SECRETARY

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MINUTES
HOUSE RESOURCES & CONSERVATION COMMITTEE

DATE: Wednesday, March 27, 2013
TIME: 1:30 or Upon Adjournment
PLACE: Room EW40
MEMBERS: Chairman Denney, Vice Chairman Gibbs, Representatives Wood(35), Barrett, Moyle, Eskridge, Raybould, Andrus, Shepherd, Wood(27), Boyle, Vander Woude, Gestrin, Miller, Anderson(1), Pence, Erpelding, Ward-Engelking
**ABSENT/
EXCUSED:** None
GUESTS: None

Chairman Denney called the meeting to order at 1:32 p.m.

MOTION: **Rep. Erpelding** made a motion to approve the minutes of March 7, 2013. **Motion carried by voice vote.**

MOTION: **Rep. Boyle** made a motion to approve the minutes of March 19, 2013. **Motion carried by voice vote.**

MOTION: **Rep. Erpelding** made a motion to approve the minutes of March 21, 2013. **Motion carried by voice vote.**

MOTION: **Rep. Erpelding** made a motion to approve the minutes of March 25, 2013. **Motion carried by voice vote.**

Chairman Denney recognized the Legislative Page, Esther Fredericks, who had been assigned to the Committee for the second half of the session.

Chairman Denney recognized the Committee Secretary, Rosee Winder, for her work during the session.

ADJOURN: There being no further business to come before the Committee, the meeting adjourned at 1:40 p.m.

Representative Denney
Chair

Rosee Winder
Secretary