

MINUTES
SENATE RESOURCES & ENVIRONMENT COMMITTEE

DATE: Monday, January 20, 2014

TIME: 1:30 P.M.

PLACE: Room WW55

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

ABSENT/ EXCUSED: None

NOTE: The sign-in sheet, testimonies and other related materials will be retained with the minutes in the committee's office until the end of the session and will then be located on file with the minutes in the Legislative Services Library.

CALL TO ORDER: **Chairman Pearce** called the Senate Resources and Environment Committee (Committee) meeting to order at 1:30 p.m.

APPROVAL OF MINUTES: **Senator Brackett** made the motion that the minutes of January 15, 2014 be approved as written. The motion was seconded by **Vice Chairman Bair**. The motion passed unanimously by **voice vote**.

GUBERNATORIAL APPOINTMENT CONSIDERATION: Committee consideration was given to Brad Corkill who was appointed to the Idaho Fish and Game Commission to serve a term commencing July 1, 2013 and expiring June 30, 2017.

MOTION: **Senator Siddoway** made the motion to "do confirm" the appointment of Brad Corkill to the Idaho Fish and Game Commission. The motion was seconded by **Senator Cameron**. The motion passed unanimously by **voice vote**. Senator Vick will be the sponsor of Mr. Corkill.

MOTION: **Senator Brackett** made the motion to "do confirm" the appointment of Mark Doerr to the Idaho Fish and Game Commission. The motion was seconded by **Senator Heider**. The motion passed unanimously by **voice vote**. Senator Heider will be the sponsor of Mr. Doerr.

Senator Tippetts said that he wished to make a statement regarding the two nominees. He feels they are exceptional candidates and will do a very good job for the Commission and the people of Idaho. **Chairman Pearce** said that he shared the same feelings.

Chairman Pearce called on Ms. Sharon Kiefer, Deputy Director, Department of Idaho Fish and Game, to present RS 22356.

RS 22356: **Ms. Kiefer** said the certain license revenue accrued to the dedicated fish and game fund is set aside according to provisions of Idaho Code §36-111, which established a set-aside account in the dedicated fish and game fund. This bill will remove the set-aside requirement for revenue from duplicate licenses and tags, because the set-aside provisions are met at the time of the original license and tag purchase. This bill also amends the amount of revenue set aside from the disabled combination license, a reduced fee license, to be comparable with the proportion of revenue set aside from the adult resident combination license. The proportion of revenue that is set aside from the disabled combination license would decrease from \$2.00, which is 61 percent of the license cost, to \$0.25, which is 8 percent of the license cost, and is comparable with the set-aside proportion of the adult resident combination license. This change provides added flexibility to meet fish and game program needs that are broader than the narrow

scope of the set aside. The set-aside revenue can only be used for access to big game, waterfowl, or upland bird habitats as well as their acquisition or restoration whereas revenue in the dedicated fish and game fund, that is not set aside, can be used to fund all license programs, including enforcement and fishery programs.

The bill also makes a technical correction and there is no fiscal effect to the State General Fund.

MOTION: **Vice Chairman Bair** made the motion to print **RS 22356**. The motion was seconded by **Senator Heider**. **Senator Siddoway** said that he will support the printing of the RS, but that might be all that he can do at this time. The motion passed unanimously by **voice vote**.

RS 22357: **Ms. Kiefer** stated that this bill would expand the provision requiring reimbursement to the state for illegally taken wildlife. The minimum reimbursable penalty in Idaho Code §36-1404 would include all wildlife that has been classified as protected by the Fish and Game Commission. This bill does not expand the reimbursable penalty to unprotected wildlife or wildlife classified in Section 36-201 as predatory wildlife. The bill also technically corrects Chinook salmon to "wild" Chinook salmon for reimbursable penalty, similar to wild steelhead. There will be no effect to the State General Fund.

MOTION: **Senator Cameron** made the motion to print **RS 22357**. The motion was seconded by **Senator Heider**. The motion passed unanimously by **voice vote**.

PASSED THE GAVEL: Chairman Pearce passed the gavel to Vice Chairman Bair so that he may conduct the meeting for the rules. The first rule to be heard is from the Outfitters and Guides Licensing Board.

DOCKET NO. 25-0101-1201: **Mr. Jake Howard**, Executive Director of the Outfitters and Guides Licensing Board (OGLB), presented this rule, Rules of the Outfitters and Guides Licensing Board. The purpose of this rulemaking is to clarify and enhance the ability of private landowners to allow public access to their private lands. In doing so, they also intend to clarify outfitted use and license requirements when outfitted facilities and services are provided by the landowner or someone authorized by the landowner to do so. **Mr. Howard** stated that they had received many calls and emails criticizing this rule, so OGLB made the decision to withdraw it.

MOTION: **Senator Siddoway** made the motion to reject **Docket No. 25-0101-1201**. The motion was seconded by **Senator Cameron**. The motion passed unanimously by **voice vote**.

DOCKET NO. 20-0201-1301: The next rule is from the Idaho Department of Lands (IDL) with Rules Pertaining to the Idaho Forest Practices Act. **Mr. David Groeschl**, State Forester and Deputy Director of Forestry and Fire for IDL, made the presentation.

The Forest Practices Act regulates harvest operations and ensures the sustainability of Idaho's forest resources. The most important change in this docket is the change to the streamside tree retention or "Shade Rule".

Retaining trees near Class 1 streams is very important in order to provide shade which keeps streams cool. Trees also prevent sediment from reaching streams and provide important fish habitat and structure when they fall into the stream. Every four years, the Idaho Department of Environmental Quality (IDEQ) conducts compliance audits of the Forest Practices Act across all forest ownerships in Idaho. IDEQ identified three concerns regarding the current Shade Rule. The nine member Forest Practices Act Advisory Committee (FPAAC) were given these concerns and they worked collaboratively with scientists and other interested parties over the last ten years to develop a science-based Shade Rule with the following three goals in mind:

1. A rule that is based on best available science and actual Idaho riparian forest data;
2. A rule that addresses shade and large wood recruitment goals; and
3. A rule that is implementable and understandable and balances the stewardship, operation and economic interests of all parties.

The pending Shade Rule allows forest landowners to select from two options which offers forest landowners greater flexibility in managing their lands. FPAAC and IDL believe these proposed rule changes reflect a careful balance and integration of all the interests represented and the best available science based on Idaho specific data.

A copy of Mr. Groeschl's testimony and handouts are on file (see attachments 1, 2, and 3).

TESTIMONY: **Mr. Terry Cundy**, Potlatch, Idaho, testified in support of this rule and thanked the staff for their scientific approach.

TESTIMONY: **Mr. Jonathan Oppenheimer**, Idaho Conservation League, feels this rule falls short of its purpose.

MOTION: **Senator Tippets** made the motion to accept **Docket No. 20-0201-1301**. The motion was seconded by **Senator Siddoway**. The motion passed unanimously by **voice vote**.

DOCKET NO. 26-0120-1301: **Ms. Tammy Kolsky**, Idaho Department of Park and Recreation presented **Docket No. 26-0120-1301**, Rules Governing the Administration of Park and Recreation Areas and Facilities.

The rule changes requested are to increase the IDAPA approved Fee Caps by \$10 per night for all Idaho state park campsites and by \$50 per night for Idaho state park camper cabins and yurts. The adjustments are necessary in order for Parks and Recreation to apply the following fee changes:

1. Increase the fee charged for all serviced campsite types by \$2 per night for all camping customers;
2. Increase the fee charged for all campsites by an additional \$3 per night for all non-resident camping customers;
3. Increase the fee charged for all camper cabins and yurts by an additional \$5 per night for all non-resident camping customers; and
4. Increase the fee charged for all other overnight facilities (deluxe cabins, cottages, houses, group yurts, lodges, and lodge rooms) and group campsites by an additional 10 percent per night for all non-resident camping customers.

The fiscal impact assumes no decrease in occupancy and has been calculated against averaged site usage using the past three years' occupancy. Potential revenue is \$347,149. **Ms. Kolsky** was asked when the last fee increase was implemented and she replied that it was in 2007. She was also asked about reservations and her reply was that reservations are taken nine months in advance and at this time most of the parks are full.

MOTION: **Senator Lacey** made the motion to accept **Docket No. 26-0120-1301**. The motion was seconded by **Senator Siddoway**. The motion passed unanimously by **voice vote**.

DOCKET NO. 26-0120-1302 **Ms. Kolsky** also presented this rule, **Docket No. 26-0120-1302**. This rule change will increase the IDAPA fee caps for the Winter Access Program's existing pass as follows: Daily per person pass is currently \$4.00 and will increase to \$6.00; family season pass is currently \$35.00 and will increase to \$100.00. This rule change will establish two new Winter Access Program pass types and set IDAPA fee caps for them to be as follows: individual season pass - \$50.00 and couples season pass - \$75.00. The total projected positive fiscal impact is \$29,636.00.

It was found that in the fee table on page 11 (first line) of the Pending Fee Rules booklet, it states "per person per season", but the intent was "per person per day". On the second line, it states "Daily Family Pass", but should be "Season Family Pass". It is accurately stated under 01. Winter Access Program Fee - Daily Pass and 02. Winter Access Program Fee - Season Pass as noted by Senator Cameron. **Senator Brackett** stated that Ms. Kolsky gave an accurate report and he feels the errors are typographical.

MOTION: **Senator Siddoway** made the motion to accept **Docket No. 26-0120-1302**, except for the word "season" on the first line of the fee table and except for the word "daily" on the second line of the fee table, page 11 of the Pending Fee Rules booklet. The motion was seconded by **Senator Pearce**. The motion passed unanimously by **voice vote**.

PASSED THE GAVEL: Vice Chairman Bair passed the gavel back to Chairman Pearce as the rules for this meeting have all been heard.

ADJOURNED: **Chairman Pearce** thanked the Vice Chairman, then adjourned the meeting at 2:50 p.m.

Senator Pearce
Chair

Juanita Budell
Secretary