

MINUTES
HOUSE RESOURCES & CONSERVATION COMMITTEE

DATE: Thursday, March 13, 2014

TIME: 1:30 PM or upon adjournment

PLACE: Room EW40

MEMBERS: Chairman Denney, Vice Chairman Gibbs, Representative(s) Wood(35), Barrett, Moyle, Eskridge, Raybould, Andrus, Shepherd, Wood(27), Boyle, Vander Woude, Gestrin, Miller, Anderson(1), Pence, Erpelding, Rubel

**ABSENT/
EXCUSED:** Representative(s) Wood(35), Barrett, Anderson(1)

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 1:34 p.m.

S 1276: **Senator Patrick** proposed adding 501(c)4 nonprofit organizations that provide assistance to veterans to be considered as a qualified organization to apply for the free big game tags issued by the Idaho Department of Fish and Game. He stated this proposal includes resident and nonresident disabled military veterans.

Sharon Kiefer, Deputy Director of Idaho Department of Fish and Game, supports this legislation to administer qualified nonprofit organizations, recognized as 501(c)4 status by the Internal Revenue Service, to apply for resident and nonresident disabled veteran big hunt tags. She stated 501(c)4 organizations are not established in Idaho Code to provide big hunt tags to veterans. She stated free big hunt tags to veterans are a once-in-a-lifetime free tag and there is no fiscal impact for including 501(c)4 organizations.

MOTION: **Rep. Miller** made a motion to send **S 1276** to the floor with a **DO PASS** recommendation. **Motion carried by voice vote.** **Rep. Miller** will sponsor the bill on the floor.

S 1278: **Senator Patrick** stated **S 1278** does not require disabled veterans to use a non-profit organization for free tags. He stated veterans deserve some privileges and this legislation provides a benefit to honor our veterans.

Sharon Kiefer, Deputy Director of the Department of Fish and Game, supports the bill and stated there is a limited capacity for nonprofit organizations to participate in the program and this legislation allows resident and nonresident disabled veterans to purchase licenses or tags with any vendor or over the internet. She stated disabled veterans are confused about finding a qualified nonprofit organization and this process will improve customer service and remove barriers for disabled veterans. She said there is a difference in fees between nonresident and resident disabled veterans.

MOTION: **Rep. Miller** made a motion to send **S 1278** to the floor with a **DO PASS** recommendation. **Motion carried by voice vote.** **Rep. Miller** will sponsor the bill on the floor.

H 473: **Rep. Shepherd** stated this legislation's purpose is to protect citizens of Idaho from the Environmental Protection Agency's (EPA) overreach in all environmental areas. He stated small suction dredge mining in particular has been a recipient of the EPA's overreach and has brought forth some constitutional concerns.

Don Smith, self, stated the U. S. EPA has developed a rule that must be challenged by legislation as the permit required for small suction dredge mining pertains to applications for sewer systems. He stated he has seen the Spring's water runoff cause more damage to rivers and streams than dredge mining. He alleged that dredge mining does not add pollutants to the waters or environment. He provided Justice **Sandra Day O'Connor's** example of dredge mining stating if you pull a ladle of soup from a pot of soup and return the ladle with the soup into the pot of soup, it does not add or take away any of the ingredients.

Dave Olson, business owner and from Riggins, Idaho, stated the EPA's power should be limited and Idaho should take back control of Idaho waterways. He said Riggins, Idaho is a logging town, 100 percent tourist based that is ruled by the Salmon River and weather. He further stated that Riggins is a destination town not a pass through town. He expressed concerns that the EPA alleges dredge miners pollute the river although dredge mining provides no introduction of pollutants. He further stated that recreational activities such as rafting adds garbage to the waterways, jet boats add exhaust to the river, and fishing leaves lures and hooks in the river. He believes the EPA could affect Riggins' commerce and economy.

Bill Barteaux, Northwest Gold Miners, reiterated that small suction dredge mining is a non-point source pollution. He expressed concerns that the EPA does not respond when applying for permits and have not responded to his application in over ten years.

Gay Richardson, Elk City, Idaho, has been dredge mining since 1974 and is not a recreational miner. He stated In 1997, the Region 10 EPA informed him that he had to apply for a permit through the EPA for his dredge mining activities. He stated he has not received a permit and the EPA will not talk to dredge miners when inquiring about their outstanding permits.

Joel Biggs, gold miner for past ten years, believes the EPA's overreach is unconstitutional as all states should self- regulate. He stated he contacted the Idaho Department of Water Resources (IDWR) and was informed that less than 1,000 permits are issued per year for residents and nonresidents. He further indicated IDWR did not provide any information on the number of cases in twenty-five years of dredge miners not following IDWR rules. He stated the EPA will not provide a reason for their requirement of a National Pollution Discharge Elimination System (NPDES) permit. He believes Idaho should exercise our rights and nullify the EPA as Idaho can manage environmental concerns within our borders. He stated it is time for the EPA to leave Idaho so we can enjoy the Gem State.

Jarrod Bunker, self, believes IDWR and the Idaho Department of Environmental Quality (IDEQ) can handle issues in Idaho. Mr. Bunker stated a suit was filed by the Idaho Conservation League against the EPA and the EPA implemented issuing permits for dredge mining. He feels his livelihood and family are being threatened. He claims the EPA alleges the dredge miners release pollutants into the water. He stated court cases have identified dredge mining is pulling from the water and returning the water with no added pollutants. He stated dredge miners do not dredge during spawning season, in the early morning, or late in the evening, as fish are active at those times. He stated EPA's research claims are inaccurate accusing dredge miners dredge up mercury and it poisons the fish. He responded by stating there have been studies indicating decreased mercury levels below dredging sites. He also stated the EPA has accused dredgers of compacting fish spawning beds and an associated mortality rate due to the compacted spawning beds. He explained the constant changes of environment and forest fires are the causes of large amounts sediment and compact spawning beds. He stated some states are paying millions to improve spawning grounds for fish, but he indicated that dredge

miners loosen spawning grounds for free through dredge mining. He stated there is no scientific evidence of the fish mortality rate as a cause of dredge mining.

Brian Koch is a crop duster and a miner. He stated that gold is a time sensitive material and dredgers have been patient with IDWR. He believes IDWR should be conversing and dealing with the other agencies (EPA, Fish and Wildlife, and marine biologists) and not leaving miners to deal with all these agencies. He stated miners are good people and cohabitate with people for multiuse of the rivers and national forests. He stated some of the agency officials are from back east and large environmental groups attempt to regulate in Idaho.

John Stickley, promotes protecting rights of miners and dredgers who are under fire from the EPA and other environmental interests. He asserted that small dredges in Idaho adhere to IDWR's strict guidelines and comply wholeheartedly. He doesn't believe the dredgers in Idaho need the EPA regulations, forest service, fish and game, or anyone else. He stated the country is in a political mess from regulations from environmental groups and the EPA. He mentioned the EPA never wants to appear in town hall meetings to answer questions or provide answers.

Ron Mackelprang lives in Hidden Springs and is a retired licensed professor of engineering. He referred to studies beginning in 1980 stating gold miners have minimal impact on the environment and may be beneficial to rivers and streams. He stated the Army Corp. of Engineers, under the Clean Water Act, indicated dredge mining has minimal impacts to the environment. He stated the EPA and radical environmental groups would like to shut down prospecting. He believes every miner has too much oversight and is being watched. He would like to know where the torn up streams and dead fish from mining are located? He also indicated that someone needs to be watching the EPA and the radical environmental groups.

Gary Scott, prospector, and has lived in Idaho since 1977. He retired after 36 years with the railroad. He stated our founding fathers gave each and every one of us the right to free speech. He believes government agencies are rewriting the constitution, adding to, or omitting parts of the law. He stated the EPA is serving its own needs and is setting guidelines that are not written within the law.

Grant Hawk, Gravity Gold, is an Idaho native and lives in Idaho City. He stated he drove on Highway 21 while driving towards Boise today and Morris Creek was running mud from snow and rain runoff. He feels that suction dredging is not detrimental to fish or the environment. He feels that people from out-of-state are causing the problems by class warfare and it is very un-Idaho-like for these people to behave this way.

Greg Fass, self, has been dredging for 20 years and has a claim on the Southfork of the Boise River. He said he has not seen or noticed any damage to fish or the river from his or others' activities. He referred to the Great Seal of Idaho hanging on the wall behind the committee members. He stated one of the people on the Great Seal of Idaho has a pick in his hand, as he is a miner. He stated the State of Idaho was founded and built by miners looking for their American dream and a healthy life. He said the EPA has taken his livelihood from him and he is not alone. He stated the EPA claims dredge miners are killing fish and that is not a true statement. He requested the effects of the EPA be minimized.

Alan Trees is a gold miner, outdoorsman, sportsman, and a recreationalist, and would not intentionally damage the environment. He stated his father taught him to mine on Morris Creek at a young age. He said he enjoys prospecting and dredging. He stated there is a mining season and IDWR permitting, so as not to disturb the ecosystem. He asked the committee members to save Idaho's heritage.

Charles Hill, is a Veteran, U.S. Air Force, Department of Defense, a geologist and understands dredge mining. He said the Clean Water Act is for industrial pollutants. He feels dredgers have been demonized by environmental groups and the EPA responded to the environmental groups' complaints. He stated North and Central Idaho are not enforcing NPDES permits and are not being sued by a third party. He alleged there are no studies or scientific proof that dredging is damaging to the environment or fish.

Roger Jorstad, self, is from Caldwell, Idaho and believes that suing the EPA is a lucrative business for environmental groups. He stated the practice is known as "sue and settle" friendly lawsuits. He asked the committee members to uphold state sovereignty by encouraging that Idaho make the rules. He stated the EPA should have to prove in court that dredgers are killing fish, damaging the environment, or polluting the water. He recommended the lawsuit loser should have to pay court costs. He stated that miners have a 75 day mining season and EPA will issue a permit for 14 hours. He stated that in "catch and release" fishing, studies have indicated 70% of released fish die due to stress, trauma or the placement of the fishing hook. He recommended that IDWR regulate miners and get rid of the EPA.

Nicole Crossman from Boise, Idaho is a professional dredger as she lost her job about three years ago and dredging provides the necessities. She stated dredge miners need some regulation but not the heavy handed, fear based, underhanded tactics utilized by the EPA. She recommends to nullify the BLM in addition to the EPA in Idaho. She believes these actions would make Idaho a better place. She referred to the land of the free and home of the brave and encouraged the committee members to listen to their constituents. She reiterated to be brave and nullify the EPA and their unfounded reasoning.

Stan Skarzynski, self, stated the EPA is an organization of hate and discontent.

Jim Chmelik, Commissioner in Idaho County, recommended to put the EPA monster back in the box. States have a separate and independent constitutional authorization to act.

Senator Nuxoll, stated many veterans participate in dredge mining and this activity is of importance in their life as it has a soothing effect to deal with past issues. She expressed concern that the EPA wants control and to have power over dredge miners.

Rep. Shepherd thanked everyone for their attendance, testimony and patience. He stated the government of law was formed by sovereign states, not by the federal government. He explained the EPA is burdensome to dredgers.

MOTION:

Rep. Gestrin made a motion to send **H 473** to the floor with a **DO PASS** recommendation. **Motion carried by voice vote.** **Rep. Pence, Erpelding, and Rubel** 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 adjourned at 3:10 p.m.

Representative Denney
Chair

Jennifer Smith
Secretary