AGENDA

HOUSE RESOURCES & CONSERVATION COMMITTEE

1:30 P.M.
Room EW40
Thursday, January 09, 2014

SUBJECT	DESCRIPTION	PRESENTER
	Organizational	
	Economic Impact of Mining	Jack Lyman, Idaho Mining Association

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 Be Determined 1

COMMITTEE SECRETARY

Jennifer Smith
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Phone: 332-1136
email: hres@house.idaho.gov

MINUTES

HOUSE RESOURCES & CONSERVATION COMMITTEE

DATE:	Thursday, January 09, 2014
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, Rubel
ABSENT/ EXCUSED:	Representative(s) Moyle, Anderson(1)
GUESTS:	Jack Lyman, Idaho Mining Association; Macherieic Herrich, Veritas Advisors; Sharon Kiefer, Idaho Fish and Game; Rich Hahn, Idaho Power; Tyler Mallard, Risch Pisca; Kristeyn Kirschenman, Risch-Pisca,; Jason Vial, Vander Woude; Kate Haas, Kestrel West; Bob Geddes, Farm Bureau; Phil Homen, IASA; Harold Ott, Rural Schools; Russ Hendricks, Farm Bureau; Norm Semanko, Idaho Water Users.

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

Chairman Denney requested the new Committee Secretary, **Jennifer Smith**, and Page, **Marija Kozomara**, to introduce themselves.

Chairman Denney requested volunteers for proofreading of the minutes. **Rep. Pence** and **Rep. Boyle** volunteered to be proofreaders.

Chairman Denney said the rules will be reviewed as a whole committee and requested representatives review the rules and identify rules requiring more time or possible controversy.

Representative Miller acknowledged his son in the audience and stated his son is visiting and just completed his masters degree in engineering.

Chairman Denney identified **Rep. Ilana Rubel** and welcomed her to the Committee.

Jack Lyman, Idaho Mining Association, gave a presentation and said the mining industry employs 9,000 Idaho employees, provides 500 million in economic activity, and provides good paying jobs. Mining adds jobs and benefits to the economy. Mr. Lyman stated permitting of mines is a long process.

In response to committee questions, **Mr. Lyman** said if the Federal lands in the State were state-owned, some changes for the mining industry would be the elimination of the Environmental Impact Statement requirement. He said the state would also allow competition in mining claims.

Chairman Denney said the next meeting is a Joint Meeting on January 13, 2014 at 1:30 p.m. in the Lincoln Auditorium.

ADJOURN: There being no further business to come before the committee, the meeting adjourned at 1:58 p.m.

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Representative Denney
Chair

_____

Jennifer Smith
Secretary

JOINT

HOUSE RESOURCES & CONSERVATION COMMITTEE
AND
SENATE RESOURCES & ENVIRONMENT COMMITTEE

1:30 P.M.
Lincoln Auditorium WW02
Monday, January 13, 2014

SUBJECT	DESCRIPTION	PRESENTER
	Presentation: "Schedule and Overview of Programs" and "Financial Proposal".	Gary Spackman, Director of Idaho Department of Water Resources and Roger Chase, Chairman, Idaho Water Resource Board.

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 Be Determined 1

COMMITTEE SECRETARY

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MINUTES
JOINT MEETING

HOUSE RESOURCES & CONSERVATION COMMITTEE
SENATE RESOURCES & ENVIRONMENT COMMITTEE

DATE:	Monday, January 13, 2014
TIME:	1:30 P.M.
PLACE:	Lincoln Auditorium 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, Rubel Chairman Pearce, Vice Chairman Bair, Senators Cameron, Siddoway, Brackett, Heider, Tippets, Stennett, Lacey
ABSENT/ EXCUSED:	Representative(s) Moyle
GUESTS:	Gary Spackman, Director of Idaho Department of Water Resources, and Roger Chase, Water Resources Board.

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

Chairman Pearce welcomed the representatives from the Idaho Department of Water Resources.

Roger Chase , Water Resources Board, identified changes to Rules to address water issues in the state. He said eastern Oregon and Washington are looking to Idaho for water. Mr. Chase referred to developing a water supply bank where Idaho can "park the water". Parking the water is to build sites in Idaho to handle large amounts of water for recharging aquifers and to meet power demands. He explained that recharging can and may replenish other aquifers. He said currently there is limited money to continue studies and projects for the Idaho Department of Water Resources. Mr. Chase stated the state water plan is being rewritten after legislative concern and will be resubmitted during the 2015 session.

Gary Spackman, Idaho Department of Water Resources Director, spoke regarding processing applications, permits and licensing. Director Spackman referred to legislation to return applications without processing for moratorium areas. Mr. Spackman is revising the qualifications of the Director position for the Idaho Department of Water Resources.

ADJOURN : There being no further business to come before the joint committee, the meeting adjourned at 2:23 p.m.

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Representative Denney
Chair

_____
Jennifer Smith
Secretary

AMENDED AGENDA #1
HOUSE RESOURCES & CONSERVATION COMMITTEE
1:30 P.M.
Room EW40
Wednesday, January 15, 2014

SUBJECT	DESCRIPTION	PRESENTER
RS22410	Amendments to Advisory Members and IFPC Assessments.	Betty Munis, Forest Products Commission
RS22409C1	Term Definitions and Reclamation Bond.	Eric Wilson, Department of Lands
RS22396	Compliance with State Organizational Structure.	Tom Schultz, Department of Lands
Docket No. 25-0101-1201	Rules of the Outfitters and Guides Licensing Board	Jake Howard, Outfitters and Guides Licensing Board
Docket No. 26-0120-1301	Rules Governing the Administration of Park and Recreation Areas and Facilities.	Tammy Kolsky, Dept. of Parks and Recreation
Docket No. 26-0120-1302	Rules Governing the Administration of Park and Recreation Areas and Facilities.	Tammy Kolsky, Dept. of Parks and Recreation

COMMITTEE MEMBERS

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

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MINUTES

HOUSE RESOURCES & CONSERVATION COMMITTEE

DATE:	Wednesday, January 15, 2014
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, Rubel
ABSENT/ EXCUSED:	Representative(s) Vander Woude
GUESTS:	Betty Munis, Idaho Forest Products Commission; Steve Martin, Parks and Recreation; Paul Waldon, Idaho State Chapter NWTF; Burk Mantel; Tom Schultz, Idaho Department Of Lands; Eric Wilson, Idaho Department of Lands; Tyler Mallard, IOGA; Jay Stark, ISCAC; Todd Fenzel; Tammy Kolsky, Idaho Parks and Recreation; Nancy Merrill, Idaho Parks and Recreation; Anna Canning, Idaho Parks and Recreation; Kevin Hobbs, Idaho Parks and Recreation; Sid Anderson, Idaho Department of Lands; Jane Wittmeyer, Wittmeyer Assoc.; Laura Johnson, Idaho State Department of Agriculture; Russ Hendricks, Farm Bureau; Grant Simonds, IOGA; Daniel Butler, Spring Care Outfitting; Dennis Tateham, Idaho Outfitters Bureau; Jim Lowe, Food Producers; Brett Wilder; Parker Papworth, Lobby Idaho; Matt VanVleet, Clearwater Paper; John Watts, Boulder Creek; Norman Semanko, IWUA; Benjamin Kelly, Food Producers of Idaho; Elli Brown, Veritas Advisors, LLC.

Chairman Denney called the meeting to order at 1:33 p.m.

MOTION:	**Rep. Pence** made a motion to approve the minutes of the January 9, 2014 meeting. **Motion carried by voice vote.**
RS 22410:	**Betty Munis** from the Idaho Forest Products Commission spoke regarding **RS 22410**. She said **RS 22410** was created to update procedures to reflect changes and increase opportunity for partnerships.
MOTION:	**Rep. Eskridge** made a motion to introduce **RS 22410**. **Motion carried by voice vote.**
RS 22409C1:	**Eric Wilson** from the Idaho Department of Lands spoke regarding **RS 22409C1**. He said **RS 22409C1** will amend and clarify terms of motorized exploration and casual exploration related to the diameter of dredge intake size. **RS 22409C1** will affect dredges between 2" and 5". The terminology clarifications will reduce agency costs for recreational mining on public lands. He said the statute has unclear terminology resulting in information requests and litigation and bond will be determined by the Board. There is a maximum of $2,500 for the bond.
MOTION:	**Rep. Gibbs** made a motion to introduce **RS 22409C1**. **Motion carried by voice vote. Rep. Barrett** and **Rep. Shepherd** requested they be recorded as voting **NAY**.
RS 22396:	**Tom Shultz**, Idaho Department of Lands, provided information regarding **RS 22396**. He said RS 22396 will restructure the Oil and Gas Conservation Commission within the Department of Lands for administrative purposes.
MOTION:	**Rep. Erpelding** made a motion to introduce **RS 22396**. **Motion carried by voice vote.**
DOCKET NO. 25-0101-1201:	**Jake Howard** of Idaho Outfitters and Guides Licensing Bureau spoke on **Docket No. 25-0101-1201**. Mr. Howard requested the committee's rejection of **Docket No. 25-0101-1201** at this time as a result of opposition from private land owners.

MOTION: **Rep. Gibbs** made a motion to reject **Docket NO. 25-0101-1201**. **Motion carried by voice vote**.

DOCKET NO. 26-0120-1301: **Tammy Kolsky** of Idaho Department of Parks and Recreation provided information on this Pending Fee Rule change. Ms. Kolsky said the Department of Parks and Recreation needs to increase fees for campsites, cabins and yurts as a result of increasing utility costs and declining general fund support. The last fee increase was in 2009. Idaho Department of Parks and Recreation's Fiscal Officer offered to breakdown camping fees in comparison to cover operating costs. Ms. Kolsky said the Department monitors other campgrounds and their costs to ensure the fee increase is competitive. The effective date would be July 1, 2014.

MOTION: **Rep. Erpelding** made a motion to approve **Docket No. 26-0129-1301**. **Motion carried by voice vote**. **Rep. Barrett** requested the she be recorded as voting **NAY**.

DOCKET NO. 26-0120-1302: **Tammy Kolsky**, Idaho Department of Parks and Recreation, explained this proposed Fee Rule change regarding Winter Access Programs at Harriman and Ponderosa State Parks. The user fee increase is necessary to maintain the program and provide a safe recreational environment. **Rep. Gibbs** mentioned the Idaho Parks and Recreation budgets were cut several years ago and should be funded by user fees. This fee change rule to be effective date July 1, 2014.

MOTION: **Rep. Gibbs** made a motion to approve **Docket No. 26-0120-1302**. **Motion carried by voice vote. Rep. Barrett** requested the she be recorded as voting **NAY**.

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

Representative Denney
Chair

Jennifer Smith
Secretary

JOINT

HOUSE RESOURCES & CONSERVATION COMMITTEE
AND
SENATE RESOURCES & ENVIRONMENT COMMITTEE

1:30 P.M.
Lincoln Auditorium
Friday, January 17, 2014

SUBJECT	DESCRIPTION	PRESENTER
	Grays Lake Real Estate Issue	Clive Strong and John Sandy

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 Rubel

COMMITTEE SECRETARY

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MINUTES
JOINT MEETING

HOUSE RESOURCES & CONSERVATION COMMITTEE
SENATE RESOURCES & ENVIRONMENT COMMITTEE

DATE:	Friday, January 17, 2014
TIME:	1:30 P.M.
PLACE:	Lincoln Auditorium
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, Rubel
	Chairman Pearce, Senators Siddoway, Brackett, Heider, Tippets, Stennett, Lacey
ABSENT/ EXCUSED:	Representative(s) Moyle, Vander Woude, Anderson(1), Vice Chairman Bair, Senator Cameron
GUESTS:	Michael Sibbett, Eagle Creek Land & Livestock; Bill Myers, Holland & Hart; John J. Williams, BPA; Raeleen Weston, ICOA; and Norm Semanko, Idaho Water Users Association.

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

Chairman Pearce welcomed the guest speakers.

Chairman Pearce said the presentation was an informational meeting regarding Grays Lake real estate issues.

John Sandy, from Senator Risch's Office, provided an introduction to Grays Lake history. Mr. Sandy said the Grays Lake area includes a migratory bird wildlife reservation. The government and private owners' land compile a checkerboard around the Grays Lake area. A resolution to ownership of the lake has been in dispute and the controversy has continued for over 100 years. The parties have proposed a solution to resolve the problem of ownership.

Ernest Lombard, guest speaker and private land owner at Grays Lake, whose father was a French immigrant and arrived in 1921 at Grays Lake. His father was never able to resolve the issue of lake ownership.

Mike Sibbit, guest speaker, is a 4th generation land owner at Grays Lake. His family was one of the original homesteaders. Mr. Sibbits was ten-years old when Grays Lake was made a wildlife refuge. Mr. Sibbits became involved in 1993 and has visited Washington, D.C. on several occasions regarding the Grays Lake issue. Mr. Sibbits thanked Clive Strong and the Attorney General's office for their diligence and attempts to resolve the issue. He also thanked his law firm, Holland and Hart, for their many years of legal assistance with Grays Lake. Mr. Sibbits believes the government and Grays Lake land owners are close to finding an amicable resolution.

Clive Strong, State of Idaho Attorney General's Office, explained the difficulty in resolving the rightful ownership of Grays Lake. Mr. Strong stated whether the Grays Lakes' water was navigable or non-navigable at the time of Idaho becoming a state, over 100 years ago, determined whether the State of Idaho or the Grays Lake land owners owned the lake. Mr. Strong interpreted that under the equal footing doctrine, states own the beds of those bodies of water navigable at the time of statehood. Mr. Strong further explained, the title to non-navigable waters are if a body of water was not navigable at statehood, owners of the adjoining uplands own to the center of the water body. Mr. Strong said in the case of Grays Lake, the ownership of the lake is divided up like a pie. Mr. Strong believes there is a resolution with varying options. Mr. Strong stated those options are for a land owner to be paid for their interests or to trade for grazing rights elsewhere. Mr. Strong stated the land exchanges are more difficult. Mr. Strong explained that everyone involved has water rights including the Bureau of Indian Affairs and the State of Idaho. Mr. Strong believed the state was in a good position for any cash payouts that may be requested by the Grays Lake land owners.

ADJOURN: There being no further business to come before the committee, the meeting adjourned at 2:23 p.m.

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Representative Denney
Chair

_____

Jennifer Smith
Secretary

AMENDED AGENDA #1
HOUSE RESOURCES & CONSERVATION COMMITTEE
1:30 P.M.
Room EW40
Tuesday, January 21, 2014

SUBJECT	DESCRIPTION	PRESENTER
RS22354	Fish and Game License Fees	Sharon Kiefer, Idaho Department of Fish and Game
RS22359	(1) Decrease in Age Limit to Hunt Big Game, and (2) Nonresident Hunting License Technical Correction	Sharon Kiefer, Idaho Department of Fish and Game
Docket No. 20-0201-1301	Idaho Forest Streamside Tree Shade Rule	Archie Gray, Forest Practices Program Manager, Idaho Department of Lands
Docket No. 13-0108-1302	Rules Governing the Taking of Big Game Animals in the State of Idaho	Sharon Kiefer, Idaho Department of Fish and Game.
Docket No. 13-0108-1303	Rules Governing the Taking of Big Game Animals in the State of Idaho	Sharon Kiefer, Idaho Department of Fish and Game.
Docket No. 13-0109-1301	Rules Governing the Taking of Game Birds	Sharon Kiefer, Idaho Department of Fish and Game.
Docket No. 13-0111-1301	Rules Governing Fish	Sharon Kiefer, Idaho Department of Fish and Game.
Docket No. 13-0111-1302	Rules Governing Fish	Sharon Kiefer, Idaho Department of Fish and Game.

COMMITTEE MEMBERS

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

COMMITTEE SECRETARY

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MINUTES

HOUSE RESOURCES & CONSERVATION COMMITTEE

DATE:	Tuesday, January 21, 2014
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, Rubel
ABSENT/ EXCUSED:	Representative(s) Anderson(1)
GUESTS:	Sharon Kiefer, Idaho Fish and Game; Makenzie Herrick, Veritas Advisors; W. Dallas Burkhalter, Idaho Fish and Game; David Groeschl, Idaho Department of Lands; Terry Cundy, Potlach; Archie Gray, Idaho Department of Lands; Raeleen Welton, ICOA; Ed Hawley, Administrative Rules; Russ Hendricks, Farm Bureau; Jonathan Oppenheimer, Idaho Conservation League; Parker Papworth, Lobby Idaho; and Julie Hart, Westerberg & Associates.

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

MOTION: **Rep. Pence** made a motion to approve the minutes of the January 13, 2014, January 15, 2014 and January 17, 2014 meetings. **Motion carried by voice vote.**

RS 22354: **Sharon Kiefer**, Deputy Director of Idaho Department of Fish and Game, spoke regarding **RS 22354**. Ms. Kiefer said **RS 22354** expands the current authority by extending to multiple years (up to three years), and discounting licenses, permits, and tags for sportsmen purchasing these items on a consistent basis. Ms. Kiefer said most license buyers do not purchase a license, permit or tag every year. Ms. Kiefer stated the Department of Fish and Game has proposed this change to assist with intermittent purchases by sportsmen through rewarding and encouraging the purchase of licenses on a consistent basis and as a result, avoiding possible cost increases and to assist with multiple permits. Ms. Kiefer further explained that Idaho sportsmen support a combination license that is heavily discounted. Ms. Kiefer identified that sportsmen are able to pick items per hunting or fishing preferences. The license would be valid for the life of the license even if the individual's circumstances change (i.e.; move out-of-state or turn of age (junior license).

MOTION: **Rep. Wood(27)** made a motion to introduce **RS 22354**. **Motion carried by voice vote.**

RS 22359: **Sharon Kiefer**, Deputy Director of Idaho Department of Fish and Game, spoke regarding **RS 22359**. Ms. Kiefer stated **RS 22359** lowers the age to hunt big game to ten years of age from twelve years of age and must be accompanied by an adult (if under twelve years of age). Ms. Kiefer explained safety issues have been addressed concerning ten year olds through their mentoring program. Ms. Kiefer said the mentoring program requires a mentor for one year in order to be eligible for the license. Ms. Kiefer explained this RS includes a technical correction for individuals purchasing a three year hunting license to include three days of fishing each year.

MOTION: **Rep. Shepherd** made a motion to introduce **RS 22359**. **Motion carried by voice vote.**

DOCKET NO. 20-0201-1301: **David Groeschl**, Idaho Department of Lands, discussed the Tree Shade Rule, **Docket No. 20-0201-1301**. Mr. Groeschl explained streamside tree retention provides shade to keep waters cool for fish and prevents sediment from going into the body of water. Mr. Groeschl stated DEQ has concerns with the current shade rule as there is no minimal level of shade, no measure of trees to be retained, and it is not based on scientific merit. Mr. Groeschl asserted the new shade rule proposed in **Docket No, 20-0201-1301** is based on the best available science in Idaho, easily implemented by forest stewards, and provides landowners with options. Mr. Groeschl said final approval was received by the Land Board in November of 2013 although a willingness remains to review and evaluate the program once implemented.

Terry Cundy, Potlatch, provided testimony in support of aforementioned statements asserted by the Idaho Department of Lands in **Docket No. 20-0201-1301**. Mr. Cundy has been a member of the forest advisory committee for nineteen years and in the position of chairman. Mr. Cundy expressed the magnitude of efforts for this rule. Mr. Cundy stated stakeholders have been working on this rule for fourteen years including the IDEQ and its representatives.

Jonathan Oppenheimer, Idaho Conservation League, provided testimony to **Docket No. 20-0201-1301** asserting this rule falls short of expectations, but is an improvement to existing rules. Mr. Oppenheimer expressed concerns over this rule addressing streams that do not meet water quality standards, skidding near water ways, the protection of large trees, and reduction in streamside shade.

MOTION: **Rep. Wood(27)** made a motion to approve **Docket No. 20-0201-1301**. **Motion carried by voice vote.**

DOCKET NO. 13-0108-1302: **Sharon Kiefer**, Deputy Director of Idaho Department of Fish and Game, spoke regarding **Docket No. 13-0108-1302**. Ms. Kiefer stated this rule amends the nonresident junior mentor tag rule for the mentor accompanying youth. This rule states the mentor must have a tag for the same species but removes the requirement for valid within the same area.

MOTION: **Rep. Raybould** made a motion to approve **Docket No. 13-0108-1302**. **Motion carried by voice vote.**

DOCKET NO. 13-0108-1303: **Sharon Kiefer**, Deputy Director of Idaho Department of Fish and Game, spoke regarding **Docket No. 13-0108-1303** indicating a word change in response to a request by the Legislative Services Office. Ms. Kiefer stated the word change is from a minor child or grandchild to his or her minor child or grandchild to be designated a controlled hunt tag if the child is qualified to participate in the big game hunt.

MOTION: **Rep. Wood(35)** made a motion to approve **Docket No. 13-0108-1303**. **Motion carried by voice vote.**

DOCKET NO. 13-0109-1301: **Sharon Kiefer**, Deputy Director of Idaho Department of Fish and Game, spoke regarding **Docket No. 13-0109-1301** indicating a word change. Ms. Kiefer stated the word change is from a minor child or grandchild to his or her minor child or grandchild to be designated a controlled hunt tag if the child is qualified to participate in the game bird hunt.

MOTION: **Rep. Wood(35)** made a motion to approve **Docket No. 13-0109-1301**. **Motion carried by voice vote.**

DOCKET NO. 13-0111-1301: **Sharon Kiefer** Deputy Director of Idaho Department of Fish and Game, spoke regarding **Docket No. 13-0111-1301** to clarify the definitions of (1) single point hook and, (2) watercraft.

MOTION: **Rep. Wood(27)** made a motion to approve **Docket No. 13-0111-1301**. **Motion carried by voice vote.**

DOCKET NO. 13-0111-1302: **Sharon Kiefer**, Deputy Director of Idaho Department of Fish and Game, spoke on **Docket No. 13-0111-1302**, minimizing the risk to injury to sturgeon when landed by anglers through requiring anglers to release sturgeon at the same time and landing place, and the sturgeon cannot be removed from the water. The rule was inadvertently removed from policy and the Department of Fish and Game would like to reinsert this rule.

MOTION: **Vice Chairman Gibbs** made a motion to approve **Docket No. 13-0111-1302**. **Motion carried by voice vote.**

ADJOURN: There being no further business to come before the committee, the meeting adjourned at 2:27 p.m.

Representative Denney
Chair

Jennifer Smith
Secretary

AMENDED AGENDA #1
HOUSE RESOURCES & CONSERVATION COMMITTEE
1:30 P.M.
Room EW40
Thursday, January 23, 2014

SUBJECT	DESCRIPTION	PRESENTER
	Elk Depredation	Mayfield Land Owner Group
RS22393	Clarification of term "Injection well"	Matt Anders, Idaho Dept. of Water Resources
RS22395	Applications in Moratorium Areas	Jeff Peppersack, Idaho Dept. of Water Resources
RS22453	Revision of Qualification for Idaho Department of Water Resources Director	Gary Spackman, Idaho Dept. of Water Resources
RS22472	Code Repeal for Stumpage Districts	Rep. Morse
RS22531	Exploding Targets on Public Lands	Rep. Morse

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 Rubel

COMMITTEE SECRETARY
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MINUTES

HOUSE RESOURCES & CONSERVATION COMMITTEE

DATE: Thursday, January 23, 2014

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, Rubel

ABSENT/ EXCUSED: Representative(s) Moyle, Vander Woude, Anderson(1), Rubel

GUESTS: Mackenzie Herrick, Veritas Advisers; Sharon Kiefer, Idaho Department of Fish & Game; Mike Grimmett, Ranch owner; Steve Damele, Ditto Creek Ranch; Monty White, Glenns Ferry, Idaho; Deb Lord, Lord Ranch; Teresa McCallum, Iron Horse Ranch; John B. McCallum, Iron Horse Ranch; Rod Gonsales, Camas Creek Ranch; Danelle Heath, Office of Species Conservation; Kristyn Kusunenmon, Kiser Pisca; Roger Seiber, Capital West; Jeff Peppersack, Idaho Department of Water Resources; Matt Anders, Idaho Department of Water Resources; Kate Haas, Kestrel West; and Russell Westerberg, ICOA.

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

Mike Grimmett, Rancher in the Mountain Home area, is financially suffering due to the large elk herds in the Mountain Home area utilizing his private property as a winter feeding ground. Mr. Grimmett states elk remain on his ranch throughout the year with some herds in numbers up to 1,500 which began in 1998. Mr. Grimmett further asserted the elk herds have continually increased since 2003-2004 timeframe. Mr. Grimmett has witnessed his fence being damaged by the large herds of elk. Mr. Grimmett said he has lost an estimated one-hundred days of feed as a result of the elk on his property and a financial cost of approximately $25,000 annually. Mr. Grimmitt suggested that the Idaho Department of Fish and Game should use science to determine the number of animals that should be in the area and for sportsman to hunt the large herds. Mr. Grimmett believes the cause of the problem began when wildlife agencies stopped feeding the elk at feedsite locations and the elk started to migrate to the Mountain Home area to feed. Mr. Grimmitt suggested the state feed the large herds in other areas away from the ranches. Wolves are present and have possibly assisted with the migration of the elk to lower lands.

Steve Damele, family rancher, is concerned with range management practices in the Mountain Home/Mayfield area. Mr. Damele has witnessed the increase in herd numbers resulting in damaged fences and loss of grazing ranges. Mr. Damele has observed elk herds in numbers from 100 to 800 including some deer. He states 500 elk equals 300 beef cow for consumption purposes. Mr. Damele estimates from December to March he experiences losses in the amount of $67,000. Mr. Damele said he noticed the large herds beginning in 1980. In 2005, he had never seen elk herds of 500 (or more) and witnessed the destruction left behind from these large herds. Mr. Damele asserts that all the burden now lies on the property owner, and he feels the neighbors are pitted against one another as a result of Idaho Fish and Game practices in depredation hunts. Mr. Damele is confident the Mayfield ranchers are united and are requesting Idaho Fish and Game reduce the numbers of elk in their area.

Monty White, rancher, lives in Glenns Ferry area and works for a rancher who owns 54,000 acres in the Bennett Hills and Mayfield area. Mr. White stated the depredation hunts do not work as the elk return to the property as the hunters are removing the hunted elk carcasses from the property. He referred to an instance where the elk were returning to the property in a procession from the hills after a hunt. Mr. White asserted the procession was a column of elk that was 75 feet wide and extended so far that he could not see the end of the herd. Hunts do not work as there is property damage from the hunters, (i.e.; fences cut, chains removed on gates, gates left open, and vehicles were driven into the fields). Mr. White stated some elk were shot and left on the property. He feels that hunts only drive the herds onto neighboring property.

Deb Lord, Mayfield resident, believes the elk numbers have been increasing over the last 30 years. Ms. Lord feels the property owners should be compensated for winter feeding of elk.

Teresa McCallum, Iron Horse Ranch, feels the elk hunts drive the animals from the mountains and the cessation of the feeding stations have increased elk migration. Ms. McCallum expressed concern regarding the land owner appreciation program and states the Idaho Department of Fish and Game change the rules every year making it more difficult for land owners to receive compensation for the damages sustained from the elk herds. Ms. McCallum explained landowners cannot sell the tags and she does not believe that selling tags is a long-term solution. Ms. McCallum would like the elk to move to the backcountry with the wolves and elk feeding stations in the high country. She suggested the animals need to be moved in mass or one at a time into the mountains and retrained by using feeding stations to stay in the mountains. Ms. McCallum stated the crop and range losses are so great that something needs to be done. She indicated the Idaho Department of Fish and Game has offered to provide feed for the elk, but they also suggested the ranchers' employees feed the elk on the ranches' land. Ms. McCallum states that her employees have enough ranch work without the responsibility of feeding the elk. Ms. McCallum eluded to the concern over the spreading of disease with cattle and elk in such close proximity.

John McCallum, Iron Horse Ranch, would like the Idaho Department of Fish and Game to provide a higher number of tags for reasonable compensation as he has experienced high monetary damages as a result of the elk. Mr. McCallum suggested the limits should be removed from the elk hunts. He believes the wolves push the elk to lower areas and is the reason for high numbers of elk on his private property. Mr. McCallum has observed major elk increases into the thousands by the Indian Creek area and the land can't support the high volume of elk. Mr. McCallum has cut his cow herd in half as a result of the increase in elk on his land, and he is also concerned with disease spreading to his cows. Mr. McCallum suggested the Idaho Department of Fish and Game use helicopters to move the large herds of elk to higher ground. He asserted the Idaho Department of Fish and Game does not negotiate fairly nor is he provided the truth when concerns are raised. The normal feeding areas for elk have experienced fires and he believes the Idaho Department of Fish and Game should help feed the animals due to these circumstances. Mr. McCallum eluded to legal litigation on the matter.

Rod Gonsales of Camas Creek Ranch agreed with many of the statements made by **Mr. White** and **Mr. McCallum**.

RS 22393:

Matt Anders, Idaho Department of Water Resources, provided clarification for the definition Injection Well. Mr. Anders asserts the EPA has advised the Idaho Department of Water Resources that Idaho's Underground Injection Well rules may be at risk unless the definition is clarified. Mr. Anders explained that, under primacy, any change of a state rule must be approved by the EPA.

MOTION: **Rep. Wood(27)** made a motion to introduce **RS 22393**. **Motion carried by voice vote.**

RS 22395: **Jeff Peppersack**, Idaho Department of Water Resources, proposed **RS 22395** which amends the processing of water applications for water rights in moratorium areas. Mr. Peppersack asserted the Idaho Department of Water Resources has 700 applications since 1990 for water rights in moratorium areas which has created a backlog. The moratorium will only be removed if water is available. Mr. Peppersack conveyed water isn't available and is discouraged the water situation will improve in the near future. Under a moratorium, water applications can only be held and some applications have been held for 20 years. Mr. Peppersack stated the water applications are estimated to total $50,000 in refunds if the applications are returned. Mr. Peppersack plans to return applications over a period of time to absorb the refunds.

MOTION: **Rep. Gibbs** made a motion to introduce **RS 22395**. **Motion carried by voice vote.**

RS 22453: **Gary Spackman**, Director of Idaho Department of Water Resources, submitted **RS 22453** from a request by the Governor to revise the qualifications for the Director position of the Idaho Department of Water Resources. Mr. Spackman reviewed the Idaho Statute and conducted conversations with the Governor and stakeholders. Mr. Spackman states he received endorsement for the revisions to the Director's position from the Idaho Water Users. Mr. Spackman stated it was unique to write his own job description.

MOTION: **Rep. Wood(27)** made a motion to introduce **RS 22453**. **Motion carried by voice vote.**

RS 22472: **Rep. Morse** brought forth **RS 22472** to repeal an archaic section code for stumpage districts which is no longer needed. Rep. Morse further explained the code was adopted in 1917 and has never been amended. Rep. Morse asserted extra work is created by leaving the archaic code in existence.

MOTION: **Rep. Raybould** made a motion to introduce **RS 22472**. **Motion carried by voice vote.**

RS 22531: **Rep. Morse** proposed **RS 22531** relating to exploding targets on public lands. Rep. Morse explained this is a new product and the high fire costs for one instance of negligent use of exploding products on public lands. Rep. Morse identified that some states have banned exploding targets. He stated **RS 22531** provides a solution to treat private and public lands differently. Rep. Morse stated **RS 22531** would simply ban the use of exploding targets similar to restrictions during the fire season such as not allowing open campfires. He stated exploding targets will be allowed on private lands with the approval of the state Fire Marshall or local fire official, or a shooting range if it has a permit or government approval. Rep. Morse indicated exploding targets does not constitute fireworks and the definition of an exploding target is flammable when struck by a bullet or projectile.

MOTION: **Rep. Barrett** made a motion to introduce **RS 22531**. **Motion carried by voice vote.**

ADJOURN: There being no further business to come before the committee, the meeting adjourned at 3:03 p.m.

Representative Denney
Chairman

Jennifer Smith
Secretary

AGENDA

HOUSE RESOURCES & CONSERVATION COMMITTEE

1:30 P.M.
Room EW40
Monday, January 27, 2014

SUBJECT	DESCRIPTION	PRESENTER
RS22499	Water User Fee for Watermaster Services	Norm Semanko, Idaho Water Users Association
RS22515	Election for the Office of Irrigation District Director	Norm Semanko, Idaho Water Users Association
RS22584C1	Establishment of Wolf Control Fund	Senator Brackett and Representative Gibbs

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

COMMITTEE MEMBERS

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

COMMITTEE SECRETARY

Jennifer Smith
Room: EW62
Phone: 332-1136
email: hres@house.idaho.gov

MINUTES

HOUSE RESOURCES & CONSERVATION COMMITTEE

DATE: Monday, January 27, 2014

TIME: 1:30 P.M.

PLACE: Room EW40

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

ABSENT/ EXCUSED: Representative Wood(35)

GUESTS: Norm Semanko, Idaho Water Users Association; Rex Barrie, Water District #63; Vern Case, Water District #63; Jim Unsworth, Idaho Department of Fish and Game; Courtney Washburn, Idaho Conservation League; Daren Coon, Nampa and Meridian Irrigation Districts; Stephen Goodson, Governor's Office; John Jameson, Idaho Wool Growers; Sean Ellis, Wolf Leg.; Ken Cole, self; Tom Arkoosh, SWC; Lynn Tominaga, IGWA; Dennis Tanikuni, Idaho Farm Bureau; Stan Boyd, IWGA/ICA; Parker Papworth, Lobby Idaho; Raleen Welton, RMP/ICOA; Russell Westerberg, RMP/ICOA; Larry Thorngre, self.

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

RS 22499: Norm Semanko, Idaho Water Users Association, represents water providers and supporters from around the state. Mr. Semanko stated **RS 22499** would increase the minimum water user fee that water districts may assess an individual water user for water master services. The water master regulates storage rights and flow diversions from the river. Mr. Semanko and the water users have proposed to raise the fee at their annual meeting to not more than $250. Water users pay through assessments based on size of owned land.

MOTION: **Rep. Gibbs** made motion to introduce **RS 22499**. **Motion approved through voice vote.**

RS 22515: **Norm Semanko**, Idaho Water Users Association, presented **RS 22515** to update irrigation district election laws through clarification of the district director election. He stated if one person is running for the district director position, the irrigation district does not go through the expense of holding an election. Mr. Semanko stated that if there is only one qualified candidate, this candidate would be declared elected and there would be no further proceedings beyond this point. He stated the qualified candidate is elected, sworn in, and handed a certificate of election. He explained if there is no qualified candidate, the incumbent irrigation district director will continue his term until a successor is elected. Mr. Semanko indicated this legislation would remove an outdated requirement of an immediate delivery of a certificate of election and will change Idaho Code so a certificate of election is presented upon the start of the new director's term.

MOTION: **Rep. Wood(27)** made motion to introduce **RS 22515**. **Motion carried by voice vote.**

RS 22584C1: **Rep. Gibbs** stated **RS 22584C1** establishes a Wolf Control Fund with a Board to direct and to manage this fund. There is a need for this fund as the federal government has delisted the wolves and transferred authority to manage wolves to the State. The State of Idaho no longer receives federal funding for the management of wolves. He explained the board members would consist of the Director of the Idaho Department of Agriculture, Director of the Idaho Department of Fish and Game, members to represent sportsmen, livestock, and the general public. The Idaho Wolf Control Board members will receive expenses for attending meetings only and are basically volunteers. He said the Wolf Control Fund is not for damages sustained by livestock producers, but to control wolves. He further asserted that sport hunting, trapping and aerial gunning will not control the wolf population. Rep. Gibbs stated the funding will be received from the Idaho Department of Fish and Game through the sportsmen dollars and livestock producers (cattle and sheep) through increases in brand registration and wool assessments.

Senator Brackett said he is cosponsoring this proposed legislation with **Rep. Gibbs**. He indicated the Animal Damage Control (ADC) Board's oversight is for predatory animals made up of livestock interests. The Wolf Control Board is for the sole purpose of managing and controlling wolves and the Wolf Control Fund could be spent on lethal control. The State of Idaho must demonstrate adequate state management practices regarding wolves so they are in line with the approved 2002 wolf management plan. **Senator Brackett** addressed the issue of creating another board for wolf control in addition to the ADC Board, and if not, the need to dramatically change the makeup of the ADC Board members. He explained the ADC Board is made up of livestock interests, has numerous responsibilities, and multiple revenue sources. The direction and goals of the Wolf Control Board are to bring the wolf population down as expected by the majority of Idaho's populous. He stated the Wolf Control Board is in line with Idaho's wolf management plan. He said the Idaho Department of Fish and Game is on record of supporting removal of wolves if there is detriment to wildlife and the wildlife's ability to recover in a given area.

MOTION: **Rep Raybould** made a motion to introduce **RS 22584C1**.

ROLL CALL VOTE: **Rep. Raybould** requested a roll call vote. **Motion carried by a vote of 9 AYE and 8 NAY,** one absent/excused. **Voting in favor** of the motion: **Reps. Gibbs, Eskridge, Raybould, Andrus, Wood(27) Miller, Anderson, Pence, and Chairman Denney. Voting in opposition** to the motion: **Reps. Barrett, Moyle, Shepherd, Boyle, Vander Woude, Gestrin, Erpelding, and Rubel**. Representative Wood(35) was absent/excused.

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

Representative Denney
Chair

Jennifer Smith
Secretary

JOINT

HOUSE RESOURCES & CONSERVATION COMMITTEE
AND
SENATE RESOURCES & ENVIRONMENT COMMITTEE

1:30 P.M.
Lincoln Auditorium
Wednesday, January 29, 2014

SUBJECT	DESCRIPTION	PRESENTER
	Presentation: Habitat Use and Reproductive Success of Greater Sage-Grouse in Bighorn Basin, Wyoming	Jim Pehringer, District Supervisor with Wildlife Services in Cody, Wyoming, and Dr. Jimmy Taylor, Research Wildlife Biologist and Project Leader for the National Wildlife Research Center in Corvallis, Oregon.

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 Rubel

COMMITTEE SECRETARY

Jennifer Smith
Room: EW62
Phone: 332-1136
email: hres@house.idaho.gov

MINUTES
JOINT MEETING

HOUSE RESOURCES & CONSERVATION COMMITTEE
SENATE RESOURCES & ENVIRONMENT COMMITTEE

DATE: Wednesday, January 29, 2014

TIME: 1:30 P.M.

PLACE: Lincoln Auditorium

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, Rubel

Chairman Pearce, Vice Chairman Bair, Senators Cameron, Siddoway, Brackett, Heider, Tippets, Stennett, Lacey

ABSENT/ EXCUSED: Rep. Moyle, Anderson(1)

GUESTS: Sharon Kiefer, Ann Moser, IDFG; Jack Bennett, SETT; Diane French, IDL; Norm Semanko, IWUA

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

Dr. Jimmy Taylor, Research Wildlife Biologist and Project Leader for the National Wildlife Research Center in Corvallis, Oregon stated this research was mostly conducted in the Big Horn Basin. He said some cooperators are the Bighorn Basin Conservation Districts, Bighorn Basin Predator Management Districts, and Fidelity Oil Company. Since no research or in-depth monitoring has been done to determine limiting factors in the Basin, the initial ranking of factors was subjective based on the personal and professional observations. Dr. Taylor said some of the goals are to understand sage-grouse/predator relationships, determine what levels of control are effective, and to determine if those levels of control are feasible. The objectives are to identify sage-grouse predators, identify nest predators, conduct predator removal experiments, determine habitat usage, and collect other baseline data. Dr. Taylor said they are very interested in watching the hens since they have a greater investment in raising the young. For the hens that have successful broods, they want to know the length of the brood's survival rate.

Dr. Taylor explained that they process captured birds to collect data such as health assessments, wing pictures, blood collection, feather samples, weight, and collar or leg band attachments. National Wildlife Research Center personnel monitor different leks throughout March to determine where to capture the birds. They have captured over 200 birds and out of the birds handled or collared, only three have died. They use two different types of transmitters. The first is the VHF collar attachment and the second is the ARGOS attachment. VHF birds are located by homing or triangulation using handheld yagi antennas. ARGOS data is downloaded in the office and processed. Dr. Taylor said nest camera placement is also used and is a fairly inexpensive way to get information. He said it also helps them monitor which predators come in and out of the nest. The information presented, showed that ravens only take the eggs from the nests, but coyotes will eat the hen as well. Dr. Taylor said badgers, weasels, and bull snakes are also nest predators but are not as great a threat as ravens or coyotes. The future direction of the research is to continue using data collection, continue peer-reviewed science, and renew focus on ravens.

Jim Pehringer, District Supervisor with Wildlife Services in Cody, Wyoming addressed the committee's questions and stated, in his own opinion, he explained that there is not enough money or time/resources available to determine coyote population.

ADJOURN: There being no further business to come before the committee, the meeting was adjourned at 2:33 p.m.

Representative Denney
Chair

Amber Duke
Secretary

JOINT

HOUSE RESOURCES & CONSERVATION COMMITTEE
AND
SENATE RESOURCES & ENVIRONMENT COMMITTEE

1:30 P.M.
Lincoln Auditorium WW02
Monday, February 03, 2014

SUBJECT	DESCRIPTION	PRESENTER
	Presentation: Suction Dredge Mining	Joe Greene, US EPA scientist (Ret); Tom Kitchar, President of Waldo Mining District, SW Oregon; Doug Giddings, Sheriff, Idaho County; and Jim Chmelik, Idaho County Commissioner.

COMMITTEE MEMBERS

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

COMMITTEE SECRETARY

Jennifer Smith
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email: hres@house.idaho.gov

MINUTES
JOINT MEETING

HOUSE RESOURCES & CONSERVATION COMMITTEE
SENATE RESOURCES & ENVIRONMENT COMMITTEE

DATE: Monday, February 03, 2014

TIME: 1:30 P.M.

PLACE: Lincoln Auditorium 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, Rubel

Chairman Pearce, Vice Chairman Bair, Senators Cameron, Brackett, Heider, Tippets, Stennett, Lacey

ABSENT/ EXCUSED: Representative(s) Vander Woude, Senators Siddoway

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

Chairman Pearce welcomed the speakers of the dredge mining presentation and the large public audience in attendance.

Joe Greene, U.S. Environmental Protection Agency scientist (retired), has over thirty years of dredge mining experience and asserts that numerous studies on small suction dredge mining incurs less than significant damages to the environment. Mr. Greene states small suction dredge mining uses a 4, 8 or 10 inch dredge. Mr. Greene indicated that regardless of scientific studies indicating dredge mining has little or no impact on the environment, dredge mining is illegal in California. Mr. Greene said dredging removes garbage from the waterways and the movement of pollution through dredging does not constitute pollution. He said that fish were slightly affected by dredge mining through very long periods of exposure. Mr. Greene indicated the dredge miners receive threats from regulatory agencies.

Tom Kitchar, President of Waldo Mining District, Southwest Oregon, believes the Clean Water Act has been misinterpreted by requiring dredge miners to obtain a permit for discharge or addition of pollutant to the waterways. Mr. Kitchar stated dredge mining only disturbs the silt and does not add pollutants or discharge into the water. He referred to a study by the Army Corps of Engineers stating that four-inch suction dredge mining does not harm the environment.

Doug Giddings, Sheriff of Idaho County, states his primary focus is to enforce any violations of civil rights in his jurisdiction. Sheriff Giddings said the federal government can be very heavy handed and are not elected officials so they do not answer to the public. Sheriff Giddings said the federal inspectors visit the dredge mines, take pictures, and send a letter threatening costly fines. Sheriff Giddings expressed his concern about the lack of communication from the EPA and their frequent changes to the regulations. Sheriff Giddings is concerned as the situation between the dredge miners and regulating authorities are escalating.

Jim Chmelik, Idaho County Commissioner, represents and spoke on behalf of the citizens of Idaho County regarding dredge mining. Commissioner Chmelik believes in the rule of natural law, the Declaration of Independence, U.S. Constitution, and the protection of individual rights. Commissioner Chmelik stated the EPA operates through intimidation and fear.

Brad Bristol, is the fourth generation of his family living in Idaho and is a small suction dredge miner. Mr. Bristol said he abides by the law and has obtained all necessary permits for dredge mining. Mr. Bristol stated he was accused of being a criminal by the EPA regarding his dredge mining activities.

Roger Jorstad, is a Vietnam Veteran and believes dredge mining does not harm the river. The application for dredge mining has grown to forty-four pages since 2009 and the application process has become very cumbersome for dredge miners.

John Stickley is not an Idaho resident, but has a mining claim located in the vicinity of Elk City, Idaho. Through dredge mining, Mr. Stickley alleges he has removed approximately 20 pounds of lead in thirty days as a result of fishing tackle, but is puzzled by the fact that the EPA is not concerned about the lead in the water. Mr. Stickley asserted that dredge mining removes large amounts of garbage from the water. He thanked **Rep. Shepherd** for visiting his dredge mine. Mr. Stickley alleges he has received a letter from the EPA threatening a $50,000 fine and three years in prison regarding dredge permitting. Mr. Stickley indicated he has applied and received the appropriate permitting from the Idaho Department of Water Resources.

ADJOURN: There being no further business to come before the joint committee, the meeting adjourned at 2:45 p.m.

_____
Representative Denney
Chair

_____
Jennifer Smith
Secretary

JOINT

HOUSE RESOURCES & CONSERVATION COMMITTEE
AND
SENATE RESOURCES & ENVIRONMENT COMMITTEE

1:30 P.M.
Lincoln Auditorium WW02
Wednesday, February 05, 2014

SUBJECT	DESCRIPTION	PRESENTER
	Presentation: Overview of Oil and Gas, Well Drilling and Completion.	Paul Powell, President, Petro-glyph Energy
	Presentation: The Swan Falls Agreement	Justice Jim Jones, Idaho Supreme Court
	Following the Joint meeting, the House Resources and Conservation Committee will convene in the Lincoln Auditorium, WW02.	
RS22516	Department of Fish and Game, Controlled Hunt Permits	Rep. Moyle
RS22604	Outfitters and Guides - Licensing on Public Lands	Russ Hendricks, Idaho Farm Bureau;
RS22632	Outfitters and Guides - Outfitted Turkey and Waterfowl hunting Moratorium	Rep. Donna Pence
RS22769C1	Wolf Depredation Control Board	Rep. Gibbs & Senator Brackett
RS22727	Pipeline Corporations - Clarify definition of Oil and Gas Gathering Lines	Rep. Gestrin

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 Rubel

COMMITTEE SECRETARY
Jennifer Smith
Room: EW62
Phone: 332-1136
email: hres@house.idaho.gov

MINUTES
JOINT MEETING

HOUSE RESOURCES & CONSERVATION COMMITTEE
SENATE RESOURCES & ENVIRONMENT COMMITTEE

DATE: Wednesday, February 05, 2014

TIME: 1:30 P.M.

PLACE: Lincoln Auditorium WW02

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

Chairman Pearce, Vice Chairman Bair, Senators Cameron, Siddoway, Brackett, Heider, Tippets, Stennett, Lacey

ABSENT/ EXCUSED: None

GUESTS: Raleen Welton, RMP; Jim Unsworth, Idaho Department of Fish and Game; Elizabeth Criner, Simplot; Brenda Tominaga, IGWA; Jack Lyman, Idaho Mining Association; Sharon Kiefer, Idaho Department of Fish and Game; Corey Crownhart, Idaho Organization Resource Council and Western Organization Resource Council; Justin Hayes, Idaho Conservation League; Phil Homer, IASA; Norm Semanko, IWUA; and Tom Arkoosh, SWC.

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

Paul Powell, President of Petroglyph, provided a presentation on oil and natural gas well drilling. Mr. Powell explained the basic well drilling processes. Mr. Powell stated the drilling rigs are on location from one to two weeks. Mr. Powell explained there are two types of wells, vertical and horizontal. The overall process takes approximately 4 to 5 months. He stated Petroglyph is not drilling wells in Idaho at this time.

Justice Jim Jones, Idaho Supreme Court, provided a presentation on the Swan Falls Agreement. Justice Jones stated Swan Falls was the first dam on the Snake River, built in 1901, to provide water and power to mines. He indicated the Swan Falls Agreement originated as a dispute between the Idaho Power Company and citizens with water rights. Justice Jones said many parties became involved as the issue progressed, such as local water right holders, Idaho Power, various state and federal agencies, the Idaho **Governor (Evans)**, and the Idaho Legislature when a lawsuit was filed in 1977. He asserted that many unlikely and unusual alliances developed during this legal process. Justice Jones collaborated with stakeholders to reach an agreement on the Swan Falls water rights, but was vetoed by **President Reagan** in October of 1984. The Idaho State Legislature was involved in reaching a solution. Justice Jones said there have been a few disputes over the legal interpretation of the Swan Falls Agreement.

ADJOURN: There being no further business to come before the joint committee, **Chairman Pearce** adjourned the meeting at 2:50 p.m.

Chairman Denney called the House Resources and Conservation Committee Meeting to order at 2:53 p.m.

MOTION: **Rep. Boyle** made a motion to approved the minutes of January 21, 23, and 27th, 2014. **Motion carried by voice vote.**

RS 22516: **Rep. Moyle** represented **RS 22516** regarding the Idaho Department of Fish and Game's proposed legislation on controlled hunt permits.

MOTION: **Rep. Wood(35)** made a motion to introduce **RS 22516**. **Motion carried by voice vote. Reps. Miller, Pence** and **Erpelding** requested they be recorded as voting **NAY**.

RS 22604: **Russ Hendricks**, Farm Bureau, brought forth **RS 22604** to claim private property rights and confirm that Outfitters and Guides' operate on public lands. Mr. Henricks stated outfitters and guides have been conducting activities on private land and going beyond legislative intent. **Rep. Erpelding** disclosed he will be a licensed outfitter in near future.

MOTION: **Rep. Raybould** made a motion to introduce **RS 22604. Motion carried by voice vote.**

RS 22632: **Rep. Pence** brought forth **RS 22632** to continue the moratorium on outfitted turkey and waterfowl hunting.

MOTION: **Rep. Wood(35)** made a motion to introduce **RS 22632. Motion carried by voice vote.**

RS 22769C1: **Rep. Gibbs** presented **RS 22769C1** regarding the creation of a wolf depredation control board. Rep. Gibbs stated **RS 22769C1** is similar to**H 423**. He stated **RS 22769C1** has a change in the fiscal impact, a five-year sunset clause, and the Board will operate on a majority rule of the members present. He reiterated this proposed legislation remains a stopgap to replace federal funding and create a Board to oversee funds and wolf management. He explained the Idaho Department of Fish and Game will not change their role in wolf management, they will continue to set wolf harvest limits and criteria, and the control efforts will primarily be sport hunting.

MOTION: **Rep. Wood(27)** made a motion to introduce **RS 22769C1**. **Motion carried by voice vote. Reps. Wood(35), Barrett, Miller, Pence, Erpelding** and **Rubel** requested they be recorded as voting **NAY**.

RS 22727: **Rep. Gestrin** sponsored **RS 22727** regarding the Public Utilities Commission's oversight of safety for entities that may not be classified as a public utility, but operate a gathering line for natural gas, natural gas condensate, or crude oil.

MOTION: **Rep. Raybould** made a motion to introduce **RS 22727. Motion carried by voice vote.**

ADJOURN: There being no further business to come before the committee, the meeting was adjourned at 3:20 p.m.

_____

Representative Denney
Chair

_____

Jennifer Smith
Secretary

AMENDED AGENDA #2
HOUSE RESOURCES & CONSERVATION COMMITTEE
1:30 P.M.
Room EW40
Tuesday, February 11, 2014

SUBJECT	DESCRIPTION	PRESENTER
	Presentation: 2013 Annual Report	Teri Murrison, Administrator, Idaho Soil and Water Conservation Commission
H 371	Forest Products Commission - Amendments to Advisory Members and IFPC Assessments	Betty Munis, Idaho Forest Products Commission
H 372	Department of Lands - Term Definitions and Reclamation Bond	Eric Wilson, Idaho Department of Lands
H 373	Department of Lands - Compliance with State Organizational Structure	Tom Schultz, Idaho Department of Lands
H 424	Irrigation Districts - Election for the Office of Irrigation District Director	Norm Semanko, Idaho Water Users Association
H 425	Water Districts - Water User Fee for Watermaster Services	Norm Semanko, Idaho Water Users Association

COMMITTEE MEMBERS

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

COMMITTEE SECRETARY

Jennifer Smith
Room: EW62
Phone: 332-1136
email: hres@house.idaho.gov

MINUTES

HOUSE RESOURCES & CONSERVATION COMMITTEE

DATE: Tuesday, February 11, 2014

TIME: 1:30 P.M.

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) Moyle

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 1:32 p.m.

MOTION: **Rep. Wood(35)** made a motion to approve the minutes of January 29, 2014. **Motion carried by voice vote.**

MOTION: **Rep. Boyle** made a motion to approve the minutes of February 3, 2014. **Motion carried by voice vote.**

MOTION: **Rep. Pence** made a motion to approve the minutes of February 5, 2014. **Motion carried by voice vote.**

Teri Murrison, Administrator of the Soil and Water Conservation Commission, provided a presentation on the agency's 2014 annual report. She expressed her gratitude to the landowners, stakeholders, government agencies, and their partners for the cooperative efforts in accomplishing positive results for the land and the people who live and work on the land. Ms. Murrison referred to Conservation the Idaho Way and this philosophy is a voluntary way of life for Idahoans to improve the natural resources for future generations. She indicated the group is focused on cooperative and collaborative efforts between local people. She asserted since 1990, the Soil and Water Conservation Commission has been involved with over $88 million worth of projects and has impacted almost 1.5 million acres. She indicated the ground water program treated 35,685 acres, reducing nitrates by 15,000 pounds, phosphorus by 24,000 pounds and sediment was reduced by 137,000 pounds. Ms. Murrison mentioned the Soil and Water Conservation Committee is celebrating their 75th Anniversary.

Steve Becker, Treasurer for the Idaho Association of Soil Conservation District, lives in Genesee, Idaho, and expressed his appreciation for the benefits provided by the Soil and Water Conservation Commission.

Jeffery Burwell, Natural Resources Conservation Service, said the Soil and Water Conservation Commission provides technical assistance and accomplishes the needs of resource conservation in Idaho. Mr. Burwell expressed his appreciation for the Soil and Water Conservation Commission.

H 371: **Betty Munis**, Director of Idaho Forest Products Commission, spoke regarding **H 371**. She said this legislation was created to update procedures to reflect changes and increase opportunity for partnerships.

Michael Boeck, works in forest and lumber industry, said he is a graduate of the University of Idaho in forestry. Mr. Boeck supports **H 371** as this legislation will provide the opportunity to bring a variety of people onto the commission. Mr. Boeck said this legislation will improve the representation of people on the Commission.

Darin Ball, representing Potlatch Corp. which owns 800,000 acres in the state. He said Potlatch is a supporter of this legislation.

Jim Lowe, Food Producers of Idaho spoke in support of **H 371**.

MOTION: **Rep. Eskridge** made a motion to send **H 371** to the floor with a **DO PASS** recommendation. **Motion carried by voice vote. Rep. Eskridge** will sponsor the bill on the floor.

H 372: **Eric Wilson**, Idaho Department of Lands, spoke regarding **H 372**. He said **H 372** will amend and clarify terms of motorized exploration and casual exploration related to the diameter of dredge intake size. He said the statute has unclear terminology resulting in information requests and litigation.

MOTION: **Rep. Erpelding** made a motion to send **H 372** to the floor with a **DO PASS** recommendation. **Motion carried by voice vote. Rep. Erpelding** will sponsor the bill on the floor.

H 373: **Tom Shultz**, Director or Idaho Department of Lands, stated **H 373** is a clean up bill and will restructure the Oil and Gas Conservation Commission within the Department of Lands for administrative purposes.

MOTION: **Rep. Wood(35)** made a motion to send **H 373** to the floor with a **DO PASS** recommendation. **Motion carried by voice vote. Rep. Wood(35)** will sponsor the bill on the floor.

H 424: **Norm Semanko**, Idaho Water Users Association, presented **H 424** to update the irrigation district election laws through clarification of the district director election. He stated if one person is running for the district director position, the irrigation district does not go through the expense of holding an election. Mr. Semanko stated that if there is only one qualified candidate, this candidate would be declared elected and there would be no further proceedings beyond this point. A certificate of election is presented upon the start of the new director's term.

MOTION: **Rep. Raybould** made a motion to send **H 424** to the floor with a **DO PASS** recommendation. **Motion carried by voice vote. Rep. Raybould** will sponsor the bill on the floor.

H 425: **Norm Semanko**, Idaho Water Users Association, represents water providers and supporters from around the state and this legislation would increase the minimum water user fee that water districts may assess an individual water user for water master services. The water master regulates storage rights and flow diversions from the river. Mr. Semanko and the water users have proposed to raise the fee at their annual meeting to not more than $250.

MOTION: **Rep. Miller** made a motion to send **H 425** to the floor with a **DO PASS** recommendation. **Motion carried by voice vote. Rep. Miller** will sponsor the bill on the floor.

ADJOURN: There being no further business to come before the committee, the meeting was adjourned at 2:49 p.m.

_____ _____

Representative Denney — Chair

Jennifer Smith — Secretary

AMENDED AGENDA #2

HOUSE RESOURCES & CONSERVATION COMMITTEE

1:30 P.M.
Room EW40
Thursday, February 13, 2014

SUBJECT	DESCRIPTION	PRESENTER
H 398	Discounted Licenses	Sharon Kiefer, Idaho Department of Fish and Game
H 399	(1) Decrease in Age Limit to Hunt Big Game, and (2) Nonresident Hunting License Technical Correction	Sharon Kiefer, Idaho Department of Fish and Game
H 410	Clarification of Term "Injection Well"	Matt Anders, Idaho Department of Water Resources
H 411	Applications in Moratorium areas	Shelley Keen, Idaho Department of Water Resources
H 412	Revision of Qualifications for Idaho Department of Water Resources Director	Mat Weaver, Deputy Director, Idaho Department of Water Resources
H 413	Code Repeal for Stumpage Districts	Rep. Morse

COMMITTEE MEMBERS

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

COMMITTEE SECRETARY

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email: hres@house.idaho.gov

MINUTES

HOUSE RESOURCES & CONSERVATION COMMITTEE

DATE: Thursday, February 13, 2014

TIME: 1:30 P.M.

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) 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 1:32 p.m.

H398: **Sharon Kiefer**, Deputy Director of Idaho Department of Fish and Game, spoke regarding **H 398**. Ms. Kiefer said **H 398** expands the current authority by extending to multiple years (up to three years), nonresident, and discounting licenses, permits, and tags for sportsmen purchasing these items on a consistent basis.

MOTION: **Rep. Wood(27)** made a motion to send **H 398** to the floor with a **DO PASS** recommendation. **Motion carried by voice vote. Rep. Miller** requested that he be recorded as voting **NAY**. **Rep. Wood(27)** will sponsor the bill on the floor.

H 399: **Sharon Kiefer**, Deputy Director of Idaho Department of Fish and Game, spoke regarding **H 399** that lowers the age to hunt big game to ten years of age from twelve years of age and must be accompanied by an adult. Ms. Kiefer explained safety issues have been addressed through their mentoring program. Ms. Kiefer explained this legislation includes a technical correction for individuals purchasing a three year hunting license to include three days of fishing each year.

Dennis Davis from Caldwell has a ten year old grandchild affected by this legislation. Mr. Davis states his grandson enjoys hunting, is responsible, and he has spent a significant amount of time with his grandson educating him on firearms and safety. Mr. Davis supports this legislation and looks forward to the possibility of hunting with his ten year old grandson.

Dakota Moore, National Rifle Association ("NRA"), expresses support for **H 399** and believes this age group has an interest in the sport of hunting. Mr. Moore feels the legislation could have a positive fiscal impact for the Idaho Department of Fish and Game, outfitters and guides, and the retail industry for clothing and hunting accessories. Mr. Moore stated the NRA was proposing similar legislation if the Idaho Department of Fish and Game had not brought this legislation forward in Idaho. He urges legislators to pass this legislation.

MOTION: **Rep. Gestrin** made a motion to send **H 399** to the floor with a **DO PASS** recommendation. **Motion carried by voice vote**. **Reps. Pence, Erpelding, Rubel** requested that they be recorded as voting **NAY. Rep. Boyle** will sponsor the bill on the floor.

H 410: **Matt Anders**, Idaho Department of Water Resources (IDWR), provided clarification for the definition of Injection Well. Mr. Anders asserts the E.P.A. has advised the Idaho Department of Water Resources that Idaho's Underground Injection Well rules may be at risk unless the definition is clarified.

MOTION: **Rep. Pence** made a motion to send **H 410** to the floor with a **DO PASS** recommendation. **Motion carried by voice vote**. **Rep. Pence** will sponsor the bill on the floor.

H 411: **Mat Weaver**, Idaho Department of Water Resources (IDWR), states **H 411** amends Idaho Code for returning pending applications in moratorium areas. IDWR is required to accept applications and filing fees to hold applications indefinitely. He explained that IDWR is currently holding approximately 700 applications and this legislation would address the backlog situation. Mr. Weaver indicated the filing fee is $50 and he believes there to be about $50,000 that IDWR would payout to return the applications and filing fees which would be distributed over a couple years making it feasible for IDWR's budget. He addressed concerns by stating an applicant's priority date would not be preserved if the application and filing fee were returned. Mr. Weaver further explained that no interest would be paid to applicants whose applications have been held for over twenty years. Mr. Weaver addressed several options such as notifying the applicants and providing the applicant with a choice of (1) leaving their application with IDWR, or (2) having IDWR return their application and filing fee, therefore foregoing their priority date for water rights. Mr. Weaver agreed that a moratorium is not always a situation that lasts forever and can change such as the Treasure Valley area had a moratorium and it was lifted once studies were performed.

Robert Harris, an attorney at Holden, Kidwell, Hahn & Crapo, P.L.L.C., represents his clients, Idaho Falls water right users, who oppose **H 411** and are very concerned over this proposed legislation. Mr. Harris indicated the representatives of the House Resources and Conservation Committee echo his concerns. He said this issue is a housekeeping concern that may result in negative legal impacts. Mr. Harris believes that Idaho doesn't have a water problem, we have a storage problem. He explained to return the applications may violate the Idaho Constitution by not providing a hearing. In conclusion, he applauded IDWR for their hard work and improvements made to the agency.

Norm Semanko, apologized to the representatives and stated **H 411** should have been addressed through the Board of the Idaho Water Association prior to legislation.

Lynn Tominaga, Idaho Ground Water Appropriators, indicated that most of the applications are for supplemental wells and no new development has occurred in the area for a period of time due to the moratorium and backlog of applications. He suggested in the future, the applications have an end date to prevent the backlog of applications being held for twenty or more years.

MOTION: **Rep. Raybould** made a motion to **HOLD H 411** in committee. **Motion carried by voice vote**.

H412: **Mat Weaver**, Idaho Department of Water Resources (IDWR), states **H 412** amends Idaho Code to revise and broaden the qualifications for the position of the IDWR Director. The Idaho Water Users Association supports these revisions.

MOTION: **Rep. Raybould** made a motion to send **H 412** to the floor with a **DO PASS** recommendation. **Motion carried by voice vote**. **Rep. Gibbs** will sponsor the bill on the floor.

H 413: **Rep. Morse** presented **H 413** prohibiting exploding targets on public lands.

MOTION: **Rep. Miller** made a motion to send **H 413** to the floor with a **DO PASS** recommendation. **Motion carried by voice vote**. **Rep. Morse** will sponsor the bill on the floor.

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

Representative Denney
Chair

Jennifer Smith
Secretary

AGENDA

HOUSE RESOURCES & CONSERVATION COMMITTEE

1:30 P.M.
Room EW40
Monday, February 17, 2014

SUBJECT	DESCRIPTION	PRESENTER
H 467	Control hunt permits - Idaho Fish and Game	Rep. Moyle
H 470	Wolf Depredation Control Board	Rep. Gibbs and Senator Brackett

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 Rubel

COMMITTEE SECRETARY
Jennifer Smith
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email: hres@house.idaho.gov

MINUTES

HOUSE RESOURCES & CONSERVATION COMMITTEE

DATE: Monday, February 17, 2014

TIME: 1:30 P.M.

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: 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 1:32 p.m.

H 467: **Rep. Moyle** said this legislation will allow the Idaho Department of Fish and Game to issue permits for bears and turkeys through depredation tags. He said currently there are depredation tags for deer, elk, and antelope, but not for depredating bears and turkeys.

Sharon Kiefer, Director or Idaho Department of Fish and Game, indicated her testimony is contained in two handouts provided to the representatives prior to the meeting (see attached). She indicated there are no biological impacts for this bill.

MOTION: **Rep. Wood(27)** made a motion to send **H 467** to the floor with a **DO PASS** recommendation. **Motion carried by voice vote**. **Rep. Moyle** will sponsor the bill on the floor.

H 470: **Senator Brackett** stated the legislative intent of **H 470** is to establish a governing board to allocate funds for depredating wolves in Idaho and for additional financial resources to be available for the management of wolves. He explained this fund will create a board made up of five members with one member of each group: Director of the Department of Agriculture, Director of the Idaho Department of Fish and Game, sportsman, livestock industry, and at-large public member. He indicated this legislation is to keep wolves de-listed, under state management, and to manage depredating wolves. He mentioned that wolves are classified as big game animals. He said a funding bill is necessary as the federal government no longer provides funding for the management of wolves. He explained the Wolf Depredation Control Board has specific objectives outlined in the legislation. He further explained the Idaho Department of Fish and Game maintains control of wolf populations. He said this board will oversee the wolf management plan to ensure wolf populations remain above federal levels so wolves will not be re-listed on the endangered species list. Senator Brackett wanted to be clear the legislation is not a wolf kill bill, but a financial allocation bill.

Rep. Miller raised concerns regarding current efforts to control wolves and the population continues to increase. Rep. Miller indicated his concern is if an end game exists.

Rep. Gibbs reiterated this bill will replace federal funding and has a five-year sunset for evaluation at the end of the five years. He said this fund cannot be used to pay livestock damage to ranchers.

Sharon Kiefer, Director of Idaho Department of Fish and Game, supports **H 470**. She said that regardless of a person's view on wolves, Idaho has a responsibility to manage wolves and Idaho supports the de-listing of wolves as an endangered species. She said the Idaho Wolf Conservation and Management Plan was developed and used for de-listing wolves. She claimed over $1 million has been spent on scope of management for wolves in 2013. She asserted there is a cooperative agreement with the federal government which have kept costs down. Ms. Kiefer indicated the sale of tags brings in $400,000 in revenue. She further indicated that the Idaho Department of Fish and Game has spent in 2013: $729,000 in research, $537,000 in monitoring, $109,000 in administrative outreach, $25,000 in enforcement, $35,000 in harvest management, and $135,000 for depredation (private livestock, wildlife, and human safety). She asserted that these figures do not include funds spent by Wildlife Services or Animal Control.

Suzanne Stone, Defenders of Wildlife, said the Idaho Department of Fish and Game have redefined the term "pack" which could relate to their assertion of an increase in pack numbers. She said the wolf population continues to fall and is concerned that Idaho wolves may drop below 150 wolves and return to protection under the Endangered Species Act. She indicated that re-listing the wolves under federal protection would mean that Idaho has failed.

Deb Lord, Idaho Fish and Game Advisory Committee, supports **H 470** and a funding mechanism for lethal control of wolves.

Karen Balch, veterinary doctor from McCall, Idaho, asserted this legislation is a thinly failed proposal to eliminate wolves. She suggested selling wolf tags instead of spending $4,000 for each wolf killing.

Mark Bell, Idaho Native and Sportsman, is involved in giving back to sportsmen and is a member of the Sportsmen's Advisory Council. He explained the financial impact of losses from wolves in northern Idaho is devastating and supports this legislation to control the wolves in conjunction with cattlemen and ranchers.

Bill Chisholm, self, stated this legislation is a convoluted process and a funding mechanism for a war on wolves. He stated different views should be taken into account.

Scott Rigby, cattleman, supports this legislation and has experienced, first hand, the issues surrounding wolves. He further explained a pack of five wolves have been killing his calves.

Crista Werthy, supports hunting, she is a pilot, and has thirteen years of camping and hunting experience. She is a writer on travel and promotes Idaho. She addressed the issue on the claim the wolves reintroduced to Idaho are a different species as originally found in Idaho. She disagrees with others claiming these wolves from Canada are more aggressive. She further claims that hunters who are unable to locate and hunt elk are out of shape physically and unable to get to the backcountry where the elk are located.

Ken Cole, Western Watershed Project, opposes this legislation, he believes the wolf population has declined from 2009, and raised concern over the Idaho Department of Fish and Game redefining the definition of a breeding pair. He asserted under the new definition a breeding pair could be two male wolves.

Brad Higgins, Idaho Cattlemen's Association, from Cottonwood, he is raising four children and a cow population. He believes the wolves create a significant threat to his family and livelihood. He said his cattle that are turned out to graze do not return. He states the cattle industry must keep the wolves under control for the industry's survival.

Ron Marguart, self, does not support this legislation and encourages usage of nonlethal methods for wolves.

Carl Lufkin, Rancher and Idaho Cattlemen's Association, lived in Lemhi County when the wolves were reintroduced in Idaho. He has seen the havoc that problem wolves have created on friends and neighbors. Ranchers want help to control animals that are ruining their livelihood. He said wolves are elusive, difficult to hunt down, and he has tried flashing lights made for predatory animals to no avail.

Gretchen Cotrell, self, opposes the legislation. She grew up on a dairy farm in Montana. She believes the country is in trouble from the world destroying wildlife. She further asserts that ranchers are raising animals that destroy the world and we have a responsibility to the earth and future of the world.

Russ Hendricks, Farm Bureau, spoke on behalf of 70,000 Farm Bureau members and supporters of **H 470**. Mr. Hendricks said the wolf count is an estimate and will unlikely be reduced by **H 470**, but perhaps will provide stability in the wolf population. Mr. Hendricks claimed each wolf eats sixteen elk per year and herds are dwindling, so wolves turn to livestock. Mr. Hendricks stated there are increased incidents on private property and the federal government won't provide assistance. Farm Bureau members are willing to spend more to help address the problem with wolves.

Juanita Hepler, self, opposes the legislation and believes there are more humane ways to manage wolves and address the issues of ranchers.

Wyatt Prescott, Idaho Cattlemen's Association, supports this legislation in reducing the wolf population in an effort of necessity and sustainability.

Matt Thompson, livestock producer, fully supports this legislation. He asserts wolves have chewed 40 of his calves, it was devastating and very emotional. He informed Wildlife Services and, as a result, seven wolves were killed in one day. He claims the problem stopped, but the livestock producers need tools and assistance in addressing this problem.

Zachery Jones, self, is a fifth generation Idahoan, a hunter, and pro-wolf. He spends time in the woods with his two-year-old child, raising the child to be respectful of wildlife, and to cherish what we have in Idaho. He doesn't think wolves are a problem. He urges representatives not to pass this legislation.

Fauna Tomlinson, self, believes that hate and killing are not the answer. She asserts the wolf population is down 30%. She offered to provide LED lights to scare the wolves away from livestock areas and to add nonlethal methods in the program. She claims that Idaho has a hate state reputation. She said Idaho is 47th in education and the money could be better spent.

John Robinson, self, grateful to have the opportunity to testify today and he is with the Idaho Conservation League. He stated he has a long history with wolf management and feels a new board is redundant and referred to the Animal Damage Control Board. He expressed his concern regarding a specific board designed to target an individual specifies. He believes that sportsmen are effective at reducing wolf numbers. He said he opposes **H 470**.

Sean Gould is from McCall, Idaho and opposes **H 470**. He believes Idaho is taking a step backwards in centralizing the wolf war.

Dar Olberding, Fish and Game Advisory Committee, said he has spent years in this process towards legislation and this legislation provides compromise between livestock and sportsmen. He feels the federal government is responsible and should pay for the damages to ranchers from the wolves.

Morgan Zedalis, raised in Idaho and works for the Forest Service. She believes there are healthy elk herds and funding for this legislation does not represent her interests.

Stan Boyd, Idaho Wool Growers Association, applauds **Sen. Brackett** and **Rep. Gibbs** for their efforts to provide balance in this issue. He states he is willing to raise taxes on himself to fund management of the wolf population as it is now a cost of doing business for him. He believes the federal government left the state with a problem and he supports this legislation.

Anne Hausrath, self, opposes this legislation as she believes it does not target the problem.

Larry Schoen, Blaine County Commissioner, has experienced wolves on a personal and professional level and had the second largest depredation claim. He opposes this legislation as he believes we should pursue and promote nonlethal management practices rather than the reactive approach of chasing down wolves after they have killed livestock.

Stephen Goodson, Governor's Special Assistant, supports **H 470**.

Jennifer Pierce, self, opposes the legislation and encourages coexistence. She stated wolves may not be responsible for the elk decline and would like a study performed. She recommends spending the money on education.

Larry Thorngren, wildlife photographer, needs wild wolves to photograph. He indicated he markets his photos worldwide and has received requests from *National Geographic*.

Leroy Atwood, Fish and Game Advisory Committee, stated federal money is declining and Idaho needs to maintain the funding level.

MOTION: **Rep. Raybould** made a motion to send **H 470** to the floor with a **DO PASS** recommendation.

ROLL CALL VOTE Roll call vote was requested. **Motion carried by a vote of 14 AYE** and **4 NAY**. **Voting in favor** of the motion: **Reps. Gibbs, Wood(35), Barrett, Moyle, Eskridge, Raybould, Andrus, Shepherd, Wood(27) Boyle, Vander Woude, Gestrin, Anderson and Chairman Denney. Voting in opposition** to the motion: **Reps. Miller, Pence, Erpelding** and **Rubel**. **Rep. Gibbs** will sponsor the bill on the floor.

ADJOURN: There being no further business to come before the committee, the meeting adjourned at 4:12 p.m.

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Representative Denney
Chair

_____

Jennifer Smith
Secretary

AMENDED AGENDA #1
HOUSE RESOURCES & CONSERVATION COMMITTEE
1:30 P.M.
Room EW40
Wednesday, February 19, 2014

SUBJECT	DESCRIPTION	PRESENTER
	Presentation by the Timber Protective Association	Len Young, Clearwater-Potlatch Timber Protective Association and Mark Woods, Southern Idaho Timber Protective Association.
H 471	Pipeline Corporations - Oil and Gas Gathering Lines	Rep. Gestrin
SCR 133	Outfitters and Guides - Rule Rejected	Rep. Gibbs
S 1220	Reimbursement to State for Illegal Killing of Protected Wildlife	Sharon Keifer, Director, Idaho Department of Fish and Game
SJM 103	Funding for Domestic Marketing of American Seafood	Senator Heider

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 Rubel

COMMITTEE SECRETARY
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MINUTES

HOUSE RESOURCES & CONSERVATION COMMITTEE

DATE: Wednesday, February 19, 2014

TIME: 1:30 P.M.

PLACE: Room EW40

MEMBERS: Chairman Denney (Rynearson), 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) Moyle

GUESTS: Mackenzie Herrick, Veritas Advisors; Mark Woods, SITPA; Len Young, CPTPA; Jane Wittmeyer, Wittmeyer & Associates; Elizabeth Criner, J. R. Simplot Co.; Kate Haas, Alta Mesa; Tom Hemker, Idaho Department of Fish and Game.

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

Presentation on the Timber Protection Association (TPA) was provided by **Mark Woods** from the Southern Idaho Timber Protective Association and **Len Young** represented Clearwater-Potlatch Timber Protective Association. Mr. Woods indicated there are fourteen TPAs in Idaho protecting private, state and federal timber lands and the two associations have been protecting timber lands for one-hundred years with voluntary membership by forest land owners. He stated the TPA is a quasi-government, private, nonprofit organization with government authority. The Timber Protective Association works together with land owners giving them a voice in how their lands are protected.

H 471: **Rep. Gestrin** spoke regarding **H 471** relating to oil and gas gathering lines. He stated this legislation clarifies the definition of gather line indicating it is a pipeline used to transport and deliver condensate from well line to transmission line usually performed by the company that owns the well and does the drilling. He explained this legislation subjects the oil and gas gathering lines to Public Utilities Commission (PUC) safety and is not generally regulated as Utility although the company may voluntarily choose to be a utility company if desired. Rep. Gestrin indicated this is a straight forward bill. He further stated the motivating factor for this legislation is a request from the industry as new wells are being drilled in Payette, Idaho, and currently shipping gas. He mentioned representatives from the commission are present today at this meeting.

Kate Haas, Alta Mesa, has spoken to partners, reviewed the language, and supports this legislation.

MOTION: **Rep. Eskridge** made a motion to send **H 471** to the floor with a **DO PASS** recommendation. **Motion carried by voice vote. Rep. Gestrin** will sponsor the bill on the floor.

SCR 133: **Rep. Gibbs** presented **SCR 133** regarding the rule rejection on Outfitters and Guides due to the opposition from private land owners.

MOTION: **Rep. Wood(27)** made a motion to send **SCR 133** to the floor with a **DO PASS** recommendation. **Motion carried by voice vote. Rep. Gibbs** will sponsor the bill on the floor.

S 1220: **Tom Hemker**, Wildlife Manager at the Idaho Department of Fish and Game, spoke regarding **S 1220**. He stated that under Idaho Code, wildlife are the property of state of Idaho in relation to illegal killing, but Idaho Code does not cover all species of wildlife. He indicated **S 1220** is an issue of policy, not revenue, and the revenue from the legislation would probably amount to $1,000 per year determined at $50 for each violation. He mentioned this legislation will protect all wildlife equally and add more species to the list. He asserts this legislation is to assist in regulating commercial taking of wildlife, control commercial activity (such as rattlesnakes, lizards, etc. in pet stores), and would not cause additional work for the Idaho Department of Fish and Game. Mr. Hemker indicated this legislation will clarify statute that has existed for decades.

MOTION: **Rep. Barrett** made a motion to **HOLD S 1220** in committee. **Rep. Wood(35)** seconded the motion.

SUBSTITUTE MOTION: **Rep. Erpelding** made a substitute motion to send **S 1220** to the floor with a **DO PASS** recommendation.

Reps. Andrus and Miller spoke **in support** of the original motion to hold **S 1220**.

AMENDED SUBSTITUTE MOTION: **Rep. Wood(27)** made an amended substitute motion to **HOLD S 1220** in committee for a time certain at the call of the Chairman.

ROLL CALL VOTE: **Vice Chairman Gibbs** requested a roll call vote on the amended substitute motion. **Motion carried by a vote of 14 AYE**, **3 NAY, 1 absent/excused**. **Voting in favor** of the motion: **Reps. Gibbs, Rynearson, Wood(35), Eskridge, Raybould, Wood(27), Boyle, Vander Woude, Gestrin, Miller, Anderson, Pence, Erpelding, and Rubel. Voting in opposition** to the motion: **Reps. Barrett, Shepherd, and Andrus. Rep. Moyle was absent/excused.**

SJM 103: **Senator Heider** presented **SJM 103** establishing a fund for marketing of domestic seafood. Sen. Heider and **Rep. Wood(27)** serve on the Pacific Fisheries Board encompassing five states, California, Oregon, Washington, Alaska and Idaho. Senator Heider indicated this legislation is key to Idaho salmon spawning beds and Idaho river pathway for smolt to spawning salmon. He indicated the fund is for marketing domestic seafood as opposed to foreign fish, and will not support hatchery or dam projects. He explained the term seafood includes grown, raised and produced in America and if it spends time in salt water, it is seafood.

MOTION: **Rep. Wood(27)** made a motion to send **SJM 103** to the floor with a **DO PASS** recommendation. **Motion carried by voice vote. Rep. Barrett** requested to be recorded as voting **NAY**. **Rep. Wood(27)** will sponsor the bill on the floor.

ADJOURN: There being no further business to come before the committee, the meeting adjourned at 2:50 p.m.

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Representative Gibbs
Chair

_____

Jennifer Smith
Secretary

AGENDA

HOUSE RESOURCES & CONSERVATION COMMITTEE

1:30 P.M. or upon adjournment
Room EW40
Tuesday, February 25, 2014

SUBJECT	DESCRIPTION	PRESENTER
H 468	Outfitters and Guides Licensing Board - Private Property	Rep. Boyle
S 1280	Irrigation Districts - Director Vacancy Procedures	Norm Semanko, Idaho Water Users Association
S 1281	Irrigation Districts - Clarification of Board of Directors' Duties	Norm Semanko, Idaho Water Users Association
S 1344	Flood Control - Revisions and Clarifications	Norm Semanko, Idaho Water Users Association

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 Rubel

COMMITTEE SECRETARY

Jennifer Smith
Room: EW62
Phone: 332-1136
email: hres@house.idaho.gov

MINUTES

HOUSE RESOURCES & CONSERVATION COMMITTEE

DATE:	Tuesday, February 25, 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) Moyle
GUESTS:	Mackenzie Herrick, Veritas Advisors; Grant Simonds, IOGA; C. Wayne Hunsucker, IOGLB; Norm Semanko, Idaho Water Users Association; Sharon Kiefer, Idaho Department of Fish and Game; Jake Howard, IOGLB; Janey Bruesch, IOGA; Kara Demorest, IOGA; Tom Demorest, IOGA; Ron Reichert; Bryce Cook; Dan Butler, IOGA; Tyler Mallard, IOGA; John May, IOGA; Jim Lowe, Idaho Food Producers; Darren Coon, Nampa and Meridian Irrigation District; John Watts, Veritas Advisors; Bob Naerebout, Idaho Dairymen's Association; Stan Boyd, Idaho Cattle Association.

Chairman Denney called the meeting to order at 1:40 p.m.

MOTION: **Rep. Boyle** made a motion to approve the minutes from February 11, 2014. **Motion carried by voice vote.**

MOTION: **Rep. Pence** made a motion to approve the minutes from February 13, 2014. **Motion carried by voice vote.**

S 1280: **Norm Semanko**, Executive Director of Idaho Water Users Association, presented **S 1280** as a clean-up bill regarding the irrigation district director's eligibility requirements. He stated if a director becomes ineligible once elected and no longer meets requirements, the director would be disqualified, but continue serving until the vacancy is filled.

MOTION: **Rep. Wood(35)** made a motion to send **S 1280** to the floor with a **DO PASS** recommendation. **Motion carried by voice vote. Rep. Wood(35)** will sponsor the bill on the floor.

S 1281 **Norm Semanko**, Executive Director of Idaho Water Users Association, explained this legislation clarifies the irrigation district code by correcting all instances when an irrigation district director is mistakenly referred to as an officer.

MOTION: **Rep. Raybould** made a motion to send**S 1281** to the floor with a **DO PASS** recommendation. **Motion carried by voice vote. Rep. Raybould** will sponsor the bill on the floor.

S 1344: **Norm Semanko**, Idaho Water Users Association, said **S 1344** provided clarification regarding a flood control district's authority to protect life and property from flooding, authorizes the district commissioners to compensation and expense reimbursement, and to clarify a flood control district's permitting requirements through the Idaho Department of Water Resources before responding to a flooding emergency.

MOTION: **Rep. Wood(35)** made a motion to send **S 1344** to the floor with a **DO PASS** recommendation. **Motion carried by voice vote. Rep. Erpelding** will sponsor the bill on the floor.

H 468: **Rep. Boyle** addressed **H 468** regarding reclaiming and protecting private property rights and to provide the Outfitter and Guides Licensing Board authorization to license outfitters and guides upon public lands within the state of Idaho.

Russ Hendricks, Farm Bureau, explained the current statute does not provide specific distinction between public and private lands for outfitters and guides so it is interpreted by outfitter and guides to require licensing on private property. He asserted the outfitters and guides have a carte blanche authority to regulate any activity on private property.

Mr. Hendricks provided an example of a private landowner offering, for a fee, a wagon ride to his pumpkin patch to select a pumpkin, and because he charged a fee, he would be required to purchase an outfitter and guide license.

Mr. Hendricks said this legislation would clarify legislative intent and apply to only public lands and not interfere with private property rights or recreational activities which conflicts with the Agri-tourism Act. He mentioned six western states who regulate their outfitters and guides licensing similar to this proposal that do not require private property owners to obtain an outfitters and guides license. He said Montana and Wyoming, like Idaho, consider their wildlife as state property, but these states exclude private property owners from outfitters and guides licensing regulations.

Mr. Hendricks said Farm Bureau insures outfitters and guides with business insurance requirements and indemnity. He said any prudent businessman would maintain insurance and safeguards voluntarily to protect customers and themselves. He further stated a licensed outfitter and guide on public land may have less assets for litigation recourse than does the private property owner.

Rep. Erpelding, Gibbs and Andrus invoked Rule 38. **Rep. Andrus** will not be voting on this legislation.

Grant Simonds, Idaho Outfitters & Guides Licensing Board, stated licensed outfitters and guides are bonded, carry vehicle insurance, receive first aid and firearm training, and competent to provide services to protect health and safety as they are qualified, reputable professionals. He stated the Outfitters and Guides Act was meant to include private land. Mr. Simonds does not support **H 468** and believes this legislation is bad public policy.

Sharon Kiefer, Executive Director, Idaho Department of Fish and Game, stated the bill needs recrafting and does not support this legislation in its current form. She would like to see a definition for landowner and to provide clarity whether an outfitter can continue an integrated public-private business pursuant to this bill?

Jake Howard, Executive Director of Idaho Outfitters and Guides Licensing Board, does not support **H 468** in its present form. He expressed his concern this legislation exempts all licensed outfitted and guided activity on private land. He stated licensed outfitters and guides have insurance, bonding, and liability protection as well as the benefits received from licensed professional outfitter marketing links. He explained the legislation will compromise the safety and welfare benefit the public now receives from professional licensing. Mr. Howard identified that criminal background checks would no longer be performed on anyone providing guided services on private land.

Rep. Gibbs disclosed **Rule 38** due to his past affiliation with the Idaho Outfitters and Guides Licensing Board, stated that outfitters and guides have specific areas designated and this has caused disputes in the past. He indicated a private landowner may start providing services on his own land and questioned the likelihood of the private landowner ability to obtain an outfitter and guide license if another licensed outfitter was already working in the area. **Jake Howard** Idaho Outfitters and Guides Licensing Board, indicated that if a current outfitter was working in the area, it would be difficult for a private landowner not to get a license. Mr. Howard further stated currently licensed outfitters who operate on private land would need to approach the landowner and identify intended activities, where, when and the duration of those activities he is able to provide on the private land.

Jim Lowe, Food Producers of Idaho, supports and tracks legislation for implications of private property rights. He was surprised to learn a private landowner had to be licensed through the Idaho Outfitters and Guides Licensing Board to conduct activities on private property and thought this licensing was only for public lands. He stated public lands have no liability, but private landowners can be sued for damages. He asserted that he is a crop farmer, owns and operates a pumpkin patch, and may be in violation of this law. He stated he receives visits throughout the year for his operations by many regulating agencies such as the Fire Marshall, Planning and Zoning, Ada County Highway District, Police Department, Building Inspector, Department of Agriculture, Central District Heath Department, Idaho State Tax Commission, Idaho Humane Society, all without licensing and oversight of the Idaho Outfitters and Guides Licensing Board. As a businessman operating on private property, he feels it is in his best interest to protect himself and his assets from any liabilities with an abundance of caution and insurance. He stated his insurance company audits his equipment and practices for prevention measures. His opinion is to protect private rights and support **H 468**.

Bryce Cook, Idaho Waterfowl Association, opposes **H 468** proposed by Farm Bureau as it has no restriction from charging access fees and competing services with outfitters and guides. He stated private landowners would have no regulation, a large monetary incentive, and poses a public safety risk. Mr. Cook supports **H 469** regarding no outfitting or guiding for turkey and waterfowl hunting.

John Watts, Veritas Advisors, is representing his client, Tim Craig of Boulder Creek Outfitters, who has run an outfitters and guides business for thirty years. His client owns land, leases land, and conducts his outfitting and guide business on public lands too. His client is endorsed by the Buckmasters Program. He stated Boulder Creek Outfitter's clients look for outfitting and guide businesses with this endorsement. He stated the Buckmasters Program film hunting trips for television. He further stated it took his client twenty-five years to earn their way to a reputation as a responsible and safe outfitting business. Mr. Watts would like clarification on the term of lands (private, public and leased) and the definition of a landowner. He believes this legislation needs additional work and requested the bill be held in committee.

Dan Butler, farmer and rancher, conservative, owns an outfitting business in nine operating areas; with two operating areas on public lands and seven operating areas on private land including one property of his own. He stated a friend from Maryland paid for a hunt on private property in Wyoming, when he arrived at the airport, no one was there to pick him up, he had to find a motel. He contacted the Wyoming outfitter and was told there was an emergency and informed him that someone would be there to take him hunting in the morning. When the person arrived to take him hunting, the emergency relayed was the outfitter was watching a Denver Broncos game. He stated the outfitter was not required to be licensed in Wyoming. He further explained that when the outfitter could not locate the property, he started shooting prairie dogs. Mr. Butler stated these types of situations do not occur in Idaho due to the Idaho Outfitters and Guides Licensing regulation. He believes **H 468** is a stretch and needs additional work including insurance with this legislation.

Bob Naerebout, Idaho Dairymen's Association, supports **H 468** and believes it is congruent to the AgriTourism point of view.

Stan Boyd, Idaho Cattle Association and Wool Growers Association, supports the concept of **H 468**. He believes in free enterprise and private land owners who are successful would add value to their business and stand to profit from outfitting and guiding endeavors. He further stated Outfitter and Guides licensing is not considered an occupational license, protect private land and landowners can lease their property to outfitters if desired. He further stated Article 1 of the Idaho Constitution provides for private property protection.

Russ Hendricks, Farm Bureau, explained in proposing this legislation, he did not want to make a lot of changes to the current law, just clarify the intent and use as few words as possible. He stated a private landowner can obtain an Outfitters and Guides permit, but would not be required to, under the proposed legislation.

ORIGINAL MOTION: **Rep. Shepherd**made motion to send **H 468** to floor with a **DO PASS** recommendation.

SUBSTITUTE MOTION: **Rep. Erpelding** made a substitute motion to **HOLD H 468** in committee.

Rep. Gibbs spoke in support of the original motion.

Rep. Gestrin discussed the Idaho Constitution and how it relates to this legislation. He supports the original motion.

Rep. Wood(35) indicated she was surprised the Outfitters and Guides have authority over zip-lining. She stated there are private property rights to use and manage a person's property along with the right to income from that property. She supports the original motion.

AMENDED SUBSTITUTE MOTION: **Rep. Raybould** made an amended substitute motion to send **H 468** to General Orders for the addition of the clause "for any activity other than hunting and fishing".

ROLL CALL VOTE: Roll call vote was requested. **Amended Substitute Motion failed by a vote of 7 AYE, 9 NAY**, **1 absent/excused. Voting in favor** of the motion: **Reps. Eskridge, Raybould, Wood(27), Pence, Erpelding, Anderson(1), Rubel. Voting in opposition** to the motion: **Reps. Gibbs, Wood(35), Barrett, Shepherd, Boyle, Vander Woude, Gestrin, Miller, Chairman Denney. Rep. Moyle was absent/excused. Rep. Andrus** abstained.

ROLL CALL VOTE:	Roll call vote was requested. **Substitute Motion failed by a vote of 5 AYE, 11 NAY, 1 absent/excused. Voting in favor** of the motion: **Reps. Wood(27), Pence, Erpelding, Rubel, Anderson(1). Voting in opposition** to the motion: **Reps. Gibbs, Wood(35), Barrett, Eskridge, Raybould, Shepherd, Boyle, Vander Woude, Gestrin, Miller, Chairman Denney. Rep. Moyle was absent/excused. Rep. Andrus** abstained.
VOTE ON ORIGINAL MOTION:	**Chairman Denny** called for a vote on the original motion to send **H 468** to the floor with a **DO PASS** recommendation. **Original Motion carried by voice vote. Reps. Anderson(1), Wood(27), Pence, Erpelding, Rubel** asked that they be recorded as voting **NAY**. **Rep. Boyle** will sponsor the bill on the floor.
ADJOURN:	There being no further business to come before the committee, the meeting was adjourned at 4:10 p.m.

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Representative Denney

Chair

_____

Jennifer Smith

Secretary

AMENDED AGENDA #1

HOUSE RESOURCES & CONSERVATION COMMITTEE

1:30 P.M. or upon adjournment
Room EW40
Monday, March 03, 2014

SUBJECT	DESCRIPTION	PRESENTER
H 536	Revisions to Endowment Land Exchanges by the Board of Land Commissioners	Rep. Vander Woude
H 537	Appraisals of Endowment Lands	Rep. Vander Woude
H 538	Idaho Department of Lands Reporting Requirements for Endowment Lands.	Rep. Vander Woude
S 1277	Exchange of State Lands Clarification	Sen. Keough/Rep. Burgoyne

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

COMMITTEE MEMBERS

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

COMMITTEE SECRETARY

Jennifer Smith
Room: EW62
Phone: 332-1136
email: hres@house.idaho.gov

MINUTES

HOUSE RESOURCES & CONSERVATION COMMITTEE

DATE:	Monday, March 03, 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) Anderson(1)
GUESTS:	Tom Schultz, Idaho Department of Lands; Diane Bagley; Brent Olmstead, Milk Producers; Jim Riley, Riley and Associates; John Runft, Exchange Association; David LeRoy; Jane Wittmeyer, Wittmeyer & Associates; Jeff Lord; David New, Growing Excellence, Inc.; Donna Jacobs; Andrew Jacobs; Robert Forrey, TAC; Sean Evans, Newpaper Association of Idaho; Jeremy Pisca, Potlatch; Raeleen Welton, IOCA; Jason Kreilenbeck, Lobby Idaho/PSLA.

Chairman Denney called the meeting to order at 2:50 p.m.

MOTION: **Rep. Wood(35)** made a motion to approve the minutes of February 17, 2014. **Motion carried by voice vote.**

MOTION: **Rep. Pence** made a motion to approve the minutes of February 19, 2014. **Motion carried by voice vote.**

H 536: **Rep. Vander Woude** presented **H 536** regarding state land exchanges which requires and reviews appraisals for Endowment Lands. He further stated Idaho licensed or certified appraisers use uniform appraisal practices. He said a report should be provided to the House and Senate on Endowment Land exchanges during the year to ensure Idaho is receiving value for our Endowment Lands or exchanges of land.

Tom Schultz , Director for the Idaho Department of Land, states the Idaho Department of Land reviews appraisals on all Endowment Lands exchanged although land appraisals are opinions. He stated it costs $5,000 per appraisal for a land transaction.

MOTION: **Rep. Wood(35)** made a motion to send **H 536** to the floor with a **DO PASS** recommendation. **Motion carried by voice vote. Rep. Vander Woude** will sponsor the bill on the floor.

H 537: **Rep. Vander Woude** and **Rep. Burgoyne** worked together regarding public record requests concerning Endowment Land. **Rep. Burgoyne** stated this legislation provides that appraisals of Endowment Lands and the timber and mineral rights appurtenant to them are matters of public record. Currently, real property transactions do not have to be disclosed until the transaction is completed. He indicated county commissioners are entitled to object prior to a completed Endowment Land transaction although the transaction is not disclosed until the transaction is completed. He said this legislation will allow the land exchanges of Endowment Lands to be open through a public records request prior to closing of the transaction. He suggested an interim committee to address concerns and opposition to this legislation of possible disclosures of proprietary information.

Tom Shultz, Director of Idaho Department of Lands, this legislation will only apply to Endowment Land appraisals prior to the acquisition or sale of the Endowment Land. He expressed concern that an entity may remain the property owner if the transaction isn't finalized although the proprietary information of the entity may be disclosed through public record requests. He would like some discussion for amended language in the legislation to protect proprietary information.

Jim Riley, President of Riley & Associates from Coeur d'Alene, Idaho, represents his clients who own a total of 400,000 acres of forest land in Idaho. He expressed his concern regarding this legislation and the possible compromise of private interest or proprietary information. He believes disclosing information prior to the completed transaction may invite interference. Timber on lands, like a factory, provides specific timber details. He recommends providing summary information on the transaction and not expose proprietary information in the response to the public records request. Mr. Riley has worked with the sponsors of this bill, but believes the legislation needs additional work and the details cannot be resolved in this committee meeting. He believes some of the complexities will take time to resolve for an interim committee.

Sean Evans, Newspaper Association of Idaho, **supports** this legislation.

John Runft, Runft & Steele Law Offices, representing the Association for Assembled Multiparty Land Exchanges, stated Idaho legislators have constitutional jurisdiction to enact laws and the Land Board is not a court of equity; it is an executive board charged with duties that must be executed in conformity with the law. Mr. Runft expressed concern that if land exchanges become impractical or unusable, there may be a preference for negotiated sales of trust lands. He further stated negotiated sales may lead to favoritism, and forms of corruption. He feels it is essential that the land exchange process be maintained as an alternative to auction sales for the disposition of trust lands. He suggested to provide confidentiality status in the disclosure of land exchanges to county commissioners and other public officials only prior to the close of the transaction.

Jeremy Pisca, Risch & Pisca, representing Potlatch Corporation and the Newspaper Association of Idaho, supports legislation that facilitates land exchanges. He believes **H 537** discourages land exchanges.

MOTION: **Rep. Gestrin** made a motion to **HOLD H 537** in committee at the call of chair. **Motion carried by voice vote.**

H 538: **Rep. Vander Woude** stated the Land Board should use accounting methods of cash and accrual. He stated the Idaho Department of Lands has assets of $1.3 billion in endowment, and $2.4 billion in land while the return is $52 million which is 5.2% of total return. He agrees there are costs involved in getting an upgraded software accounting system, but the cost is minimal compared to the return on assets for the sale and exchange of public lands. He stated the investment would benefit the taxpayer and our schools.

Tom Shultz, Director of Idaho Department of Lands, stated the cost is estimated to be about $1 million to obtain a new software system for accrual accounting that uses depreciation. He indicated he has not pursued any requests for proposals for a software system. Mr. Shultz stated to hire a person would be approximately $80,000 per year. Mr. Shultz identified that no appropriation has been made for the purchase of software or to hire a person for this legislation.

Rep. Gestrin suggested using Generally Accepted Accounting Principles (GAAP).

MOTION: **Rep. Barrett** made a motion to send **H 538** to floor with a **DO PASS** recommendation.

SUBSTITUTE MOTION: **Rep. Gibbs** made a Substitute Motion to **HOLD H 538** in committee. **Substitute Motion carried by voice vote.**

S 1277: **Rep. Burgoyne** stated this legislation allows state land to be exchanged by a constitutional mandate to maximize long term financial returns to the Endowments. He stated this legislation seeks to clarify that cottage site lands be exchanged for land of equal value. He further explained that Endowment Land in a trade can be exchanged for equal value, public or private, and for other permitted uses. He said the exchange of land does not require public auction. Rep. Burgoyne introduced **David Leroy** to provide his legal opinion and further explain the details as to the constitutionality of this legislation.

David Leroy, Leroy Law Office, provided his legal opinion on **S 1277** providing clarification on possible constitutional issues. He explained the Idaho Legislature does have the authority to allow the exchange of state lands for both dissimilar property and for non-consolidated properties, to permit an exchange of state endowment holdings for public or private land of greater value, limit exchanges to land with the primary value in buildings occupied by a public purpose entity, to prescribe a definition of exchange to include multiple party conveyances even if a subsequent sale is planned by the recipient, and that land exchanges are authorized under a different and independent section in the constitution of a public land sale at auction.

Rep. Keough is the sponsor of **S 1277** and stated the Land Board is reluctant to enter into land exchanges. She stated there have been problems with some appraisals and other difficulties. She indicated Preist Lake has moved forward on auctioning, but felt it would be better as a land exchange by the Idaho Department of Lands.

John Runft, attorney for the Association for Assembled, Multiparty Land Exchanges, addressed constitutional issues regarding this legislation. He stated and reaffirmed the Idaho Legislature has constitutional jurisdiction to set procedures and parameters for the Land Board. Mr. Runft believes allowing negotiated sales may create incentives for favoritism, in-dealing or corruption. He recommends this bill should not be passed in its current form and portions of the bill's language should be slightly modified.

Robert Forrey, TAC, stated a news release from the Idaho Department of Lands had suspended commercial property acquisitions. He requested a definition be provided for the term "public purpose" in this legislation.

Jeremy Pisca, Risch & Pisca, represents Potlatch Corporation and **supports S 1277**.

Jeff Lord, rancher in southern Idaho, has several state land leases and **supports S 1277**.

MOTION: **Rep. Vande Woude** made a motion to send **S 1277** to the floor with a **DO PASS** recommendation. **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 adjourned at 5:17 p.m.

Representative Denney
Chair

Jennifer Smith
Secretary

AGENDA

HOUSE RESOURCES & CONSERVATION COMMITTEE

1:30 PM or upon adjournment
Room EW40
Wednesday, March 05, 2014

SUBJECT	DESCRIPTION	PRESENTER
HJM 9	Columbia River Treaty	Rep. Batt
H 526	Transport of Idaho Water Outside of Idaho	Rep. Morse
S 1346	Hidden Lake Float Homes	Sen. Bob Nonini
S 1279	Property Sale of Irrigation Districts	Norm Semanko, Idaho Water Users Association

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

COMMITTEE MEMBERS

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

COMMITTEE SECRETARY

Jennifer Smith
Room: EW62
Phone: 332-1136
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MINUTES

HOUSE RESOURCES & CONSERVATION COMMITTEE

DATE: Wednesday, March 05, 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) Anderson(1); Rep. Boyle

GUESTS: Gary Spackman, Idaho Department of Water Resources; Brian Patton, Idaho Department of Water Resources; Gloria Totoricaguena, Pacific Northwest Economic Region; Norm Semanko, Idaho Water Users Association; Harold Mohlman, A&B Irrigation District, Senator Nonini; John J. Williams, BPA; Nancy Merrill, Idaho Department of Parks and Recreation; Brett Wilder, Food Producers; and Russell Westerberg.

Chairman Denney called the meeting to order at 1:33 p.m.

HJM 9 RS 23090: **Rep. Batt** stated Idaho needs to encourage the U.S. Department of State to support certain positions in negotiations with Canada regarding any modification or future implementation of the Columbia River Treaty. She stated the treaty was originally created in 1964 to reduce impacts from flooding and to increase power generation. She stated the treaty should be modified or terminated in 2014. Rep. Batt indicated there is a significant effort to fundamentally change the Columbia River Treaty from a pact dealing with the impacts of flood control and power generation to a document that will or potentially could be used as a mechanism to govern all water use in the Pacific Northwest, or at lease in the Columbia River Drainage. She further indicated Canada receives compensation from the U.S. for providing water storage. She explained in 2024, all U.S. storage projects in the Columbia River Basin must be utilized for system-wide flood control before Canadian reservoirs will be utilized to provide flood control space. Rep. Batt further explained the U.S. entity has proposed revising the treaty to include an ecosystem-based function in addition to the flood control and power generation, which is beyond the scope of the treaty and in contravention of Idaho's sovereignty over its water resources.

Chairman Denney indicated the House Resources and Conservation Committee is not a privileged committee and would need to seek the Speaker's approval prior to voting on **RS 23090**. Chairman Denney received the Speaker's approval in writing for the Committee to vote on **RS 23090**.

Brian Patton, Idaho Department of Water Resources, indicated the Idaho Water Resource Board has been working with **Jim Yost** in this process on **HJM 9**. He stated Mr. Yost's position is consistent with positions of the Idaho Water Users Board and supports **RS 23090**. He further stated, in 2014, either country, Canada or the U.S., can start the process identifying their intentions under this treaty. He explained the stakeholders in this treaty will declare and submit their recommendations to the U.S. Department of State for the negotiations with Canada. His concern is U.S. water storage will have to be at maximum capacity prior to requesting Canada for flood control storage beginning in 2024.

Gloria Tyconderoga, Idaho Council of Pacific Northwest Economic Region, commented on the Columbia River Treaty process, but not the content of this legislation. She explained the river flows and water ways in the pacific northwest.

Norm Semanko, Idaho Water Users Association, stated this is an enormous issue for the Idaho Department of Water Resources regarding flood control and water availability. He stated the U.S. has guaranteed flood control space in Canada to help with flood control, but in 2024, the U.S. will go to a called upon system under the treaty when U.S. projects are at full water capacity. He encouraged representatives that we must clearly communicate our position in negotiations to the U.S. Department of State. Mr. Semanko indicated the impact for Idaho is the reservoirs may be empty or at very low levels for water storage availability resulting in a water shortage for irrigation, and recreation.

Rep. Raybould indicated that our reservoirs will be emptied to provide adequate water storage and if we have a mild winter or dry season, our reservoirs would remain empty or below optimal water levels for irrigation, fish, wildlife, recreation and public water use. Rep. Raybould described such a situation as extremely devastating.

MOTION: **Rep. Wood(35)** made a motion to introduce **RS 23090** and recommend it be sent to the Second Reading Calendar and to **HOLD HJM 9** in committee. **Motion carried by voice vote. Rep. Batt** will sponsor the bill on the floor.

H 526: **Rep. Morse** referred to an Idaho Attorney General's opinion regarding the construction of a pipeline from Lake Pend Oreille to the Rathdrum Prairie Aquifer (RPA) in response to Spokane's acute water shortage. (See attached.) He eluded to a feasibility study conducted on water discharge from the RPA. He stated this pipeline into the Rathdrum Prairie Aquifer would release water into Idaho to increase water supplies and alleviate the water shortage in Spokane. He said Idaho Code 42-401 currently refers to transporting water out-of-state and requires a permit from the Idaho Department of Water Resources. The Idaho Attorney General's Office recommended removal of the word "transport" from Idaho Code Section 42-401.

Gary Spackman, Director of Idaho Water Resources, spoke in favor of **H 526**. Mr. Spackman stated **Rep. Eskridge** brought this situation to his attention. He was unaware of the feasibility study until contacted by Rep. Eskridge. He recommends the removal of the word "transport" and to use the word "used" which could mean transport also.

MOTION **Rep. Eskridge** made a motion to send **H 526** to the floor with a **DO PASS** recommendation. **Motion carried by voice vote. Rep. Morse** will sponsor the bill on the floor.

S1346: **Sen. Nonini** stated the float homes at Hidden Lake by Coeur d'Alene, Idaho need to be hooked up to the sewer system. He stated DEQ would provide a loan of $1 million for the hook up to the sewer system and the floater home lessees would payback the money to DEQ. The float home lessees needed a 30-year lease, as opposed to a 10-year lease, to afford to payback the $1 million to DEQ for the sewer hook up. The Idaho Department of Parks and Recreation negotiated leases with the float homes. The float homes lessees pay rent to the Idaho Department of Parks and Recreation.

Nancy Merrill, Director of Idaho Department of Parks and Recreation, supports this bill.

MOTION: **Rep. Shepherd** made a motion to send **S1346** to the floor with a **DO PASS** recommendation. **Motion carried by voice vote. Reps. Morse and Shepherd** will sponsor the bill on the floor.

S 1279: **Norm Semanko**, Idaho Water Users Association, stated Idaho Code, Section 43-318 has not been amended in forty years regarding the sale of personal or real property of an irrigation district. He stated the dollar amount should be increased from $20,000 to $50,000 to avoid the costs of an independent appraisal, notice or competitive bidding process.

MOTION: **Rep. Erpelding** made a motion to send **S 1279** to the floor with a **DO PASS** recommendation. **Motion carried by voice vote. Rep. Erpelding** will sponsor the bill on the floor.

ADJOURN: There being no further business to come before the committee, the meeting adjourned at 2:32 p.m.

Representative Denney
Chair

Jennifer Smith
Secretary

AMENDED AGENDA #1

HOUSE RESOURCES & CONSERVATION COMMITTEE

1:30 PM or Upon Adjournment
Room EW40
Tuesday, March 11, 2014

SUBJECT	DESCRIPTION	PRESENTER
H 571	Easements, Rights of Way	Speaker Bedke
S 1276	Veterans' Non-Profit Organizations, Free big game tags	Senator Pearce
S 1278	Eligibility for Nonresident Veteran's hunting and tag fees Revisions	Senator Pearce

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 Rubel

COMMITTEE SECRETARY

Jennifer Smith
Room: EW62
Phone: 332-1136
email: hres@house.idaho.gov

MINUTES

HOUSE RESOURCES & CONSERVATION COMMITTEE

DATE:	Tuesday, March 11, 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:	None
GUESTS:	Mackenzie Herrock, Veritas Advisors; Sharon Kiefer, Idaho Department of Fish and Game; Tamara Mackenthun, Division of Veterans Services; Rex Barrie, Water District #6; Vernon Case, Wilder Irrigation District; Jim Lowe, Food Producers of Idaho; Skip Smyser, Pioneer Irrigation District; Alan Newbill, Pioneer Irrigation District; Brenda Tominaga, IWPG; Bill Nary, City of Meridian/AIC; Dan Steeson, Sawtooth Law; Gary Allen, Givens Pursley Law Firm; John Evans, AIC; Erik Stidham, Holland & Hart Law Firm; Bob Geddes, Farm Bureau; Ron Platt, Wilder Irrigation District; Darren Coon, Nampa/Meridian Irrigation District; Erica Slayton, Pioneer Irrigation District; Mark Zirschky, Pioneer Irrigation District; Leland Earnest, Pioneer Irrigation District; Robert Grant, Pioneer Irrigation District; Andy Waldera, Pioneer Irrigation District; Norm Semanko, Idaho Water Users Association; Brett Wilder, Food Producers, Karen Merrick, Idaho Transportation Department; Raeleen Welton, RMP/ICOA.

Chairman Denney called the meeting to order at 2:52 p.m.

H 571:

Speaker Bedke stated this legislation will clarify state policy regarding eminent domain. He said one government entity cannot condemn another government entity and conduct their same business. He said this legislation prevents condemnation for the purpose of taking property that an irrigation or drainage entity owns, operates and maintains to provide water delivery or drainage to the landowners who are entitled to those services and preserves legal authority to condemn an irrigation or drainage entity's property for concurrent public uses unrelated to the irrigation or drainage entity's existing delivery or drainage operations. He indicated there is a retroactivity provision to June 2012 to resolve pending condemnation litigation. Speaker Bedke explained the necessity for this legislation regarding past and future litigation.

Skip Smyser, Attorney for Pioneer Irrigation District, stated the parties (City of Caldwell and Pioneer Irrigation District) are exhibiting good faith in negotiations and both parties have dismissed their lawsuits. He stated the negotiation process will continue to move forward towards a universal agreement.

Eric Stidham, Attorney of Holland & Hart, represents the City of Caldwell and is hopeful of a settlement as the negotiations are heading in the right direction. His opinion is this legislation may be counterproductive to negotiations between the City of Caldwell and Pioneer Irrigation District. His primary concern is the language does not reflect the intent of this legislation as the language is vague and ill focused. Mr. Stidham indicated there is an entire body of law citing eminent domain for a city to protect the health and safety of its citizens. He stated the city's perspective is the irrigation district allows drainage outside the city but not inside the city. He said the citizens own the canals, not Pioneer Irrigation District. He indicated this legislation will hamper growing cities as it is too vague, ambiguous, creates future problems, and is possibly unconstitutional. He indicated the city can save costs by managing infrastructure and by folding the irrigation function into infrastructure and reduce rates for citizens by utilizing the city's workforce and machinery. Mr Stidham cited legal precedence that a city can use eminent domain against another government entity as Caldwell has jurisdiction and the purpose of health and safety. He indicated that Caldwell can do condemnation, but must meet certain criteria and can only condemn within its city limits.

Speaker Bedke indicated the irrigation district has a right-of-way. He stated it is not his intent to thwart the negotiations between the City of Caldwell and Pioneer Irrigation District.

Alan Newbill, farmer, indicated there would be problems if Caldwell takes one-third of the Pioneer Irrigation District from the center of the district. He said there is ten-thousand acres each, above and below, the City of Caldwell of the Pioneer Irrigation District. He said Pioneer Irrigation District is responsible to provide water below the City of Caldwell and water rights are involved. Mr. Newbill indicated there are other ancillary issues with costs involved should the City of Caldwell use condemnation of the Pioneer Irrigation District.

Dan Steenson, Boise Attorney and Lobbyist for the Nampa/Meridian, Settlers and multiple other irrigation districts, and for the Idaho Dairyman's Association, who support this legislation. He stated to allow government to condemn for concurrent uses and protect districts from condemnation of property they own, operate, and maintain to deliver water or provide drainage. He stated irrigation districts own facilities, rights of way, and equipment.

Gary Allen, Givens Pursley Law Firm, represents Sorrento Lactalis in Nampa, Idaho and opposes **H 571**. He alleged abuses of power by the City of Caldwell in eminent domain. He further alleged Pioneer Irrigation District has abused Sorrento Lactalis too. His client spent $750,000 after 3 years of litigation regarding Sorrento Lactalis' wastewater. Mr. Allen asked the committee to reject the bill.

Mr. Geddes, Idaho Farm Bureau Federation, stated his members depend upon a reliable irrigation system. He cited **Idaho Code 42-1209** and asked that Caldwell does not ignore Idaho Law, that irrigation districts are entities of government by elected officials. He supports this legislation as it provides protection for irrigation and drainage entities against a hostile takeover.

Bill Nary, City of Meridian, believes this legislation has unintended consequences and will lead to more litigation. He stated nothing is broken and does not support this legislation.

Norm Semanko, Idaho Water Users Association, has been in the industry for twenty years and there has never been a more important bill as it draws a legitimate line from a city overtaking of an irrigation district.

John Evans, Idaho Cities Coalition, opposes **H 571** as no change is needed of eminent domain statutes. He indicated his opposition to the retroactivity in this legislation.

Karin Merrick, Right-a-Way Manager for the Idaho Department of Transportation, indicated no formal position on this legislation. She expressed her concerns as she believes this legislation will take away the negotiation process and leverage for projects.

MOTION: **Rep. Wood(27**) made a motion to send **H 571** to the floor with a **DO PASS** recommendation. **Motion carried by voice vote. Rep. Erpelding** requested that he be recorded as voting **NAY. Rep. Batt** will sponsor the bill on the floor.

Vice Chairman Gibbs indicated that due to the late afternoon floor hearing, the remaining agenda, **S 1276 and S 1278**, will be heard at the House Resources and Conservation Committee on Thursday, March 13, 2014 at 1:30 p.m. or upon adjournment.

ADJOURN: There being no further business to come before the committee, the meeting was adjourned at 4:02 p.m.

_____
Representative Denney
Chair

_____
Jennifer Smith
Secretary

AGENDA

HOUSE RESOURCES & CONSERVATION COMMITTEE

1:30 P.M. or upon adjournment
Room EW40
Thursday, March 13, 2014

SUBJECT	DESCRIPTION	PRESENTER
S 1276	Veterans' Nonprofit Organizations, Free Big Game Tags	Sen. Pearce
S 1278	Eligibility for Nonresident Veteran's Hunting and Tag Fee Revisions	Sen. Pearce
H 473	Environmental Protection Agency Regulations	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
Vice Chairman Gibbs
Rep Wood(35)
Rep Barrett
Rep Moyle
Rep Eskridge
Rep Raybould
Rep Andrus
Rep Shepherd
Rep Wood(27)
Rep Boyle
Rep Vander Woude
Rep Gestrin
Rep Miller
Rep Anderson(1)
Rep Pence
Rep Erpelding
Rep Rubel

COMMITTEE SECRETARY

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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

AGENDA

HOUSE RESOURCES & CONSERVATION COMMITTEE

1:30 P.M. or upon adjournment
Room EW40
Wednesday, March 19, 2014

SUBJECT	DESCRIPTION	PRESENTER
	Approval of Minutes	Chairman Denney

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

COMMITTEE MEMBERS

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

COMMITTEE SECRETARY

Jennifer Smith
Room: EW62
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MINUTES

HOUSE RESOURCES & CONSERVATION COMMITTEE

DATE:	Wednesday, March 19, 2014
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, Rubel
ABSENT/ EXCUSED:	Representative(s) Moyle, Vander Woude, Gestrin, Anderson(1), Erpelding, Rubel
GUESTS:	None.
	Chairman Denney called the meeting to order at 1:37 p.m.
MOTION:	**Rep. Pence** made a motion to approve the minutes from the March 11, 2014, and March 13, 2014 meetings. **Motion carried by voice vote.**
ADJOURN:	There being no further business to come before the committee, the meeting adjourned at 1:43 p.m.

Representative Denney
Chair

Jennifer Smith
Secretary