

MINUTES
HOUSE RESOURCES & CONSERVATION COMMITTEE

DATE: Tuesday, March 17, 2015

TIME: 1:30 pm or Upon Adjournment

PLACE: Room EW40

MEMBERS: Chairman Raybould, Vice Chairman Gestrin, Representative(s) Moyle, Andrus, Shepherd, Wood, Boyle, Vander Woude, Gibbs, Miller, Bateman, Burtenshaw, Mendive, VanOrden, Youngblood, Pence, Erpelding, Rubel

**ABSENT/
EXCUSED:** Representative(s) Moyle

GUESTS: Jay Wilson, self; Gary Scott, self; Charles Knapp, self; Greg Smith, IGPA; Danny L. Prochoska, Summit Mining/IGPA; Ray Harrison, IGPA; Vernon Greenland and Paul D. Williams, NCPAA; Ron Hancock and Sarah Hancock, GPAA; Clyde D. Smith, self; Lisa Smith, self; Cleve Smith, self; David Claiborne, Sawtooth Law; Forrest Goodrum, Ada County Fish & Game League; Don Smith and Sandra Mitchell, Idaho Recreation Council; Sharon Kiefer, Idaho Fish & Game; Tim Luke, Idaho Department of Water Resources; Jarrod Bunker, self; Eldon Henthorn, self; Ken Henthorn, self; Burk Mantel, self; Jim T. Jencks, self

Chairman Raybould called the meeting to order at 1:35 P.M.

MOTION: **Rep. Boyle** made a motion to approve the minutes of the February 11, 2015 meeting. **Motion carried by voice vote.**

H 255: **Rep. Shepherd** presented **H 255** which recognizes the de minimus nature of suction dredge mining and ensures that this small business vocation is not encumbered with unreasonable regulations. This bill further clarifies that these suction dredge activities do not discharge or add pollutants into the involved waters and therefore not in need of regulation and do not need to be subject to the state comprehensive water plans.

Don Smith, David Claiborne, Jay Wilson and Jarrod Bunker spoke in support of the bill citing principles iterated in the 1872 Mining Act and the "Organic Administration Act of 1897." **Forrest Goodrum and Burk Mantel** spoke in **opposition** stating concerns for fish habitat, state parks and wildlife management areas. **Tim Luke**, Water Compliance Bureau Chief with the Department of Water Resources, stated he was not testifying in support or in opposition, but that he did have concerns about its affect on comprehensive state water plans and that no state agency or department is included in the permitting process.

MOTION: **Rep. Wood** made a motion to send **H 255** to General Orders. He stated this bill would amend the State comprehensive water plan and input is needed from the Water Resources Board, Water Users Association, groundwater appropriators and others before it can be finalized.

Rep. Bateman and Rep. Gibbs spoke in **favor** of the motion based upon the opinions received from the Attorney General with concerns about comprehensive state water plans and protection of endowment lands. **Rep. Boyle** spoke in **opposition** to the motion stating a mining claim is a property right.

**ROLL CALL
VOTE:** Roll call vote was requested. Motion to send **H 255** to General Orders failed by a vote of **7 AYE, 10 NAY, 1 Absent/Excused**. **Voting in favor** of the motion: **Reps. Wood, Gibbs, Bateman, Burtenshaw, Pence, Rubel and Raybould**. **Voting in opposition** to the motion: **Reps. Gestrin, Andrus, Shepherd, Boyle, Vander Woude, Miller, Mendive, VanOrden, Youngblood and Erpelding**. **Rep. Moyle was absent/excused.**

MOTION: Rep. **Erpelding** made a motion to **HOLD H 255** in committee.

SUBSTITUTE MOTION: Rep. **Boyle** made a substitute motion to send **H 255** to the floor with a **DO PASS** recommendation.

Rep. **Rubel** spoke in opposition to the substitute motion saying it was constitutionally vague and could criminalize entry onto property to take minerals.

ROLL CALL VOTE: Roll call vote was requested. Motion to send **H 255** to the floor with a **DO PASS** recommendation **carried by a vote of 9 AYE, 8 NAY, 1 Absent/Excused. Voting in favor** of the motion: **Reps. Gestrin, Andrus, Shepherd, Boyle, Vander Woude, Miller, Mendive, VanOrden and Youngblood. Voting in opposition** to the motion: **Reps. Wood, Gibbs, Bateman, Burtenshaw, Pence, Erpelding, Rubel and Raybould. Rep. Moyle was absent/excused. Rep. Shepherd** will sponsor the bill on the floor.

ADJOURN: There being no further business to come before the committee, the meeting was adjourned at 3:07 P.M.

Representative Raybould
Chair

Bev Bean
Secretary