

MINUTES  
**HOUSE RESOURCES & CONSERVATION COMMITTEE**

**DATE:** Monday, January 25, 2016

**TIME:** 1:30 P.M.

**PLACE:** Room EW40

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

**ABSENT/  
EXCUSED:** None

**GUESTS:** Nathan Price, Self; Sharon Keifer, Idaho Department of Fish and Game; Lynn Tominaga, Idaho Ground Water Appropriators, Inc.; Ed Schriever, Idaho Department of Fish and Game; Serena Minasian, Risch Pisca, PLLC; Anita Hamann, DFM; Jack Peppersack, Idaho Department of Water Resources; John Falk, Idaho Department of Water Resources; Norm Semanko, Idaho Water Users Association; Andy Briner, Idaho Water Users Association; Jon Oppenheimer, ICL; Will Hart, ICUA; Taylor Nadauld, University of Idaho McClure Center.

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

**MOTION:** **Rep. Miller** made a motion to approve the minutes of the January 19, 2016 meeting with the following correction: on page 1, under **RS 23991**, 3rd line from the bottom, the phrase "requires professional engineering design for all dams that have a height of 10 feet or more or have 50-acre feet in volume" should be changed to "requires professional engineering design for all dams that have a height of 10 feet or more and have 50-acre feet in volume." **Motion carried by voice vote.**

**RS 24226:** **Sharon Keifer**, Deputy Director, Idaho Department of Fish and Game (IDFG), stated that IDFG respects the philosophy that it does not have explicit statutory authority to enter into a trapper education program, but it does have statutory authority for hunter education and archery education. **RS 24226** remedies the statutory authority concerns.

In response to committee questions inquiring whether IDFG will need to go back through the process of making rules if **RS 24226** is introduced, **Sharon Keifer** said the Senate has not yet taken up the rule, and if they reject the rule, IDFG would need to start over with rulemaking, but with recognition that they do have statutory authority to do so.

**Nathan Price**, representing himself, spoke **in support** of **RS 24226**, expressing approval for the proposed legislation.

**MOTION:** **Rep. Erpelding** made a motion to introduce **RS 24226**.

**Sharon Keifer**, in response to committee questions, stated that language regarding hunter safety and conduct is being moved to section (b) so that all such elements are addressed in one section, and that other language addressing youth education and licensing was removed for the sole purpose of cleaning up the statute.

**VOTE ON  
MOTION:** **Motion carried by voice vote.**

**H 350:** **Ed Schriever**, Deputy Director, Idaho Department of Fish and Game (IDFG), said **H 350** raises the required age from age 17 to age 18 to possess a Wildlife Management Area (WMA) Upland Game Bird Permit for hunting pheasants on WMAs where pheasants are stocked. The proposed statute language changes the age a permit must be purchased from "all persons over sixteen years of age" to "all persons over 17 years of age." **H 350** does not restrict youth age 10-17 from hunting stocked pheasants without a permit and persons at least 18 years of age or older must purchase such a permit.

**MOTION:** **Rep. Wood** made a motion to send **H 350** to the floor with a **DO PASS** recommendation. **Motion carried by voice vote.** **Rep. Wood** will sponsor the bill on the floor.

**H 351:** **Jeff Peppersack**, Idaho Department of Water Resources (IDWR), said that **H 351** defines regulated dams stating they must have a height of 10 feet or more and have 50-acre feet in volume. There are 36 dams under 10 feet in height and 50-acre feet in volume that IDWR would rate as a hazard, and they would continue to regulate those dams. The second part of the legislation requires a professionally engineered design for any dams. Currently, professionally engineered designs are required for dams more than 20 feet or 100-acre feet in volume or for any kind of structural alteration. **H 351** will require a professional engineer to submit plans for any dam.

**Jeff Peppersack** replied to committee questions stating that whether there are structures or people living down stream determines if a dam is high hazard, not probability of failure. Dams under 10 foot and 50-acre feet of volume will no longer be regulated dams and inspected, but if new development occurs downstream, under Idaho Code Section 42-1709, they could still be inspected and if a threat is determined, be treated as any other dam. He discussed the benefits of having engineer designed plans. The four exclusions currently under Section 42-1711(b) 1-4, include dams less than 6-feet high or less than 10-acre feet, apply to those in canals or part of a highway fail or are not under IDWR jurisdiction. They currently assign hazard classifications to all dams, including those being exempted out. Those dams can be regularly inspected out in the field or from someone seeing a problem with the dam and calling it in.

**John Falk**, Program Manager for the Dam Safety Section of the Idaho Department of Water Resources, answered committee questions regarding the number of failures of dams between 10 and 20 foot, said that Golden Lake dam at Harriman State Park recently failed. The dam was inspected the summer of 2015 and recommendations were made to the owners that were not implemented. The dam was rated in poor condition at the time of inspection. Mr. Falk said he can research and provide a list of dam failures encompassing the last 5 to 10 years if desired.

**Norman Semanko**, Idaho Water Uses Association, spoke in support of **H 351** saying that IWUA has always been concerned about duplicative regulations, but they support the state having exclusive jurisdiction over dams and, in this instance, their retaining jurisdiction over smaller facilities although not regulating them regularly. Things not previously under their jurisdiction have remained that way, which is appropriate. The clarifications are good while retaining jurisdiction over potentially problematic smaller dams.

**MOTION:** **Rep. Erpelding** made a motion to send **H 351** to the floor with a **DO PASS** recommendation. **Motion carried by voice vote.** **Reps. Miller, Gestrin and Shepherd** requested to be recorded as voting **NAY.** **Rep. Erpelding** will sponsor the bill on the floor.

**ADJOURN:** There being no further business to come before the committee, the meeting adjourned at 2:06 p.m.

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Representative Raybould  
Chair

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Lorrie Byerly  
Secretary