

MINUTES  
**SENATE RESOURCES & ENVIRONMENT COMMITTEE**

**DATE:** Wednesday, January 27, 2016

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

**PLACE:** Room WW55

**MEMBERS PRESENT:** Chairman Bair, Vice Chairman Vick, Senators Siddoway, Heider, Nuxoll, Bayer, Hagedorn, Stennett and Lacey

**ABSENT/ EXCUSED:** None

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

**CONVENED:** **Chairman Bair** called the meeting of the Senate Resources and Environment Committee (Committee) to order at 1:30 p.m.

**Chairman Bair** announced that the Committee members had been given the Idaho Rangeland Resource Commission 2015 Report from Gretchen Hyde, Executive Director. **Chairman Bair** reminded the Committee to review the report as it takes the place of a presentation, which is required by statute.

**Chairman Bair** welcomed Lynn Tominaga, Executive Director, Idaho Ground Water Appropriators, Inc. (IGWA), who presented four pieces of legislation.

**RS 24202** **Mr. Tominaga** said **RS 24202** amends the Ground Water District Act, Chapter 52, Title 42, Idaho Code, to place irrigators and non-irrigators on equal footing by clarifying that non-irrigators who join a ground water district for mitigation purposes may be subject to all mitigation plans and activities of the district. He stated that several ground water districts have implemented multiple mitigation plans, many of which provide overlapping and compound benefits. For practical reasons, districts must have the ability to require both their irrigator and non-irrigator members to participate in all mitigation plans and activities the members benefit from.

**MOTION:** **Senator Hagedorn** moved to print **RS 24202**. **Vice Chairman Vick** seconded the motion. The motion carried by **voice vote**.

**RS 24203** **Mr. Tominaga** said **RS 24203** amends the Ground Water District Act, Chapter 52, Title 42, Idaho Code, to give ground water districts the ability, but not the obligation, to contract with nonmembers who wish to participate in and obtain the benefits of the district's mitigation plans.

Ground water districts have geographic boundaries, and many mitigation plans have geographic and other limitations. The amendment gives districts the ability to decline to contract with a nonmember if for any reason the district board of directors determines it is not in the district's best interest. This does not affect the right of nonmembers within a district's boundaries to join the district under Idaho Code § 52-5245.

**MOTION:** **Senator Heider** moved to print **RS 24203**. **Senator Siddoway** seconded the motion. The motion carried by **voice vote**.

**RS 24204** **Mr. Tominaga** stated that **RS 24204** also amends the Ground Water District Act and it enables the ground water districts to impose assessments based on the number of acres authorized to be irrigated as an alternative to the quantity of water authorized to be diverted. Idaho Code § 42-5232, § 42-5233 and § 42-5234 presently provide for assessments based on the quantity of water authorized to be diverted. Some ground water districts prefer to assess irrigators based on the number of acres authorized to be irrigated. These amendments enable districts to do either.

**MOTION:** **Senator Bayer** moved to print **RS 24204**. **Senator Heider** seconded the motion. The motion carried by **voice vote**.

**RS 24205** **Mr. Tominaga** said this legislation clarifies that ground water districts may incur short-term debt without holding an election or seeking judicial confirmation. As the code is presently written, it requires ground water districts to hold an election and obtain judicial confirmation prior to incurring any financial obligation, arguably even routine operations expenses such as utilities. The amendment clarifies that an election and judicial confirmation are not necessary for districts to incur short-term financial obligations with a repayment term not exceeding one year.

**MOTION:** **Senator Lacey** moved to print **RS 24205**. **Vice Chairman Vick** seconded the motion. The motion carried by **voice vote**.

**RS 24141** **Senator Hagedorn** presented **RS 24141** and said this RS would increase the reimbursable damage penalties assessed by magistrates to any person guilty of the illegal killing, illegal possession or illegal waste of certain species of big game as a further deterrent to these illegal actions. **Senator Hagedorn** stated that there has not been an increase in fines for 20 years.

This RS increases the fine for the following animals, killed, possessed or wasted:

- Elk, fine raised from \$750 to \$1,000.
- Caribou, bighorn sheep, mountain goat or moose, fine raised from \$1,500 to \$2,600.
- Any other species of big game, fine raised from \$400 to \$700.
- Wild turkey and swan, fine of \$250
- Sturgeon, fine of \$250.
- Bull trout, anadromous salmon or steelhead, fine of \$150.
- Any other game bird, game fish or furbearer, fine of \$50.

**Senator Hagedorn** said the RS also defines the fines for trophy animals that are killed, possessed or wasted. He said that if the RS is printed, he is quite sure there will be a number of sportsmen testifying in support of the increase in fines.

**MOTION:** **Senator Stennett** moved to print **RS 24141**. **Senator Bayer** seconded the motion. The motion carried by **voice vote**.

**Chairman Bair** welcomed the Gubernatorial appointees to the meeting. He then called on Louise Stark, who was reappointed to the Outfitters and Guides Licensing Board to serve a term commencing April 20, 2015, and expiring April 20, 2018. He asked Ms. Stark to provide a brief history of her activities for the benefit of the new Committee members.

**GUBERNATORIAL APPOINTMENT HEARING:** **Ms. Stark** said she has been co-owner (29 years), with her husband, of White Cloud Outfitters, a big game hunting/fishing/summer recreation outfitting and guiding business. She stated that she is a recreational licensed guide, as well as a first aid instructor. She also serves as the office manager for her business, based in Challis, Idaho.

Ms. Stark's educational and professional accomplishments include:

- BA in physical education
- Idaho Secondary Teaching Certificate
- Alaska Secondary Teaching Certificate
- Red Cross First Aid/CPR/AED Instructor
- Licensed Idaho Recreation Guide

Professional memberships include:

- America Outdoors Association
- Challis Chamber of Commerce
- Challis Arts Council
- Ketchum/Sun Valley Chamber of Commerce
- Stanley Chamber of Commerce
- Wild Sheep Foundation
- Idaho Chapter Wild Sheep Foundation
- North American Moose Foundation
- Safari Club International
- Idaho Chapter of Safari Club International
- Idaho Outfitters and Guides Association

**Chairman Bair** asked Ms. Stark what important issues are facing the outfitters' industry and what contributions can she make as a board member. **Ms. Stark** replied that the board regulates the recreational activities that are on federal and state land and helps in writing and enforcing the rules. The board is required to collect information and consolidating that information is a challenge. Ms. Stark indicated that she is capable of meeting that challenge.

**Chairman Bair** thanked Ms. Stark for appearing before the Committee and said that voting on her reappointment would take place at the next meeting of the Committee.

**GUBERNATORIAL  
APPOINTMENT  
HEARING:**

He then welcomed Dan Blanco, who was appointed to the Idaho Fish and Game Commission (Commission) to serve a term commencing September 10, 2015, and expiring June 30, 2019.

Mr. Blanco is from Moscow, Idaho, and succeeds Fred Trevey, former commissioner. When asked why he would like to serve in this capacity, **Mr. Blanco** said he would like to contribute to the preservation and enhancement of Idaho's hunting, fishing and trapping heritage, which is inseparably linked to the state and the character of its people.

Organization membership:

- National Rifle Association, life member
- Henry's Fork Foundation
- Idaho for Wildlife Foundation, board member and treasurer
- The Gamebird Foundation, board member
- Idaho Hunter Safety Instructor

**Mr. Blanco** indicated that he is a past board member of several organizations. They are:

- Concerned Sportsmen of Idaho
- Idaho College Career Services Association
- Moscow Central Lions Club
- Public Information Committee, Senator Crapo Elk Summit/Clearwater Elk Initiative.

Mr. Blanco moved to Idaho in 1991 to accept a position at the University of Idaho. After retiring from higher education, he pursued employment in sales and marketing in the hunting and fishing industry. He still works on a seasonal basis but wants to shift his energies to public service as Commissioner for the Clearwater Region.

**Mr. Blanco** said that he feels there are two concerns facing the Commission. First, he expects federal mandates, especially those associated with endangered species, that could drain energy and resources away from the department's core tasks. Second, he is certain that wealthy animal rights groups will continue to pursue an agenda to control the behavior of people who engage in legal, traditional and enjoyable activities that they don't like.

When asked who he will be working for, **Mr. Blanco** replied that he will work for the sportsmen.

**Chairman Bair** thanked Mr. Blanco and said the Committee would consider his appointment at their next meeting. He then welcomed Derick Attebury, Idaho Falls, Idaho, who was appointed to the Commission to serve a term commencing September 10, 2015, and expiring June 30, 2019. He is succeeding Kenneth Anderson.

**GUBERNATORIAL  
APPOINTMENT  
HEARING:**

**Chairman Bair** asked Mr. Attebury why he aspired to become a commissioner. **Mr. Attebury** replied that Idaho is an awesome place to live and he would like to protect, preserve and perpetuate Idaho's richest resource of fish, game and non-game species and ensure that these remain intact for all future generations to come. He would like to represent the Idaho Fish and Game and foster public support for them while also being a voice for common concerns. He has fished in Idaho since 1984 and hunted in the state since 1987.

Since May 2006, Mr. Attebury has been the operations manager for Rain For Rent in Idaho Falls, Idaho. During this time he won the "President's Excellence Award" while mentoring and training new personnel.

Mr. Attebury received his education at Madison High School and the University of Idaho. Training followed at Rain For Rent. Organizations to which Mr. Attebury belongs are: Eagle Rock Cycle Club, triathlete; Idaho Irrigation Equipment Association (past board member and currently vice president); NRA; and the Rocky Mountain Elk Foundation. He also has church leadership responsibilities.

When asked who he will be working for, **Mr. Attebury** replied that he will work for the sportsmen.

**Chairman Bair** thanked the appointees for appearing before the Committee and said the Committee would vote on their appointments at the next meeting. He said that no meeting is scheduled for Friday.

**ADJOURNED:** With no further business to come before the Committee, **Chairman Bair** adjourned the meeting at 2:35 p.m.

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Senator Bair  
Chair

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Juanita Budell  
Secretary