

MINUTES
SENATE RESOURCES & ENVIRONMENT COMMITTEE

DATE: Monday, February 01, 2016

TIME: 1:30 P.M.

PLACE: Room WW55

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

ABSENT/ EXCUSED: Senator Siddoway

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.

MINUTES APPROVAL: **Senator Lacey** moved to approve the minutes of January 18, 2016. **Senator Stennett** seconded the motion. The motion carried by **voice vote**.

MINUTES APPROVAL: **Senator Heider** moved to approve the minutes of January 20, 2016. **Vice Chairman Vick** seconded the motion. The motion carried by **voice vote**.

MINUTES APPROVAL: **Senator Bayer** moved to approve the minutes of January 22, 2016. **Senator Nuxoll** seconded the motion. The motion carried by **voice vote**.

ANNOUNCEMENT: **Chairman Bair** announced that in the Committee's blue folders, there are two letters of support for the Idaho Fish and Game Commissioners. They are from Ed Lindahl, Sagle, Idaho, and the Ada County Fish and Game League, signed by Robert Minter, President.

GUBERNATORIAL APPOINTMENT CONSIDERATION: **Senator Hagedorn** moved to send the Gubernatorial appointment of Louise Stark to the Outfitters and Guides Licensing Board to the floor with recommendation that she be confirmed by the Senate. **Senator Heider** seconded the motion. The motion carried by **voice vote**. Senator Stennett will be the floor sponsor.

GUBERNATORIAL APPOINTMENT CONSIDERATION: **Senator Nuxoll** moved to send the Gubernatorial appointment of Daniel Blanco to the Idaho Fish and Game Commission to the floor with recommendation that he be confirmed by the Senate. **Vice Chairman Vick** seconded the motion. The motion carried by **voice vote**. Senator Nuxoll will be the floor sponsor.

GUBERNATORIAL APPOINTMENT CONSIDERATION: **Senator Lacey** moved to send the Gubernatorial appointment of Derick Attebury to the Idaho Fish and Game Commission to the floor with recommendation that he be confirmed by the Senate. **Senator Hagedorn** seconded the motion. The motion carried by **voice vote**. Senator Lacey will be the floor sponsor.

PASSED THE GAVEL: **Chairman Bair** passed the gavel to Vice Chairman Vick so that he could present several RS's.

RS 24335 **Chairman Bair** said the 2012 Legislature passed S 1256 which dealt with Governor's tags. On page 3 of the RS, there are four changes to be made. They are found on lines 20, 21 and 22. On line 20, the words "up to" are stricken and the word "may" is changed to "shall". On lines 21 and 22, the word "may" is changed to "shall." These changes will make this program more effectual and will bring in more revenue for the Idaho Department of Fish and Game (IDFG).

Chairman Bair stated that this legislation authorizes the Commission to designate one moose; three elk, deer and antelope tags respectively; one wild sheep; and one mountain goat tag per year. Tags would be taken from the nonresident tag pool, thereby not diminishing resident hunting opportunities.

When asked what prompted the changes of the wording, **Chairman Bair** replied that the Commission had not acted on this for several years and there has not been a shortage of animals.

MOTION: **Senator Hagedorn** moved to print **RS 24335**. **Senator Bayer** seconded the motion. The motion carried by **voice vote**. **Senator Heider** asked to be recorded as voting nay.

RS 24238 **Chairman Bair** said this is a Senate Concurrent Resolution supporting the settlement agreement between the Surface Water Coalition and the Idaho Ground Water Appropriators. The agreement avoided curtailment and maintained sustainable ground and surface water supplies on the Eastern Snake Plain Aquifer (ESPA) and minimized harm to Idaho's economy.

Both **Senators Heider** and **Stennett** commended the Chairman and Speaker Bedke for their efforts in helping to reach the agreement.

MOTION: **Senator Heider** moved to print **RS 24238**. **Senator Stennett** seconded the motion. The motion carried by **voice vote**.

RS 24282C1 **Chairman Bair** said this is a Senate Concurrent Resolution requesting that the Idaho Water Resource Board address statewide aquifer stabilization and sustainability projects including: managing recharge, conducting aquifer recharge studies and developing a ground water model.

MOTION: **Senator Hagedorn** moved to print **RS 24282C1**. **Senator Heider** seconded the motion. The motion carried by **voice vote**.

RS 24283 **Chairman Bair** said the purpose of this Senate Concurrent Resolution is to establish an ESPA managed recharge goal of 250,000 acre-feet on an average annual basis. It directs the development of the capacity necessary to achieve the recharge goal on or before December 31, 2024, and provides legislative approval to increase the ESPA CAMP Phase I managed recharge from 100,000 acre-feet to 250,000 acre-feet average annual managed recharge. These measures are necessary to address the declining ground water levels in the ESPA.

MOTION: **Senator Heider** moved to print **RS 24283**. **Senator Stennett** seconded the motion. The motion carried by **voice vote**.

PASSED THE GAVEL: Vice Chairman Vick passed the gavel back to Chairman Bair.

RS 23975 Barry Burnell, Administrator, Water Quality Division, Department of Environmental Quality (DEQ), presented **RS 23975**. **Mr. Burnell** said this RS revises priority classifications for certain water bodies in regard to the development of total maximum daily load (TMDL) or equivalent processes.

MOTION: **Vice Chairman Vick** moved to print **RS 23975**. **Senator Bayer** seconded the motion. The motion carried by **voice vote**.

RS 23978 **Mr. Burnell** said that **RS 23978** establishes the process for appealing Idaho Pollution Discharge Elimination System (IPDES) permits issued by DEQ and provides DEQ with necessary minimum enforcement authorities.

MOTION: **Senator Stennett** moved to print **RS 23978**. **Senator Nuxoll** seconded the motion. The motion carried by **voice vote**.

- RS 23979** **Mr. Burnell** said that **RS 23979** authorizes inspection and copying of certain records relating to water quality and to make technical corrections.
- MOTION:** **Senator Bayer** moved to print **RS 23979**. **Senator Nuxoll** seconded the motion. The motion carried by **voice vote**.
- RS 23993C1** **Orville Green**, Administrator, Waste Management and Remediation, DEQ, presented **RS 23993C1**. **Mr. Green** said this RS revises provisions regarding the funding of the State Underground Storage Tank Program and provides for reporting.
- MOTION:** **Senator Heider** moved to print **RS 23993C1**. **Senator Bayer** seconded the motion. The motion carried by **voice vote**.
- RS 24349** **Norm Semanko**, Executive Director, Idaho Water Users Association, presented **RS 24349**. This RS increases the maximum amount of certain administrative charges that may be levied.
- MOTION:** **Senator Hagedorn** moved to print **RS 24349**. **Vice Chairman Vick** seconded the motion. The motion carried by **voice vote**.
- RS 24350** **Mr. Semanko** said **RS 24350** revises provisions regarding delinquency of assessments.
- MOTION:** **Senator Hagedorn** moved to print **RS 24350**. **Senator Nuxoll** seconded the motion. The motion carried by **voice vote**.
- RS 24351** **Mr. Semanko** stated that **RS 24351** clarifies when persons shall be entitled to become purchasers of the rights of the district.
- MOTION:** **Senator Lacey** moved to print **RS 24351**. **Senator Bayer** seconded the motion. The motion carried by **voice vote**.
- RS 24352** **Mr. Semanko** said that **RS 24352** provides that certain irrigation districts shall have the power to enter into contracts to construct or deepen wells.
- MOTION:** **Vice Chairman Vick** moved to print **RS 24352**. **Senator Nuxoll** seconded the motion. The motion carried by **voice vote**.
- RS 24353** **Mr. Semanko** asked that **RS 24353** be withdrawn. **Chairman Bair** honored the request.
- S 1213** **Ed Schriever**, Deputy Director, IDFG, presented **S 1213**. **Mr. Schriever** said that the Fish and Game Commission has heard from many sportsmen who are concerned that unmanned aircraft systems, i.e. drones, are not held to the same hunting restrictions already in statute for aircraft and motorized vehicles because unmanned aircraft systems are not specifically noted in Idaho Code detailing these hunting restrictions.
- He stated that this is a valid concern. The Federal Aviation Administration predicted more than one million drones would be bought around the country as holiday gifts this past Christmas. Drones are very popular and increasingly affordable technology. In 2013, the Idaho Legislature took action to restrict the use of drones in regard to unpermitted surveillance of individuals and private property in response to the expected increase in the use of drones.

Mr. Schriever said the concern about use of drones for hunting is not unique to Idaho. To provide the Commission with information, they surveyed several other Western states and Canadian provinces about actions they have taken or are considering relative to drones and hunting. Various hunting restrictions are in place for drones in New Mexico, Saskatchewan, Wyoming, Texas, Colorado, Washington, Nebraska and Arizona. The Oregon legislature took action to ban drones for hunting in 2015 and Alaska and Montana also restrict drones for hunting.

Unmanned aircraft systems meet Idaho statutory and rule definitions for aircraft and motorized vehicles relative to hunting restrictions.

S 1213 clarifies that unmanned aircraft systems (drones) are included in the existing hunting use restrictions for motorized vehicles and aircraft in Idaho Code § 36-1101. The bill does not create any new restrictions and does not interfere with use of aircraft for permitted, authorized wildlife control actions.

Mr. Schriever stated that the Commission supports this bill and requests the Committee's "do pass" recommendation.

MOTION:

Senator Lacey moved that **S 1213** be sent to the floor with a **do pass** recommendation. **Senator Hagedorn** seconded the motion. The motion carried by **voice vote**. Senator Hagedorn will be the floor sponsor.

ADJOURNED:

Chairman Bair adjourned the meeting at 2:50 p.m.

Senator Bair
Chair

Juanita Budell
Secretary