

MINUTES  
**SENATE RESOURCES & ENVIRONMENT COMMITTEE**

**DATE:** Monday, February 19, 2018

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

**PLACE:** Room WW55

**MEMBERS PRESENT:** Chairman Bair, Vice Chairman Siddoway, Senators Heider, Vick, Bayer, Johnson, Stennett, and Jordan

**ABSENT/ EXCUSED:** Senator Brackett

**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 Jordan** moved to approve the Minutes of February 5, 2018. **Vice Chairman Siddoway** seconded the motion. The motion carried by **voice vote**.

**PAGE INTRODUCTION:** **Chairman Bair** announced that the Committee has a new page for the last half of this Legislative Session, Jessie Page. Jessie is a senior at Meridian High School and is in her fourth year of debate. She aspires to become an elementary teacher and plans to attend the College of Western Idaho (CWI) for two years, then transfer to a four-year college to obtain her degree. Jessie is excited to be a page, as it will enable her to learn first-hand about the inner-workings of the Legislature.

**GUBERNATORIAL APPOINTMENT:** **Chairman Bair** said the next order of business was to consider the gubernatorial appointment of R. Doug Eastwood to the Parks and Recreation Board to serve a term commencing July 24, 2017 and expiring July 1, 2022.

**MOTION:** **Senator Vick** moved to send the gubernatorial appointment of R. Doug Eastwood to the Parks and Recreation Board to the floor with recommendation that he be confirmed by the Senate. **Senator Johnson** seconded the motion. The motion carried by **voice vote**. Senator Vick will be the floor sponsor.

**PRESENTATION:** **Virgil Moore**, Director of the Idaho Department of Fish and Game (IDFG), provided the Committee copies of the *Idaho Fish and Game Director's Annual Report to the Commission for FY2017* and the *"Report About Outcomes of H 230."*

**Mr. Moore** said he would not only talk about H 230 - (2017), but also S 1118 - (2017), which regard the implementation of "price lock." It maintains the lower license, tag, and permit prices for residents who buy an annual license every year. **Mr. Moore** stated that he would also review the funding elements identified in H 230; changes in hunt structure to address depredation; the depredation compensation program; and the depredation prevention program.

**Mr. Moore** provided background information about H 230, S 1118, and "price lock." He said these bills have provided IDFG with the ability for robust responses to depredations. The resources that were allowed by that were large and it was started by an outreach to the public. Approximately 400,000 resident hunters and anglers held a 2017 annual license, which locked them into 2017 prices for their 2018 license, tags, and permits. If a person is not "locked in," they will pay higher fees in 2018. Residents who did not buy a 2017 annual license can get the lower prices by purchasing a three-year license in 2018.

Over 52,000 Idahoans purchased 2018 licenses through January 31. More than 94 percent of these licenses were issued to Idahoans who are 'locked in' and paid the lower 2017 resident prices. So far, 4,600 individuals participated by purchasing a three-year license, which are also sold at 2017 prices and 'lock in' the holder for the next three years.

**Mr. Moore** said last year's legislation called for a \$2 million annual set-aside account, based on the 400,000 licenses sold. It would go into the deprecation fund and \$500,000 of that would go into a fund to pay claims. The cap on that fund has been increased to \$2.5 million. The next \$500,000 goes toward prevention. The remaining money goes into the Fishing and Hunting Access dedicated account. **Mr. Moore** stated, as licenses continue to sell, IDFG will have adequate funds to meet their obligations. He asserted the "price lock" plan is working well.

The IDFG Commission increased hunting opportunities to address wildlife conflict. Many hunts were specifically designed to reduce numbers of depredated wildlife or to change wildlife behavior. Landowner Permission Hunts (LPH) were designed to provide more landowner oversight and control of hunters; the early distribution of LPH hunter permission slips allowed landowners to initiate hunting on private land to prevent damage.

During the 2017-2018 season setting process:

- IDFG offered 230 additional controlled, bull elk tags;
- IDFG offered 3,420 additional controlled, cow elk tags; and
- an additional 1,500 extra controlled, cow elk tags were also made available.

This is in addition to the increase made in 2015:

- 1,700 extra antlerless deer tags;
- 150 controlled bull elk tags; and
- 2,550 controlled cow elk tags.

**Mr. Moore** said some new things include a new kill permit rule which authorizes landowners to keep animals harvested, if they desire. At least 19 landowners, plus their designees, retained 28 elk, 3 deer, 2 pronghorn, and 1 bear. Landowners expressed appreciation for being able to take a more active role in damage prevention, beyond non-lethal hazing.

**Mr. Moore** stated other new programs include a large-scale Panhandle antlerless deprecation hunt for elk and deer; over 800 landowners were designated to harvest hundreds of elk and white-tailed deer. In Weiser, elk collaring documents movement patterns of depredated elk, so IDFG can focus on increased hunting pressure during the regular hunting season.

**Mr. Moore** said IDFG has hired additional staff. It includes seven technicians - one per region; a seasonal hunt coordinator - Salmon region; seasonal/volunteer hazing staff - all regions; and the consolidation of landowner programs in one point of contact.

In 2017, 79 claims were paid, amounting to over \$1,037,149. All eligible claims were paid in full. So far in 2018, six continuing use agreements payments have been paid, amounting to \$53,109. This is renting private forage for wildlife use. Four claims have been denied.

**Mr. Moore** said IDFG is streamlining the process to make less work for the landowner. In order to streamline the process: 1.) A new landowner guide was created. It now has only 12 pages, compared to 80 pages in the old guide; 2.) A new webpage includes downloadable forms and additional resources; 3.) Removal of a notary requirement of forms; 4.) Fencing materials agreement that allow for quick reimbursement of materials; and 5.) Guidance on "reasonable access."

Other innovative areas that IDFG is considering include the use of drones for short-term and long-term purposes. IDFG is hoping to integrate some new information that will allow the reduction in time and labor for the landowner. Regarding the depredation prevention program, increased resources have enhanced IDFG's ability to proactively address the landowner's concerns. Those resources were approximately \$180,000 last year and \$383,000 this year. In the last three years, over 295 stack yards were built. Several dozen more are planned to be constructed this spring. Materials are provided to landowners who have feed stored onsite.

**Mr. Moore** said in the Big Lost Valley, IDFG paid landowners to leave their third cutting of alfalfa in the field. This was to provide a lure crop to reduce more wide-spread elk depredations during the fall and winter months. There are plans to explore additional lure crops in high-depredation areas to alleviate haystack/crop damage. In the Magic Valley, cameras provide real-time information on depredating animal movements and counts. **Mr. Moore** stated research brings science to the depredation program. IDFG is working with graduate students from the University of Idaho to evaluate the effectiveness of new techniques, such as various hazing methods, lure crops, and other ways to improve depredation prevention effectiveness.

**Chairman Bair** thanked Director Moore for his presentation, then welcomed Sharon Kiefer.

#### **H 476**

**Sharon Kiefer**, Deputy Director, IDFG, presented **H 476**. **Ms. Kiefer** said this legislation proposes to make a technical correction and amendments Idaho Code § 36-406(m) to a license class reference found on line 41, page 3 of the bill. It refers to a three-year fishing license for disabled persons. It changes the license from ninth class to first class.

**Ms. Kiefer** stated the important substance of **H 476**, affecting Idaho Code § 36-1604, encourages private and public landowners to make land, airstrips, and water areas available to the public for recreational purposes without direct charge to the recreationist. In doing so, a landowner's liability exposure is limited. The limitation on a landowner's liability is limited to premises liability.

Idaho's population continues to grow and outdoor recreation contributes to a high quality of life. Leveraging resources through partnerships is efficient and effective; this bill helps support interest and opportunity for recreational investment. **Ms. Kiefer** said the Fish and Game Commission supports this bill and she requested a do pass recommendation.

#### **TESTIMONY:**

**Neil Colwell**, representing Avista Corporation, said the company has about 140,000 customers in northern Idaho who use their services. He said he has been authorized by Idaho Power and Rocky Mountain Power to state that they stand in support of **H 476** as hydro-electric utilities. **Mr. Colwell** stated they take their project properties and provide improvements and also provide litigation. He said they feel this proposal provides reasonable protection for non-owners who are providing the funding to improve lands that people may recreate on.

#### **MOTION:**

**Senator Heider** moved to send **H 476** to the floor with a **do pass** recommendation. **Vice Chairman Siddoway** seconded the motion. The motion carried by **voice vote**. Senator Stennett will be the floor sponsor.

- S 1305** **Senator Harris** stated this legislation relates to stock water on federally-administered lands which are appurtenant to the privately-owned base property; it is based on a court decision in 2007. This legislation proposes to codify this ruling and current practice into law. It provides that when a federal grazing permit is transferred or conveyed to a new owner, the associated stockwater rights may also be conveyed.
- TESTIMONY:** **Braden Jensen**, Idaho Farm Bureau Federation (Farm Bureau), said on behalf of their membership, he stands in support of **S 1305**. He said their policy supports this legislation and asked for a do pass recommendation. **Mr. Jensen** submitted a letter from the Idaho Farm Bureau Federation's President, Bryan Searle, which supported **S 1305**.
- TESTIMONY:** **Paul Arrington**, Executive Director, Idaho Water Users Association (IWUA), stated IWUA are in support of **S 1305** and thanked the Farm Bureau for working with IWUA on this bill.
- MOTION:** **Vice Chairman Siddoway** moved to send **S 1305** to the floor with a **do pass** recommendation. **Senator Heider** seconded the motion. The motion carried by **voice vote**. Senator Harris will be the floor sponsor.
- S 1306** **Senator Anthon** said this legislation would require planning and zoning authorities to notify water delivery entities of any site-specific land development proposals. This will help to assure that water delivery infrastructure, easements, and rights-of-way are not encroached upon as development occurs. It will also help ensure the rights of water users are not injured.
- TESTIMONY:** **Jess Harrison**, Executive Director, Association of Idaho Cities (AIC), testified in support of **S 1306**. She said AIC collaborated with IWUA and the Farm Bureau regarding this legislation. She asked for a do pass recommendation for this bill.
- TESTIMONY:** **Shelley Davis**, an attorney with Barker, Rosholt & Simpson, LLP said she worked with irrigation districts to craft language that better informs municipalities to be able to provide the necessary notice to the irrigation districts. In Title 67, there is an existing requirement of a 15 day notice. **Ms. Davis** supports **S 1306**.
- TESTIMONY:** **Braden Jensen**, Idaho Farm Bureau Federation, said on behalf of their membership, he stands in support of **S 1306**. He said their policy supports this legislation and asked for a do pass recommendation. **Mr. Jensen** submitted a letter from the Idaho Farm Bureau Federation's President, Bryan Searle, supporting **S 1306**.
- TESTIMONY:** **Paul Arrington**, Executive Director, Idaho Water Users Association (IWUA), stated they are in support of **S 1306**. He said they represent irrigation companies, canal companies, and others throughout the State to work with the ever expanding urban development in the agricultural communities. Many issues arise and one is easements that are not recorded; they are a function of statute. **Mr. Arrington** thanked Senator Anthon for carrying this bill and said it is a unified bill with a great amount of collaboration.
- WRITTEN TESTIMONY:** Written testimony was submitted by John F. Stevenson, Chairman, Board of Control for District 45 and the Triangle Irrigation District, in support of **S 1306**.
- WRITTEN TESTIMONY:** Written testimony was submitted by Brian K. Billingsley, Legislative Liaison, American Planning Association (APA), Idaho Chapter, in support of **S 1306**. He is writing to register more than 200 members support this bill.
- MOTION:** **Senator Heider** moved to send **S 1306** to the floor with a **do pass** recommendation. **Senator Vick** seconded the motion. The motion carried by **voice vote**. Senator Anthon will be the floor sponsor.

**HCR 33** **Representative Gestrin** said this is a Concurrent Resolution rejecting a Fish and Game rule regarding the taking of big game animals, Docket No. 13-0108-1706, Subsection 421.02.

**MOTION:** **Vice Chairman Siddoway** moved to send **HCR 33** to the floor with a **do pass** recommendation. **Senator Heider** seconded the motion. The motion carried by **voice vote**. Vice Chairman Siddoway will be the floor sponsor.

**HJM 10** **Representative Gestrin** said this Joint Memorial encourages the President of the United States, the United States Secretary of Agriculture, the United States Secretary of the Interior, the Administrator of the Environmental Protection Agency, and Idaho's Congressional delegation to direct resources and personnel necessary to move forward with permitting the Stibnite Gold Project in a timely and cost-effective manner.

**TESTIMONY:** **Jon Kittell**, who is from Riggins and represents the Downstream Clean Water Coalition, said they are a group of concerned citizens who live down river from the proposed Stibnite mine. They depend on the Salmon River for their livelihood way of life. **Mr. Kittell** said he understands that Midas Gold has developed a plan that has a lot of supporters here in the Statehouse and are aware of the long list of co-sponsors for **HJM 10**. They also recognize that language in the Memorial expresses the need for responsible mining.

**Mr. Kittell** stated they would feel more comfortable if there was language in the Memorial that would specifically ensure that Midas Gold would do everything in the company's power to prevent any downstream pollution or worse. **Mr. Kittell** said the Downstream Clean Water Coalition is requesting additional language reflecting the need to protect the livelihoods of families and communities that are put most at risk by this mining project.

**Senator Stennett** inquired if Mr. Kittell and the Coalition had the opportunity to speak with Midas Gold about their concerns. **Mr. Kittell** said they had not, but are planning to invite Midas Gold to Riggins for an informational meeting. **Senator Stennett** said she would highly recommend it.

**Chairman Bair** stated that he is sympathetic to Mr. Kittell's concerns; however, the rules preclude amendments to Joint Memorials.

**Senator Vick** asked Mr. Kittell if he thought the EPA regulations were insufficient to protect the river. **Mr. Kittell** replied that he is not a geology expert, but he is concerned about the project and lives directly downstream of it.

**Senator Jordan** stated that, on page 2, lines 8 and 9 of the bill, language addresses the concerns that Mr. Kittell discussed.

**TESTIMONY:** **Jonathan Oppenheimer**, Governmental Director for the Idaho Conservation League, said they have been working with Midas Gold with regards to the Stibnite project and appreciate the involvement and opportunity on this proposal. He said they have concerns, because it is such a significant project with many unanswered questions. **Mr. Oppenheimer** stated that this Memorial is "putting the cart before the horse" and he requested that the Committee reject the Joint Memorial.

**MOTION:** **Vice Chairman Siddoway** moved to send **HJM 10** to the floor with a **do pass** recommendation. **Senator Heider** seconded the motion. The motion carried by **voice vote**. Senator Thayne will be the floor sponsor.

**ADJOURNED:** There being no further business at this time, **Chairman Bair** adjourned the meeting at 3 p.m.

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Senator Bair  
Chair

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Juanita Budell  
Secretary