

MINUTES
HOUSE RESOURCES & CONSERVATION COMMITTEE

DATE: Wednesday, January 23, 2019
TIME: 1:30 P.M.
PLACE: Room EW40
MEMBERS: Chairman Gibbs, Vice Chairman Gestrin, Representatives Moyle, Shepherd, Wood, Boyle, Vander Woude, Mendive, Kauffman, Blanksma, Addis, Lickley, Moon, Raybould, Erpelding, Rubel, Mason, Toone
**ABSENT/
EXCUSED:** Representative(s) Shepherd
GUESTS: Todd Drage and Andrew Smyth, Idaho Department of Lands; Ben Davenport, Idaho Mining Association; Shawn Keough, Associated Logging Contractors; Steve Thomas, Idaho Forest Group

Chairman Gibbs called the meeting to order at 1:30pm.

RS 26436: **David Groeschl**, Deputy Director, Idaho Department of Lands, stated this proposed legislation revises **Idaho Code 38-134** to raise the Forest Practices Act (FPA) assessment cap from \$0.10/acre/year to \$0.20/acre/year. He stated the actual FPA assessment rate is set within the statutory cap by the State Board of Land Commissioners and was last increased in 2003, when it was raised to \$0.10/acre/year. Regarding why they are proposing an increase, Mr. Groeschl explained expenses have increased substantially over the last 15 years and the dedicated fund where FPA landowner assessments are deposited is critically low and will be depleted in the next fiscal year.

MOTION: **Rep. Wood** made a motion to introduce **RS 26436. Motion carried by voice vote.**
Chairman Gibbs turned the gavel over to **Vice Chairman Gestrin.**

**DOCKET NO.
20-0401-1701:** **David Groeschl**, Deputy Director, Idaho Department of Lands, stated this proposed rule would amend the fire protection standards for specific forest operations including spark arresters, fire tools, fire extinguishers, and fire crews. In addition, he stated forest operation activities involving cable logging operations and the use of metal tracked harvesters are considered to be at a greater risk of resulting in unwanted fire, so the Department is introducing new fire protection requirements for these forest operations to include on-site water supply, a fire watch service, and operation area fire prevention practices. Mr. Groeschl stated the Department conducted nine negotiated rule making meetings and received extensive comments leading to the rule language revisions.

In response to questions regarding small private landowner operations, **Mr. Groeschl** clarified that small operations generally do not create a fire hazard and so would be exempt from the fire watch service requirement. He further clarified small operations are also generally exempt under Option 1 of the Certificate of Compliance, because the level of logging operations small private landowners typically do does not create a fire hazard since those operations are too minimal and scattered across their property.

In response to a question as to whether these rules would apply on lands under the Good Neighbor Authority (GNA), **Mr. Groeschl** stated these rules would apply to any project during fire restrictions, whether on federal, state, or private land when using certain equipment and doing certain activities.

Steve Thomas, Attorney, representing Idaho Forest Group, stated they are in **support** of this rule package.

MOTION: **Rep. Erpelding** made a motion to approve **Docket No. 20-0401-1701. Motion carried by voice vote.**

DOCKET NO. 20-0301-1801: **Todd Drage**, Regulatory Minerals Program Manager, Idaho Department of Lands, stated this proposed rule pertains to the Dredge and Placer Mining Protection Act and removes the requirement for mailing in paper submittals. It would allow for permittees and operators to submit documents by paper copy or in electronic format using the Department's new web-based portal and information management system.

MOTION: **Rep. Erpelding** made a motion to approve **Docket No. 20-0301-1801. Motion carried by voice vote.**

DOCKET NO. 20-0302-1801: **Todd Drage**, Regulatory Minerals Program Manager, Idaho Department of Lands, stated this proposed rule pertains to the Surface Mining Act and removes the requirement for mailing in paper submittals. It would allow permittees and operators to submit documents by paper copy or in electronic format using the Department's new web-based portal and information management system.

MOTION: **Rep. Lickley** made a motion to approve **Docket No. 20-0302-1801. Motion carried by voice vote.**

DOCKET NO. 20-0304-1801: **Andrew Smyth**, Public Trust Program Manager, Idaho Department of Lands, stated this proposed rule would make changes to six sections within this rule. There would be updates in the Incorporated by Reference Section to incorporate by reference rules of the Idaho Electrical and Plumbing Boards, as well as the Code of Federal Regulations on the United States aids to navigation systems. Under Boat Garages, the proposed change is more specific by allowing existing permitted boat garages to be maintained or replaced at the existing height and at the same square footage of the existing footprint. Under Float Homes, the proposed change would be updated to require float homes to meet the Idaho State Plumbing Code and the National Electrical Code. Under the Application section, the proposed rule would allow people to file applications for encroachment permits either by paper or electronically. Also within this section the proposed rule would clarify that a deposit toward the cost of publication is required with an application for an encroachment permit for bank stabilization projects. Finally, Mr. Smyth stated under the Violations section, the proposed rule provides clarification that notices of noncompliance may be issued to anyone, regardless if they hold a permit or not.

MOTION: **Rep. Erpelding** made a motion to approve **Docket No. 20-0304-1801. Motion carried by voice vote.**

Vice Chairman Gestrin turned the gavel over to **Chairman Gibbs**.

Ed Schriever, Director, Idaho Department of Fish and Game, stated he is pleased to introduce the members of the Fish and Game Commission to the committee. They are **Derick Attebury**, Chairman, Upper Snake Region; **Jerry Meyers**, Vice Chairman, Salmon Region; **Brad Corkill**, Panhandle Region; **Dan Blanco**, Clearwater Region; **Tim Murphy**, Southwest Region; **Greg Cameron**, Magic Valley Region; and **Lane Clezie**, Southeast Region.

At the request of the committee, **Ed Schriever** provided a brief update on the first year of the new license vendor put in place in 2018. He stated per legislation, the Department was required to use a third-party independent vendor for the controlled hunt module and there have been many challenges standing up this new contract. Because the Department is a dedicated fund agency, they are self funded by the sales of licenses, tags, and permits, so the ability to actually sell those is extremely important. He explained the contract for the license vendor is a very large contract and is managed through the Department of Administration's Purchasing Division. The Department has been working closely with the Purchasing Division to address the many concerns including several missed deadlines and fading tags with the goal of having a system that meets the needs of the Department and provides a reliable service to their constituents.

Eric Attebury, Chairman, Idaho Fish and Game Commission, provided a brief update on some of the current issues the Commission is working on. First, he stated one of the most important recent decisions the Commission made was to hire **Director Schriever** after the retirement of **Virgil Moore**. Mr. Attebury went on to explain one of the top priorities the Commission is working on involves assuring sportsmen and women have access to hunt, fish and trap, in both the frontcountry and backcountry. Another issue the Commission is working on is crowding in certain areas, due in part to the population growth in the state. The goal is to ensure a quality experience for everyone enjoying Idaho's resources.

ADJOURN: There being no further business to come before the committee, the meeting was adjourned at 2:29pm.

Representative Gestrin
Chair

Tracey McDonnell
Secretary