

MINUTES
SENATE RESOURCES & ENVIRONMENT COMMITTEE

DATE: Wednesday, January 23, 2019

TIME: 1:30 P.M.

PLACE: Room WW55

MEMBERS PRESENT: Chairman Heider, Vice Chairman Brackett, Senators Bair, Johnson, Mortimer, Patrick, Guthrie, Stennett, and Jordan

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

PASSED THE GAVEL: Chairman Heider passed the gavel to Vice Chairman Brackett.

S 1001 **Legislative Amendment Clarifying Language in the Statute Regarding Plugging and Repairing Artesian Wells and Basins and Technical Language.** **Vice Chairman Brackett** announced that the Committee has now received input from the Water Users Legislative Committee, has been provided with an inventory of statewide artesian wells (see attachment 1), and is now ready to reconsider **S 1001**.

MOTION: **Chairman Heider** moved that **S 1001** be sent to the 14th Order of Business for possible amendment. **Senator Guthrie** seconded the motion.

DISCUSSION: **Senator Mortimer** stated that this is an agency bill, and it may be prudent to hold the bill and allow the Idaho Department of Water Resources the opportunity to bring it back to the Committee rather than send it to the 14th Order for amendment.

SUBSTITUTE MOTION: **Senator Mortimer** moved that **S 1001** be held in Committee. **Senator Jordan** seconded the motion. The motion passed by **voice vote**.

PASSED THE GAVEL: Vice Chairman Brackett returned the gavel to Chairman Heider.

GUBERNATORIAL APPOINTMENT: **Re-appointment of Lane Clezie, of Pocatello, to the Idaho Fish and Game Commission (Commission), serving June 30, 2018, to June 30, 2022.** **Mr. Clezie** stated that he has been a member of the Commission for four plus years. He has been married for 50 years and has three sons with families scattered throughout the state. His interest in serving on the Commission is to ensure his children and grandchildren enjoy the animals, fishing and habitat he has enjoyed.

DISCUSSION: In response to questions from Senator Bair, **Mr. Clezie** stated he feels his greatest accomplishment on the Commission has been participating in the de-listing of the grizzly bear as an endangered species. He also advised that the Commission has several ongoing projects. A priority for the Commission is looking at the wolf issue and creating opportunities for sportsmen to manage and harvest the wolf population.

Chairman Heider thanked Mr. Clezie for appearing before the Committee and complimented him on doing a wonderful job. He indicated that voting on this re-appointment would take place at the next Committee meeting.

**GUBERNATORIAL
APPOINTMENT:**

Appointment of Tim Murphy, of Boise, to the Idaho Fish and Game Commission (Commission), serving November 28, 2018, to June 30, 2022. **Mr. Murphy** stated that public service in natural resource management has been the focus of his professional life for nearly 40 years. He indicated his wife, Mary Elizabeth, has been and continues to be the primary reason for the successes he has had through many relocations across the West. She maintained the home for their three children allowing him to focus on the people and resources he was entrusted to manage. **Mr. Murphy** advised that he retired last year from his position as BLM Idaho State Director and was formerly the director of the National Fire Center. He is currently chairman of the Public Advisory Council to the University of Idaho Rangelands Center, a member of the Society for Range Management, and is a volunteer with the National Kidney Foundation.

Mr. Murphy indicated that his aim is to preserve working landscapes, including agriculture's contribution to open working land, for Idaho's desired environmental, economic, and social outcomes. He believes the primary threat to wildlife resources across Region 3 is fire and invasive annual grasses, namely cheat grass. In dealing with that threat he will emphasize preparedness, prevention, and fuel breaks, including the use of livestock grazing to give tactical advantage to our firefighters and improve safety during their operations.

DISCUSSION:

In response to questions from the Committee, **Mr. Murphy** stated that he likes to hunt and enjoys fly fishing. He indicated he supports the Idaho Fish and Game Department acquiring private lands when it is focused on access and opportunities for hunters, anglers, and trappers. He further indicated that during his short time on the Commission he has been impressed with the success of the most recent trespass law.

Chairman Heider thanked Mr. Murphy for appearing before the Committee and for his interest in fish and game issues. He advised a vote will be taken on this nomination at the next meeting.

**GUBERNATORIAL
APPOINTMENT:**

Re-appointment of Jo Ann Cole-Hansen, of Lewiston, to the Idaho Water Resource Board (Board), serving January 1, 2019, to January 1, 2023. **Ms. Cole-Hansen** stated that for the last 13 years she has worked for the Lewiston Orchards Irrigation District (District) as their financial officer. She advised that the District has been working with the U.S. Bureau of Reclamation to change the point of diversion for the irrigation system from the Craig Mountain watershed to a deep well system on the edge of town. She indicated that the District has been working with the Board in studying the groundwater situation in the Lewiston aquifer, as most of the water that the District's wells are being drawn from comes from the Snake River.

DISCUSSION:

In response to questions from Senator Bair, **Ms. Cole-Hansen** advised that she was appointed to the Board in June of 2018 to fill a vacant position. She has attended several committee and board meetings and it is her impression that the Board is a very close knit, tight-functioning group that cares deeply about the water resources in this state. She feels they want to do what is best for the entire state, not just their constituents or their area, and she would be pleased to be part of that.

Ms. Cole-Hansen further stated, in response to a question from Senator Johnson, that her work with the District involved a great deal of planning for the future. With fewer rain and snow events, the District's water supply is dwindling. The District worked together with federal, county, city, and tribal partners to come up with a creative resolution that they are now pursuing. **Senator Johnson** complimented her for her excellent work with the District, and **Senator Stennett** thanked her for bringing her diverse expertise to the Board.

Chairman Heider asked Ms. Cole-Hansen how she felt about the first-in-time, first-in-right doctrine of water rights. **Ms. Cole-Hansen** advised that first-in-time, first-in-right is something that is very dear to her heart.

Chairman Heider thanked Ms. Cole-Hansen for appearing before the Committee and advised that a vote on her re-appointment would take place at the next meeting.

**GUBERNATORIAL
NOMINATION:**

Re-appointment of Jeffrey Raybould, of St. Anthony, to the Idaho Water Resources Board (Board), serving January 1, 2019, to January 1, 2023.

Mr. Raybould stated that he farms in eastern Idaho with his father, who is semi-retired, and his two children. He has served on the Board for eight years and has been involved with water issues for a long time. He feels the Board works well together, is proud of the things that have been achieved during his tenure on the Board, and looks forward to continuing to help plan and manage Idaho's water resources.

DISCUSSION:

Vice Chairman Brackett asked Mr. Raybould what issues he sees the State facing that the Board needs to address. **Mr. Raybould** stated population growth is causing demands for additional water supply all over the State. He mentioned several aquifer issues and indicated the Board is involved in planning to help put in place options to develop additional water supplies and capture the existing water supply. He indicated a great interest in the Lewiston Orchard's project, stating the wells they are drilling are about 2,000 feet deep and that aquifer actually is recharged by the Snake River when flows are high. It is a water supply that would not decline over time; it would be replenished through natural recharge. He advised the Board has been working with the Priest Lake area to ensure an adequate supply of water so that elevations are appropriate for recreation and to provide some minimum stream flow into the Priest River in a drought situation. He added the Board is looking at water supply concerns in the Treasure Valley, developing a long range plan to have an adequate water supply for the growth that is occurring, and looking at other parts of the State where they can accomplish additional surface storage.

Senator Stennett asked Mr. Raybould how he avoids conflicts of interest, given his unique position and expertise. **Mr. Raybould** advised that anytime an issue involves a conflict of interest with his personal business, or other boards he serves on, he steps aside and abstains from voting on those issues.

Senator Bair asked Mr. Raybould if he could provide a time frame for the Anderson Ranch Dam project. **Mr. Raybould** indicated that the goal is to have the study completed by mid to late 2020. It would then go to Congress and funding for the project may be two to three years out or longer.

Chairman Heider thanked Mr. Raybould for appearing before the Committee and for his continued service on the Board. He advised a vote would be taken on the re-appointment at the next Committee meeting.

**GUBERNATORIAL
NOMINATION:**

Re-appointment of Dale Van Stone, of Hope, to the Idaho Water Resource Board (Board), serving January 1, 2019 to January 1, 2023. Mr. Van Stone advised he was appointed to the Board in 2015. He has lived in Bonner County for 32 years, has a farm with an irrigation system, and raises hay and cattle. He is a member of the Bonner Soil and Water Conservation District, and has served on many other boards. He commented that this Board is a good one, they have good staff, get good information, and make things happen.

In response to questions from the Committee, **Mr. Van Stone** stated he feels water issues in Northern Idaho are getting more attention. He mentioned in particular the work with the Priest Lake project.

Chairman Heider thanked Mr. Van Stone for his service on the Board and for his appearance before the Committee. He announced that a vote on this Re-appointment will take place at the next Committee meeting.

**GUBERNATORIAL
APPOINTMENT:**

Re-appointment of Pete Van Der Meulen, of Hailey, to the Idaho Water Resource Board (Board), serving January 1, 2019, to January 1, 2023. Mr. Van Der Meulen stated that he has been on the Board for eight years. He feels the Board has accomplished a tremendous amount of work with the Legislature's help during that time, and he has appreciated the opportunity to be part of it. He indicated there is a lot more work to do, and he would like to remain on the Board for another term.

Chairman Heider thanked Mr. Van Der Meulen for appearing before the Committee and advised a vote on the re-appointment would be taken at the next Committee meeting.

**DOCKET NO.
13-0109-1805**

Rules Governing the Taking of Big Game Birds in the State of Idaho.

Sharon Kiefer, Chief, Bureau of Communications, Idaho Department of Fish and Game (Department), reminded the Committee that this docket was previously held by the Committee. The rule establishes the administrative framework for the Department to be able to adopt land owner permission hunts (LPH) for turkeys where depredation issues exist on private property. The landowner controls who is allowed to utilize their permission slip to hunt on their property. There was some confusion at the previous hearing regarding the LPH process; she gave the following explanation: 1.) the Department proclaims how many tags are available and gives the landowner a corresponding number of permission slips; 2.) the landowner provides hunters with a permission slip; and 3.) the hunter then takes the permission slip into the Idaho Fish and Game office and buys a specially designated tag specific for that LPH. **Ms. Kiefer** also mentioned questions were brought up at the previous meeting regarding how the acreage for LPH hunts is determined. She stated properties over 79 acres are where they generally find the more intensive types of depredations.

DISCUSSION:

Senator Bair asked Ms. Kiefer why they would not extend this type of hunt to the owner of a small acreage who has a depredation problem. **Ms. Kiefer** advised him that the Department has other tools available for that landowner. She stated they always have the opportunity to work with landowners on kill permits that either the Department or the landowner can exercise. She added the Department has a robust tool box to work with landowners on this issue.

Senator Guthrie asked Mr. Kiefer if a hunter who has permission from one landowner within an area of depredation that encompasses other property is allowed to hunt on those other properties. **Ms. Kiefer** replied that the permission is specific to the property of the landowner granting permission. **Senator Guthrie** asked how a corporation owner would give permission. **Ms. Kiefer** advised that corporations have a land manager or designated agent that the Department works with.

TESTIMONY: **Douglas Bates** spoke in favor of **Docket No. 13-0109-1805**. He stated he owns about 1,000 acres in the Parma area. He has counted 400 to 500 turkeys feeding in his corn crop. He stated he appreciates the turkeys, they are majestic birds, but he suffers pretty severe crop depredation as the numbers have grown. He believes this rule allows him to work effectively with Idaho Fish and Game to manage the turkey population and related depredation.

MOTION: **Senator Guthrie** moved to approve **Docket No. 13-0109-1805**. **Senator Bair** seconded the motion. The motion passed by **voice vote**.

DOCKET NO. 13-0110-1801 **Rules Governing the Importation, Possession, Release, Sale, or Salvage of Wildlife.** **Ms. Kiefer** stated this rule updates the Chronic Wasting Disease risk management strategy. It provides that the Department will generally not approve possession, importation, transport, sale, barter, or trade of elk, moose, mule deer, white deer, fallow deer, or muntjac deer because of concerns about transmission of Chronic Wasting Disease. She stated that nothing in this rule is intended to put any kind of limitation on the statutory and rule authorities of the Idaho Department of Agriculture relative to the domestic cervidae industry.

DISCUSSION: Ms. Kiefer deferred a question from Senator Stennett concerning a muntjac deer to Toby Boudreaux, Chief of the Wildlife Bureau, Idaho Department of Fish and Game. **Mr. Boudreaux** advised that a muntjac deer is a species from China that has been domesticated and are basically owned privately.

Vice Chairman Brackett noted that Ms. Kiefer indicated the House had some concern regarding this bill and asked her if she knew if the House had considered this rule. **Ms. Kiefer** advised that the House did reject the rule. **Senator Johnson** also expressed concerns with the language of the bill. **Ms. Kiefer** indicated that after hearing some of the confusion and concerns, the Department has thoughts about ways they could make this rule much better.

MOTION: **Vice Chairman Brackett** moved to reject **Docket No. 13-0110-1801**. **Senator Johnson** seconded the motion. The motion passed by **voice vote**.

ADJOURNED: **Chairman Heider** indicated that the Committee will not have time to hear the final rule on the agenda and **Docket No. 13-0110-1802** will be rescheduled at a later time. There being no further business, **Chairman Heider** adjourned the meeting at 2:58 p.m.

Senator Heider
Chair

Tyler Brock
Secretary

Lois Bencken
Assistant Secretary