

MINUTES  
**HOUSE RESOURCES & CONSERVATION COMMITTEE**

**DATE:** Thursday, February 07, 2019

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

**PLACE:** Room EW40

**MEMBERS:** Chairman Gibbs, Vice Chairman Gestrin, Representative(s) Moyle, Shepherd, Wood, Boyle, Vander Woude, Mendive, Kauffman, Blanksma, Addis, Lickley, Moon, Raybould, Erpelding, Rubel, Toone, Mason

**ABSENT/  
EXCUSED:** Representative(s) Moyle, Erpelding

**GUESTS:** The sign-in sheet will be retained in the committee secretary's office until the end of the session. Following the end of the session, the sign-in sheet will be filed with the minutes in the Legislative Library.

**Chairman Gibbs** called the meeting to order at 1:31pm.

**RS 26548:** **Rep. Bedke**, District 27, stated this proposed legislation expresses support for the settlement agreement between the cities, the surface water coalition, and the members of the Idaho Ground Water Appropriators. He stated the settlement resolves remaining issues, avoids curtailment, and maintains stable groundwater and surface water supplies on the East Snake Plain Aquifer. Additionally, this proposed legislation supports the continued efficient management of the water supplies within the Easter Snake Plain Aquifer, and supports state management to ensure water supply issues are addressed timely and declining water levels are stabilized and reversed.

**MOTION:** **Rep. Blanksma** made a motion to introduce **RS 26548. Motion carried by voice vote.**

**RS 26652:** **Rep. Scott**, District 1, stated this proposed legislation is to preserve the presumption of privacy for all citizens. She stated before any search or inspection is conducted under the provisions of this section, a warrant must be obtained, or consent must be given.

**MOTION:** **Rep. Moon** made a motion to introduce **RS 26652. Motion carried by voice vote.**

**RS 26751:** **Norm Semanko**, Attorney, Parsons, Bailey and Latimer, stated this proposed legislation adds a new **Chapter 93 to Title 76, Idaho Code** to provide for the purchase of mitigation bank credits by project applicants and for alternatives to mitigate for project impacts to wetlands.

**MOTION:** **Rep. Wood** made a motion to introduce **RS 26751. Motion carried by voice vote.**

**RS 26729:** **Rep. Blanksma**, District 23, stated this proposed legislation supports efforts to designate the raising of Anderson Ranch Dam as one of the priorities for the State of Idaho in the interest of promoting additional water security. Raising Anderson Ranch Dam would provide an additional 29,000 acre feet of water storage on the Boise River. She stated this proposed legislation urges Idaho's congressional delegation to ensure completion of the feasibility study and NEPA analysis in a timely manner and to advance the project through any additional congressional action necessary, including the provision of further WIIN Act Funds.

**MOTION:** **Rep. Addis** made a motion to introduce **RS 26729. Motion carried by voice vote.**

**RS 26674C1:** **Seth Grigg**, Idaho Association of Counties, stated this proposed legislation calls on Congress to enact federal legislation to require when private lands are exchanged, purchased, or transferred to the federal government that other federal lands within the county be sold.

**MOTION:** **Rep. Moon** made a motion to introduce **RS 26674C1**. **Motion carried by voice vote.**

**H 80:** **Rep. Wood**, District 27, stated this legislation addresses compensation for damages to an array of agricultural equipment and land due to increasing wildlife populations' impact on corn crops in Southern Idaho. He stated the two areas of increasing damage, specifically from elk, are to center pivots and fall seed bed prepared ground. The original proposal included damage to fences and other structures, but it was decided to first tackle a smaller group of damages in order to avoid pro-rated claim payments. He stated this legislation would also allow for parts and labor to be included in the claims for these two areas.

In response to questions regarding paying for claims and fences, **Rep. Wood** explained although fences was one of the top concerns raised, it would be extremely difficult to define a fence for claims purposes and would also be difficult to determine the condition of the fence prior to damages being claimed. With the potential for very large claims and the chance fence claims would cause payments to go into a pro-rated status, they decided to start with the irrigation equipment and fall seed bed prepared ground with the goal of full payments on claims.

In response to questions regarding using sportsmen's dollars to pay claims for agriculture and whether sportsmen's groups were included in discussions, **Rep. Wood** explained many sportsmen are also agricultural people and although he did not speak with any sportsmen's organizations, those individuals he did speak with didn't have any problems with this legislation. He stated whatever can be done to mitigate the complaints agriculture has for wildlife, the better, and is why they chose to start with the subset of irrigation equipment and fall seed bed prepared grounds.

**Rich Garber**, Lobbyist, representing Idaho Grain Producers and **Delong Lee**, representing Idaho Farm Bureau, both stated they are **in support** of this bill in order to compensate farmers for wildlife damages.

**Sharon Kiefer**, Deputy Director, Idaho Department of Fish and Game, stated these are real damages being addressed in this bill. In order to clear up any misconceptions with sportsmen, she stated this bill just expands aspects of crop production that are eligible for compensation claims. This bill will not impact the current Department funds that are dedicated to compensation claims for wildlife damages, nor does it impact the process for submitting or evaluating claims. Ms. Kiefer explained the Department is currently trying to manage the type of damage described in this bill and recognizes that it does and can occur. The Fish and Game Commission's position at this time is to monitor the progress of this bill.

**Brian Brooks**, representing Idaho Wildlife Federation, stated they are **in opposition** to this bill. Their opposition is with the fiscal note. He stated hunters want to help farmers, but believes this legislation drifts from the original intent of the depredation account from which it would draw funds.

**MOTION:** **Rep. Addis** made a motion to send **H 80** to the floor with a **DO PASS recommendation**. **Motion carried by voice vote**. **Rep. Wood** will sponsor the bill on the floor.

**H 67:** **Rep. Gestrin**, District 8, stated this legislation would provide the Director of Water Resources more flexibility to exempt new low temperature geothermal wells if certain conditions are met. He stated currently if the bottom of the hole temperature is 85 degrees or more, that puts the well into the geothermal category and it must be immediately sealed and closed off. This legislation provides a provision allowing the well to remain open as long as the proposed use will not reduce the temperature or pressure of the surrounding geothermal layer.

**Gary Spackman**, Director, Idaho Department of Water Resources, stated the Department worked extensively with the Idaho Ground Water Association on this legislation. As a result, the Department is **in support** of this legislation because it more clearly describes the criteria an individual will have to meet in order to use low temperature geothermal water.

**Paul Arrington**, Idaho Water Users Association and **Lynn Tominaga**, Idaho Ground Water Association, stated they are **in support** of this legislation because water rights users are protected.

**MOTION:** **Rep. Blanksma** made a motion to send **H 80** to the floor with a **DO PASS** recommendation. **Motion carried by voice vote.** **Rep. Gestrin** will sponsor the bill on the floor.

**ADJOURN:** There being no further business to come before the committee, the meeting was adjourned at 2:34pm.

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Representative Gibbs  
Chair

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Tracey McDonnell  
Secretary