

MINUTES
SENATE RESOURCES & ENVIRONMENT COMMITTEE

DATE: Monday, February 10, 2020

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 Senate Resources and Environment Committee (Committee) to order at 1:30 p.m.

MINUTES APPROVAL: **Senator Johnson** moved to approve the Minutes of January 22, 2020. **Senator Jordan** seconded the motion. The motion carried by **voice vote**.

Senator Guthrie moved to approve the Minutes of January 27, 2020. **Senator Johnson** seconded the motion. The motion carried by **voice vote**.

RS 27498 Relating to Water; regarding the permitting and licensing of water rights.

Paul Arrington, Executive Director and General Counsel, Idaho Water Users Association (IWUA), introduced himself and explained that this Routing Slip (RS) corrects an unintended glitch in the statute. He reported that all newly issued permits must be licensed within a development period of five years based upon proof of beneficial use. He broke down that municipal water rights utilize reasonably anticipated future needs and anticipated growth when permits are applied for. He stated this has led to uncertainty and confusion over how to license water rights before they have been fully put to use, and under this proposal water right licenses would be based on actual beneficial use. He clarified that IWUA negotiated with cities and other water groups before submitting this RS; the result of this legislation would be a more efficient and streamlined process for all involved.

MOTION: **Senator Bair** moved to send **RS 27498** to print. **Senator Jordan** seconded the motion. The motion passed by **voice vote**.

RS 27592 Relating to Fish and Game; to prohibit interference with certain lands, highways and navigable streams.

Senator Martin addressed the Committee and stated this RS would resolve public access disputes and maintain access to public land. He explained that wrongfully posting land as private land that is publicly accessible would have the following consequences: the first violation would be a warning from law enforcement; the second violation, if found guilty within two years of the first violation, is an infraction; and the third willful violation within two years would be a misdemeanor. He specified there were no jail time penalties associated with this RS, and it also contained a civil remedy to resolve access disputes.

DISCUSSION: **Senator Guthrie** asked about what clear delineation would be used for public access and what criteria would be used to issue a citation, speaking to Boise Ridge Road as an example. **Senator Martin** said he would take that into consideration once the RS was printed.

Senator Brackett stated the fact that fence lines are not always on property lines so he will have to be convinced that land owners will not be prosecuted under this bill because of the "knowingly or have reason to know" portion of the RS. He advised he would need to understand what kind of protection for was available for land owners.

MOTION: **Senator Jordan** moved to send **RS 27592** to print. **Senator Stennett** seconded the motion. The motion passed by **voice vote**, with **Senators Bair, Mortimer, and Johnson** requesting that they be recorded as voting nay.

RS 27606 Senate Concurrent Resolution to increase efforts to better understand issues contributing to the decline of Idaho's Bird Populations.

Senator Johnson pointed out the Concurrent Resolution would document changes in the bird population across the state, and their significant contribution to nature and Idaho's economy. He used the American Kestrel as an example and detailed some of the variables that influence population changes. He pointed out that Idaho Code § 36-103 indicates that all wildlife, including all wild birds, within the state are property of the state of Idaho. He specified that this resolution administers the policy only, it does not give any authority to enforce. Its intention is to draw attention to, and gain a better understanding of, bird population changes.

MOTION: **Senator Guthrie** moved to send **RS 27606** to print. **Senator Bair** seconded the motion. The motion passed by **voice vote**.

S 1273 Relating to Water; to remove a date restriction associated with certain water rights.

Shelley Keen, Water Allocation Bureau Chief, Department of Water Resources, introduced himself and explained this bill eliminates an unnecessary statutory claim filing requirement for beneficial use water rights included in a water rights adjudication. Idaho Code has two claim filing requirements for water users who have established their non-domestic water rights through the diversion and beneficial use or constitutional method. He explained that water users who fail to comply shall relinquish their water rights unless they file claims in a general water rights adjudication commenced by June 30, 1988. He expounded that the 1988 date only worked for the Snake River Basin adjudication and if the 1988 date was not deleted, the statute could be interpreted that water users included in an ongoing or future adjudication would not have complied with the requirement and would have to file two claims for the same water use. He detailed that there are distinct, and often substantial, filing fees required for each type of claim. He specified that if passed this bill gives water users the opportunity to file only one claim, and pay one filing fee, for a water right. He disclosed that the Idaho Water Users Association gave a favorable vote for this bill.

MOTION: **Senator Mortimer** moved to send **S 1273** to the floor with a **do pass** recommendation. **Senator Bair** seconded the motion. The motion passed by **voice vote**. Senator Woodward will carry the bill on the floor.

H 330 Relating to Fish and Game; to revise fee provisions and providing an effective date.

Paul Kline, Deputy Director Programs/Policy, Idaho Department of Fish and Game (IDFG), introduced himself and the other IDFG staff present who are experts: Director Ed Schriever, Scott Reinecker, Toby Boudreau, Jon Oswald, and Sal Palazzolo. He informed the Committee this bill revises Idaho Code § 36-416 to increase license, tag, and permit fees for non-residents, effective December 1, 2020. The increase includes a 10 percent increase for most non-resident fees, with larger increases for big game tags and related items such as archery and muzzleloader permits. He pointed out, importantly, that non-resident wolf tags, Disabled American Veterans (DAV) tags, and all resident license, tag, and permit fees remain the same. He addressed that this bill was brought due to concerns from

resident hunters for several years regarding the growing problem of overcrowding in general season hunts brought on by increased non-resident hunter participation, therefore IDFG has made finding relief their highest priority. He mentioned IDFG will suffer a loss of revenue, estimated at \$5.4 to \$9 million dollars annually, due to reducing non-resident participation. The intent of IDFG is to offset this expected revenue loss with this revised non-resident fee schedule, which was carefully calculated to only fill the expected gap in revenue. He stated for reference, the last non-resident fee increase was over ten years ago.

DISCUSSION: **Senator Mortimer** and **Ed Schriever**, IDFG Director, discussed at length the IDFG reserves and annual expenditures. **Mr. Schriever** detailed that 56 percent of the IDFG budget is generated by sales to non-residents and that IDFG is required by statute to keep 10 percent in a reserve account. They also discussed the inconsistencies in the increased amounts listed, and the fact that the three day fishing license increase was so high. **Mr. Schriever** explained that non-resident revenue comes in five major categories: fishing, hunting, deer tags, elk tags, and everything else combined. He illustrated that deer and elk tags are a considerable portion of income and where the majority of the revenue loss will occur; they are the highest demanded products for non-residents. He reported that in setting the three day fishing license fees, IDFG looked for what sister states charge for the same opportunity and experience, and Idaho is still near the bottom and cheapest in the west, with the new price still being behind what Montana and Arizona charge. He explained IDFG did not want to price Idaho out of the market and the fees are still competitive to draw in non-residents.

Senator Guthrie expressed his concern regarding the economic impact to Idaho, inquiring what negative impact may affect the economy because of this increase, and the sticker shock regarding the fee increases. **Mr. Schriever** stated the impact is yet to be seen and unknown at this time. He detailed that outfitters supported this bill and they will still receive the same number of tags they presently receive.

Senators Brackett and **Johnson** shared their concerns about the DAV fee being so high and why they were not singled out from the fee increase. **Mr. Schriever** clarified the DAV tag fee will not change, that currently it and the youth tag are listed on the same line and now both are separately listed, therefore DAV tags have not changed. It was reiterated that this bill is only dealing with non-resident prices specifically.

TESTIMONY: **Benn Brocksome**, representing Idaho Sportsman Alliance (ISA), spoke that the ISA has worked diligently on this legislation to provide more access and opportunity for Idaho hunters.

MOTION: **Senator Patrick** moved to send **H 330** to the floor with a **do pass** recommendation. **Senator Johnson** seconded the motion. The motion passed by **voice vote**. Senator Johnson will carry the bill on the floor.

ADJOURNED: There being no further business at this time, **Chairman Heider** adjourned the meeting at 2:23 p.m.

Senator Heider
Chair

Erin Miller
Secretary