

MINUTES
HOUSE RESOURCES & CONSERVATION COMMITTEE

DATE: Tuesday, March 03, 2020

TIME: 1:30pm or Upon Adjournment

PLACE: Room EW40

MEMBERS: Chairman Gibbs, Vice Chairman Gestrin, Representatives Moyle, Shepherd, Wood, Boyle, Vander Woude, Mendive, Kauffman, Blanksma, Addis, Lickley, Moon, Raybould, Rubel, Toone, Mason, Necochea

**ABSENT/
EXCUSED:** Representative(s) Vander Woude

GUESTS: Dan Steenson, Flood Control District 10; Elizabeth Criner, J.R. Simplot Co.; Aaron Lieberman, Idaho Outfitters and Guides Association; Will Hart, Idaho Consumer Owned Utilities Association; Wyatt Prescott, Idaho Cattle Association; Braden Jensen, Idaho Farm Bureau; Gretchen Hyde, Idaho Rangeland Resources Commission; Stacey Satterlee, Idaho Grain Producers

Chairman Gibbs called the meeting to order at 2:27pm.

MOTION: **Rep. Kauffman** made a motion to approve the minutes of the February 25, 2020 meeting. **Motion carried by voice vote.**

H 592: **Rep. Bedke**, District 27, introduced himself and indicated he is currently involved in the settlement process with the federal government on the issues relating to **H 592**, so yielded his time to Attorney **Bill Myers**.

Bill Myers, Attorney, Holland and Hart, stated **H 592** is the result of many hours of meetings between members of the Legislature, the Governor's Office, and the private sector with representatives from the Bureau of Land Management (BLM), U.S. Forest Service (USFS), and the Department of Justice. He provided background on the 2007 Idaho Supreme Court Joyce Livestock decision which found the United States can not obtain stockwater rights for federal grazing allotments unless they can put those rights to beneficial use per Idaho water law. He continued, with very few exceptions, the federal government does not own or put livestock on federal grazing allotments, but rather leases or issues permits to ranchers to put their own livestock on federal lands. Prior to the Joyce Livestock decision, the BLM and USFS had acquired approximately 18,000 stockwater rights. After the Joyce Livestock decision was issued, it was determined those stockwater rights should not have been acquired by the federal agencies.

Mr. Myers continued, in 2017, the Legislature amended the Idaho stockwater rights laws by codifying the Joyce Livestock decision. In 2018, the Legislature added a new section outlining the forfeiture process for the Director, Idaho Department of Water Resources, pursuant to the forfeiture procedures outlined in **Section 42-222(2), Idaho Code**. Mr. Myers remarked, **H 592** addresses concerns raised regarding the forfeiture provisions related to federal agencies, the inability to have a rancher act as an agent of the federal government, and concerns that the water, if not held by the federal government as a stockwater right, could be piped off an allotment for use other than beneficial use on that allotment. As a result of these concerns, **H 592** repeals the federal forfeiture provision that was added in 2018, it repeals the ban against a rancher acting as an agent of the federal government, and it confirms the water on federal grazing allotments stays at the place of usage for its intended purpose. In addition, **H 592** establishes a new **Section 42-224, Idaho Code**, which outlines the procedure for the Director regarding the forfeiture

of any stockwater rights owners, not just the federal government, and provides clarification on the rancher/agent relationship with a federal agency.

MOTION: **Rep. Lickley** made a motion to send **H 592** to the floor with a **DO PASS** recommendation.

Braden Jensen, Idaho Farm Bureau, stood **in support** of **H 592**.

Wyatt Prescott, Idaho Cattle Association, stood **in support** of **H 592**.

Chairman Gibbs commented, **Paul Arrington**, Idaho Water Users Association, was unable to be present today so provided his written testimony for several bills being heard in committee today (See Attachment 1). Chairman Gibbs also requested the record reflect no one else came forward to testify.

VOTE ON MOTION: **Chairman Gibbs** called for a vote on the motion to send **H 592** to the floor with a **DO PASS** recommendation. **Motion carried by voice vote.** **Rep. Boyle** will sponsor the bill on the floor.

H 565: **Dan Steenson**, Attorney, Flood Control District 10, stated **H 565** creates a procedure for landowners to file petitions directly with a Flood Control District seeking the District's approval to annex their lands into the District. He explained the current process requires a landowner to file a petition with the Idaho Department of Water Resources, then the Department has to follow a procedure which is very cumbersome and time consuming. This new annexation procedure would no longer require the Department's involvement, and is patterned after the process currently in place for Irrigation Districts and Ground Water Districts.

MOTION: **Rep. Raybould** made a motion to send **H 565** to the floor with a **DO PASS** recommendation. **Motion carried by voice vote.** **Rep. Moyle** will sponsor the bill on the floor.

S 1291: **Rep. Lickley**, District 25, explained currently the Idaho Rangeland Resource Commission is comprised of five members, all of whom are appointed by the Governor. The Idaho Cattle Association nominates and submits names for two seats on the Commission, the Idaho Wool Growers Association nominates and submits names for one seat on the Commission, and the Idaho Rangeland Committee nominates and submits names for the remaining two seats on the Commission. She remarked recently the Idaho Rangeland Committee has become inactive, so the purpose of **S 1291** is to designate the Partners Advisory Council of the University of Idaho Rangeland Center to nominate and submit names for one seat, and the Idaho Rangeland Resource Commission to nominate and submit names for the remaining seat, who will serve in an at-large capacity on the Commission.

Gretchen Hyde, Idaho Rangeland Resources Commission, stood **in support** of **S 1291**.

Rep. Lickley declared Rule 80 stating a possible conflict of interest.

MOTION: **Rep. Addis** made a motion to send **S 1291** to the floor with a **DO PASS** recommendation. **Motion carried by voice vote.** **Rep. Lickley** will sponsor the bill on the floor.

SJM 110: **Senator Harris**, District 32, stated this joint memorial recognizes the Legislature's support for the international competitiveness, multimodal transportation, and economic development benefits provided by the Port of Lewiston and the Columbia-Snake River System. He remarked Idaho has sovereignty of its water resources and benefits from the multiuse system that provides transportation of commodities, fish and wildlife habitat, recreation, hydropower, flood control, and irrigation. Senator Harris stated 42 of the 44 Idaho counties produce wheat, with 50% of that wheat being transported via the barge system to be sent to the export market. He said approximately ten percent of the nation's total wheat export

moves through the four lower dams on the Columbia-Snake River System, and without this system, it is estimated the transportation and storage costs would increase 50%-100%. He stated, if the barge system were removed, it would take over 35,000 train cars and 135,000 semi-trucks to move the same amount of wheat. He concluded by stating, power generation is another positive aspect of this river system with the four lower dams on the Snake River producing over 1,000 megawatts of reliable carbon-free affordable power.

MOTION: **Rep. Raybould** made a motion to send **SJM 110** to the floor with a **DO PASS** recommendation.

Aaron Lieberman, Executive Director, Idaho Outfitters and Guides Association, testified **in opposition** to **SJM 110**. He stated although he doesn't want to contradict the benefits of the dams on this river system, he is concerned with the legitimacy of **SJM 110** and the practical responsibility of the Legislature in passing this memorial when there are both positive and negative perspectives regarding the dam system. Mr. Lieberman explained he represents an industry that has been negatively impacted by the decline of sport fishing opportunities for salmon and steelhead. There are currently 2,500 outfitters and guides across Idaho licensed for and reliant on salmon and steelhead fishing specifically, with approximately 80% of these outfitters living in communities with an average population of 500 or fewer, all heavily relying on the economic benefits salmon and steelhead fishing opportunities provide to their communities. He recognized scientific studies have identified several factors contributing to the decline of salmon and steelhead, with data showing the greatest factor being the dams, yet this joint memorial does not recognize this fact and fails to recognize perspectives other than the threat to the status quo.

Will Hart, Executive Director, Idaho Consumer Owned Utilities Association, testified **in support** of **SJM 110**. He stated 96% of the clean renewable emission-free power purchased and distributed by public power in Idaho comes from the Bonneville Power Administration, with the four lower Snake River dams vital to that system. He acknowledged the efforts of the Salmon Steelhead Recovery Workgroup as they continue to develop alternatives and solutions to address the decline of salmon and steelhead, including the alternative to leave the dams in place. He concluded by stating the Association appreciates that **SJM 110** has been brought forward showcasing the benefits of this system.

Braden Jensen, Idaho Farm Bureau, stood **in support** of **SJM 110**.

Stacey Satterlee, Idaho Grain Producers, stated wheat is Idaho's second largest crop and the state relies on the dam system to reach the export market. She stated the Idaho Grain Producers stand **in support** of **SJM 110**.

Chairman Gibbs requested the record reflect no one else came forward to testify.

VOTE ON MOTION: **Chairman Gibbs** called for a vote on the motion to send **SJM 110** to the floor with a **DO PASS** recommendation. **Motion carried by voice vote. Reps. Rubel, Mason, and Necochea** requested to be recorded as voting **NAY**. **Rep. Raybould** will sponsor the bill on the floor.

ADJOURN: There being no further business to come before the committee, the meeting was adjourned at 3:10pm.

Representative Gibbs
Chair

Tracey McDonnell
Secretary