

MINUTES
SENATE RESOURCES & ENVIRONMENT COMMITTEE

DATE: Wednesday, January 20, 2021

TIME: 1:30 P.M.

PLACE: Room WW55

MEMBERS PRESENT: Chairman Vick, Vice Chairman Johnson, Senators Bair, Heider, Patrick, Guthrie, Burtenshaw, Stennett, and Rabe

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

RS 28208 **Relating to Fish and Game** which provides ten days' notice of the time, place, and purpose of IDFG Commission's meetings. **Senator Heider** presented **RS 28208** and stated that constituents have told him there is a breakdown of communication regarding the time and place of the Commission's meetings and he said he would like for that issue to be resolved.

MOTION: **Vice Chairman Johnson** moved that **RS 28208** be sent to print. **Senator Burtenshaw** seconded the motion. The motion carried by **voice vote**.

RS 28223 **Relating to Liability of Landowners** and amends certain definitions under the Recreational Trespass statutes. **Senator Harris** presented **RS 28223**. He stated that it was brought by the Idaho Water Users Association and proposes to amend Idaho Code § 36-1604 and mainly deals with definitions. It amends definitions to include water facilities, parks, and campgrounds. It also clarifies property held by an owner and clarifies recreational activities to include traveling across land owned by others for the purpose of recreating. **Senator Harris** supported these amendments and recommended the RS be sent to print.

MOTION: **Senator Patrick** moved that **RS 28223** be sent to print. **Senator Bair** seconded the motion. The motion carried by **voice vote**.

PASSED THE GAVEL: Chairman Vick passed the gavel to Vice Chairman Johnson.

DOCKET NO: 20-0000-2000F **Notice of Omnibus Rulemaking – Adoption of Pending Fee Rules.** **Scott Phillips**, Policy and Communications Chief. Idaho Department of Lands (IDL), presented **Docket No. 20-0000-2000F**. This is the omnibus reauthorization of existing fee rules, of which there are 16. Fifteen of the rules have been previously reviewed and approved, with only one chapter that was amended. It pertains to mined land reclamation.

Mr. Phillips said that IDL is responsible for providing regulatory oversight of mining activities on state, federal, and private lands. Following publication of the proposed rules, IDL received three oral comments and seven written comments received from stakeholders. Edits were made by IDL to the proposed rule based on the comments. The fees reflect cost recovery for the department's administrative costs associated with the review and approval of new plans and amended existing plans that are reviewed within the required five-year period. **Mr. Phillips** indicated that this rule has been improved due to the extensive and inclusive process and asked for its approval.

DISCUSSION: **Senator Stennett** inquired about the strikeout of "Idaho Department of Environmental Quality" and insertion of "DEQ" on page 2, 04.a of document 1. **Mr. Phillips** responded by saying that within the good spirit of reducing the volume of rules, they attempted to keep things as short as possible.

Vice Chairman Johnson asked for an explanation of the fees and the amount of money involved. **Mr. Phillips** said with the fees authorized by H 141 for reclamation plans, IDL conducted an analysis of Western states that also produced minerals and looked at some of the ranges of fees charged. By comparison to the other Western states, Idaho falls more or less into the middle of the pack, he said.

Vice Chairman Johnson then inquired as to how this rule change affects any current or ongoing mining projects in Idaho. **Mr. Phillips** asked to defer that question to Mick Thomas, Division Administrator, Minerals, Public Trust, Oil and Gas Program at the Idaho Department of Lands. **Mr. Thomas** stated that the rule changes are not retroactive. **Vice Chairman Johnson** then inquired about some proposed changes to the sanitation process. The response was that they would fall under the rule of the new sanitization plan.

TESTIMONY: **Ben Davenport**, Executive Director, Idaho Mining Association, said they are supportive of the rule changes and hope to see them go forward. Regarding the question about sanitation, it is not in this rule, but is one that you will see from DEQ. **Mr. Davenport** said the regulations are much more modern, usable, and more protective of the environment.

MOTION: **Senator Bair** moved to approve **Docket No. 20-0000-2000F**. **Senator Heider** seconded the motion. The motion carried by **voice vote**.

DOCKET NO. 13-0104-2101 **Rules Governing Licensing.** **Ed Schriever**, Director, Idaho Department of Fish and Game (IDFG), presented **Docket No. 13-0104-2101**. **Mr. Schriever** said the 2020 Legislative Session approved rulemaking that provided the IDFG Commission (Commission) the authority to manage nonresident hunter participation in previously uncapped elk and deer hunts to not less than 10 percent of the total number of hunters based on the most recent five-year average. Acting on that authority, the Commission adopted new guidelines to set nonresident tag limits for all previously uncapped general elk and deer hunts to address hunter congestion and crowding. Remaining balances in the deer and elk outfitter set-aside allowed the Commission to allocate nearly 100 percent of the outfitter reported use for deer to newly limited hunt units but only 59 percent of the high reported use for elk to newly limited hunt zones.

Mr. Schriever stated the temporary rulemaking is appropriate as it provides the Commission flexibility to increase the outfitter tag allocation in previously uncapped elk zones, allowing the Commission to consider allocating additional tags to accommodate 100 percent of reported historical outfitter use for elk. **Director Schriever** said this temporary rule does not impose new fees or charges, and it balances outfitter industry and local economic interests.

Mr. Schriever presented a flow chart listing the number of statewide nonresident elk tag quotas and reviewed the distribution of them. He stated it is one of the more confusing aspects of the fish and game business, as it relates to nonresidents.

DISCUSSION: **Senator Patrick** inquired as to how often a game count is conducted. **Mr. Schriever** responded that the Commission tries to determine a population estimate by zone every five years.

MOTION: **Senator Stennett** moved to approve **Docket No. 13-0104-2101**. **Senator Bair** seconded the motion. The motion carried by **voice vote**.

PASSED THE GAVEL: Vice Chairman Johnson passed the gavel to Chairman Vick.

ADJOURNED: There being no further business at this time, **Chairman Vick** adjourned the meeting at 2:10 p.m.

Senator Vick
Chair

Juanita Budell
Secretary