

MINUTES
SENATE RESOURCES & ENVIRONMENT COMMITTEE

DATE: Monday, March 01, 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 28681 **A Joint Memorial Opposing The Removal Or Breaching Of The Dams On The Columbia-Snake River System.** **Senator Bayer** presented **RS 28681** and said it is a Senate Joint Memorial opposing the removal or breaching of the dams on the Columbia-Snake River System that provides transportation of commodities, fish and wildlife habitat, recreation, hydropower, flood control, and irrigation. The Memorial enumerates so many of the attributes of the Snake River that Idaho enjoys. **Senator Bayer** asked for unanimous consent to send **RS 28681** to a privileged committee for printing, then returned to the Resources and Environment Committee for further action.

MOTION: **Senator Patrick** asked for unanimous consent to send **RS 28681** to the Senate State Affairs Committee for printing. There were no objections.

H 57 **An Act Relating To Water Resources To Eliminate Inactive Provisions Of Law.** **Gary Spackman**, Director, Idaho Department Water Resources (IDWR), presented **H 57** which proposes to eliminate and amend Idaho laws that IDWR determined to be unnecessary or needed to be streamlined. In most instances, the bill also eliminates characterizes water violations as criminal misdemeanors - except in two instances, recreational dredge mining and injection wells.

Mr. Spackman said that when the Ground Water Act was enacted in 1951, the Act did not affect existing applications to appropriate ground water. The Act can be repealed because IDWR has no applications that were pending on or before 1951. Another elimination was how IDWR was to use media to notify water users of the requirement to file statutory claims. The claims were due by 1983. IDWR complied with the requirement in the late 70's, early 80's.

Mr. Spackman stated chapter 19, title 42 is being repealed because the chapter authorized the construction of dams and booms on the Clearwater River for timber transport purposes. Dams and booms are no longer being used for timber transport on the Clearwater River.

Mr. Spackman spoke next regarding amendments eliminating criminal enforcement: drilling a well without the driller holding a well drilling license; stream channel alteration; and violations of laws governing drilling, operation, and abandonment of geothermal wells over 212 degrees Fahrenheit. **Mr. Spackman** said IDWR will rely on civil enforcement, rather than criminal enforcement.

Mr. Spackman explained the reasons for recreational dredge mining and injection wells to not be eliminated. Sheriffs in rural counties have employed the criminal enforcement to remove folks from a river or stream when there are egregious activities. Repeal of criminal enforcement for injection wells would result in the loss of state primacy over injection well oversight.

DISCUSSION: **Senator Stennett** said it appears that penalties and violations are being deleted. **Mr. Spackman** replied that IDWR can pursue two paths - criminal or civil enforcement and there are penalties. **Senator Stennett** inquired if IDWR can pursue criminal action. **Mr. Spackman** said IDWR is attempting to eliminate the associated criminal provisions.

TESTIMONY: Written testimony was provided by Paul Arrington, Executive Director and General Counsel, Idaho Water Users Association (IWUA), stating that IWUA is in support of **H 57**.

MOTION: **Senator Bair** moved to send **H 57** to the floor with a **do pass** recommendation. **Senator Heider** seconded the motion. The motion carried by **voice vote**. Senator Bair will be the floor sponsor.

HCR 7 **A Concurrent Resolution Stating Findings Of The Legislature And Authorizing The Legislative Council To Appoint A Committee To Undertake And Complete A Study Of Natural Resource Issues.** **Senator Bair** said **HCR 7** would authorize the Legislative Council to continue an interim committee to undertake studies of natural resource issues, particularly the water resources of the state.

MOTION: **Senator Burtenshaw** moved to send **HCR 7** to the floor with a **do pass** recommendation. **Senator Stennett** seconded the motion. The motion carried by **voice vote**. Senator Bair will be the floor sponsor.

H 93 **An Act Relating To Parks And Recreation To Revise Provisions Regarding Certain Fees.** **Representative Okuniewicz** presented **H 93** and stated for many years, Idaho's state parks have been so full of out-of-state patrons that Idaho residents struggle to access the parks. **Representative Okuniewicz** said one solution that he pursued was to set aside a certain number of spaces for Idaho residents, but the Federal Land and Water Conservation Fund said that ability was not allowed to provide preferential reservations for in-state residents.

Representative Okuniewicz said **H 93** doubles the camping and entry fees at the five most popular parks. The revenue is expected to increase by \$1.4 million a year, and could exceed \$2 million a year if it is expanded beyond the minimum number of locations now identified. The proceeds must be used at the parks. **Representative Okuniewicz** said many other states charge more for nonresidents than residents.

DISCUSSION: **Senator Guthrie** asked for clarification on the word "substantially." **Representative Okuniewicz** said that was done at the request of the Idaho Department of Parks and Recreation (IDPR). IDPR was concerned if it was mandated exactly doubled, it could be troubling. To avoid that, the word "substantially" was used after discussing it with a drafting attorney. **Senator Guthrie** inquired if the list of parks is fluid. **Representative Okuniewicz** said IDPR is given complete flexibility on where to implement the fees, which would be the parks experiencing heavy traffic from out-of-state patrons.

Susan Buxton, Interim Director, IDPR, commented that this past year there have been 1.7 million more users of Idaho's parks and recreation facility programs. As far as camping, there are approximately 300,000 camping nights per year that are available and one-half of those are generally used by out-of-state residents. **Ms. Buxton** said IDPR proposed a fee increase for the \$10 park passport, but there wasn't a lot of support for that, so they looked elsewhere for revenue. **Senator Stennett** said she noted that Ms. Buxton said Idaho had 1.7 million more users, and asked what the total number of users in the state park system are annually. **Ms. Buxton** replied in the last year, the total number was 7.7 million users.

Chairman Vick asked about current fees for camp spaces for residents and nonresidents. He said if the fees are increased, there needs to be a sense of the amount of increase. **Ms. Buxton** said it depends on the type of campsite, which tier the campsite is in, and what time of year it will be used. **Ms. Buxton** said she could provide the fee schedule to whomever wants one.

Senator Guthrie inquired as to what identification is used for nonresidents at campsites. **Ms. Buxton** said driver's licenses are used to determine residency.

MOTION:

Senator Johnson moved to send **H 93** to the floor with a **do pass** recommendation. **Senator Bair** seconded the motion. The motion carried by **voice vote**. Chairman Vick will be the floor sponsor.

H 25

An Act Relating To Parks and Recreation To Eliminate Inactive Provisions Of Law. **Ms. Buxton** provided a handout to the Committee outlining the nine sections of Idaho Code that are no longer necessary for the operations of IDPR. Following are the reasons for deletion:

1. Pertaining to Heyburn State Park - unnecessary to acknowledge that state laws apply.
2. Covers agreement with the United States to operate lands adjacent to Lake Walcott and American Falls Reservoir and Cascade Reservoir as Recreational areas. Also, authority for Bureau of Reclamation leases.
3. Related to administration of areas by IDPR Board that duplicates authorities granted (donations, rules, leases).
4. Pertains to IDPR Board's expenditure authority.
5. Concerns Farragut State Park's boundaries which do not need to be described in statute.
6. Covers the management of Farragut State Park.
7. Relates to the potential sale of property at Farragut State Park.
8. Concerns Register Rock, Massacre Rocks State Park and Historical Monument.
9. Pertains to the acquisition of the Spring Shores Dock at Lucky Peak State Park and a one-time spending authorization.

Ms. Buxton said the proposed deletions were discussed at three public meetings in 2019 and a public hearing in 2020, and no comments were received.

MOTION:

Vice Chairman Johnson moved to send **H 25** to the floor with a **do pass** recommendation. **Senator Guthrie** seconded the motion. The motion carried by **voice vote**. Vice Chairman Johnson will be the floor sponsor.

ADJOURNED:

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

Senator Vick
Chair

Juanita Budell
Secretary