

MINUTES
HOUSE RESOURCES & CONSERVATION COMMITTEE

DATE: Monday, March 13, 2023

TIME: 1:30 P.M.

PLACE: Room EW40

MEMBERS: Vice Chairman Shepherd, Representatives Boyle, Vander Woude, Blanksma, Yamamoto, Raybould, Durrant, Hill, Mickelsen, Nelsen, Pickett, Raymond, Tanner, Burns, Necochea, Galaviz

**ABSENT/
EXCUSED:** Chairman Mendive, Representative Manwaring

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

Vice Chairman Shepherd called the meeting to order at 1:31 P.M.

HJM 4: **Rep. Judy Boyle**, District 9, presented the memorial. It would oppose an attempt by the federal EPA to throw out Idaho's water quality rules based on 1850s-era tribal treaty.

Marie Kellner of the Idaho Conservation League testified **in opposition** to the memorial.

Alex LaBeau, president of the Idaho Association of Commerce and Industry (IACI), testified **in support** of the memorial.

In response to questions from the committee, **Mr. LaBeau** explained the inciting incident was a standard put in place in Oregon based on tribal rights which created legal complications for all other states in the region. He favorably compared the openness and transparency of Idaho's studies on water quality and fish consumption issues with the EPA's study, the methodology of which has not been made available. He also argued the EPA's sweeping reversal of water quality standards and Clean Water Act regulatory standards is problematic.

Scott Hauser, executive director of the Upper Snake River Tribes Foundation, testified **in opposition** to the memorial.

Braden Jensen of the Idaho Farm Bureau, testified **in support** of the memorial.

Rep. Necochea expressed her disappointment in language in the memorial which would seem to disrespect tribal treaties as a whole.

MOTION: **Rep. Raybould** made a motion to send **HJM 4** to the floor with a **DO PASS** recommendation. **Motion carried by voice vote.** **Reps. Necochea and Galaviz** requested to be recorded as voting **NAY.** **Rep. Boyle** will sponsor the memorial on the floor.

**DOCKET NO.
37-0304-2201:** **Erik Boe**, Ground Water Protection Section Manager at the Idaho Department of Water Resources, presented the rule. It would govern drilling geothermal resource wells, including alternate methods, well blowout prevention requirements, injection requirements, abandonment, maintenance requirements, hearing requirements for denying permits, and enforcement criteria.

In response to questions from the committee, **Mr. Boe** clarified a change adding definitions of geothermal wells as those higher than 212 degrees Fahrenheit as bringing definitions within the rule in line with code. He also clarified the definition of sui generis, noted the fees in the rule are set in statute, and said while statute allows for fees up to \$100,000, the department's practice has been to charge the minimum fee of \$10,000. He clarified the rule does not deal with low-temperature geothermal wells, those with water temperatures between 85 and 212 degrees Fahrenheit, and noted geothermal water wells tend not to fall under existing water rights.

MOTION: **Rep. Raybould** made a motion to approve **Docket No. 37-0304-2201. Motion carried by voice vote.**

DOCKET NO. 37-0310-2201: **Erik Boe**, Ground Water Protection Section Manager at the Idaho Department of Water Resources, presented the rule. This rule would establish requirements and procedures for obtaining authorization for drilling wells and operating drilling equipment. Specifically, they address terminology, applicability to drillers and operators, licensing requirements, company licensing requirements, operator permitting requirements, processing applications, license examination requirements, expiration and renewal of licenses and permits, duties and responsibilities of drillers, operators, and companies, and enforcement criteria for violations.

In response to questions from the committee, **Mr. Boe** noted the necessity of practical experience in applying Idaho rules and regulations as the reason for lengthy training and experience requirements for drillers' licenses. He said he would consider the rule in its new form to be less stringent than the older version, which had a requirement for experience in the last two years, and experience in other states would count toward this requirement. However, a prospective driller coming from out of state would need to hire an Idaho-certified driller as the company's lead driller until he had achieved the required hours. He estimated there are just over 400 licensed drillers in Idaho, and noted the high level of capital investment up front to purchase the heavy equipment.

MOTION: **Rep. Raybould** made a motion to approve **Docket No. 37-0310-2201. Motion carried by voice vote.**

ADJOURN: There being no further business to come before the committee, the meeting was adjourned at 2:25 P.M.

Representative Shepherd
Chair

Cameron Douglas
Secretary