

AGENDA
HOUSE RESOURCES & CONSERVATION COMMITTEE
1:30 P.M.
Room EW40
Tuesday, January 17, 2023

For members of the public to observe the meeting, please click on the following link:
<https://www.idahoptv.org/shows/idahoinsession/ew40/>

SUBJECT	DESCRIPTION	PRESENTER
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Organizational Meeting

COMMITTEE MEMBERS

Chairman Mendive
Vice Chairman Shepherd
Rep Boyle
Rep Vander Woude
Rep Blanksma
Rep Manwaring

Rep Yamamoto
Rep Raybould
Rep Durrant
Rep Hill
Rep Mickelsen
Rep Nelsen

Rep Pickett
Rep Raymond
Rep Tanner
Rep Burns
Rep Necochea
Rep Galaviz

COMMITTEE SECRETARY

Cameron Douglas
Room: EW62
Phone: 332-1136
Email: hres@house.idaho.gov

MINUTES
HOUSE RESOURCES & CONSERVATION COMMITTEE

DATE: Tuesday, January 17, 2023

TIME: 1:30 P.M.

PLACE: Room EW40

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

**ABSENT/
EXCUSED:** Vice Chairman Shepherd, Representative Blanksma

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.

Chairman Mendive called the meeting to order at 1:30 P.M.

Chairman Mendive welcomed the members of the committee to the 2023 legislative session.

The members of the Committee, Committee Secretary **Cameron Douglas**, and Committee Page **Nelson Baines** introduced themselves.

Chairman Mendive announced a presentation on water technology for Thursday's meeting.

ADJOURN: There being no further business to come before the Committee, the meeting was adjourned at 1:51 P.M.

Representative Mendive
Chair

Cameron Douglas
Secretary

AGENDA
HOUSE RESOURCES & CONSERVATION COMMITTEE
1:30 P.M.
Room EW40
Thursday, January 19, 2023

For members of the public to observe the meeting, please click on the following link:
<https://www.idahoptv.org/shows/idahoinsession/ew40/>

SUBJECT	DESCRIPTION	PRESENTER
	Presentation on Water Technology	Mike Meyers, Water District 63

COMMITTEE MEMBERS

Chairman Mendive

Vice Chairman Shepherd

Rep Boyle

Rep Vander Woude

Rep Blanksma

Rep Manwaring

Rep Yamamoto

Rep Raybould

Rep Durrant

Rep Hill

Rep Mickelsen

Rep Nelsen

Rep Pickett

Rep Raymond

Rep Tanner

Rep Burns

Rep Necochea

Rep Galaviz

COMMITTEE SECRETARY

Cameron Douglas

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MINUTES
HOUSE RESOURCES & CONSERVATION COMMITTEE

DATE: Thursday, January 19, 2023

TIME: 1:30 P.M.

PLACE: Room EW40

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

**ABSENT/
EXCUSED:** Representatives Boyle, Vander Woude

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.

Chairman Mendive called the meeting to order at 1:34 P.M.

Chairman Mendive introduced presenter **Mike Meyers**, Water Master of Water District 63.

Mike Meyers delivered a presentation about Water District 63's Real-Time Monitoring Implementation Project. The project collects data to account for the amount of water in the river in order to save time, money, and water in Water District 63, which encompasses the Boise River basin from headwaters to the confluence with the Snake River.

Mr. Meyers then introduced **Julie Bushell**, CEO of Ethos Connected, the private sector provider of the equipment. **Ms. Bushell** briefly described Ethos' mission of providing technological solutions for agricultural uses. She advocated for the use of technology such as the ones her company provides as a way to help the state of Idaho better manage natural resources, decrease environmental impact, and more efficiently and profitably produce food.

Mr. Meyers returned to the stand for an additional presentation on assessing and managing changes in flow on the Boise River. He described a proposal to establish long-term flow measurement infrastructure capable of quantifying water supply throughout the Treasure Valley. This will allow modeling and analytics to quantify changes in order to manage water supply more effectively. He described a situation from June 30, 2022, in which a portion of the Boise River between Caldwell and Notus had no remaining natural flow left, which could result in parts of the river drying up if it keeps happening. Currently, running out of water in this manner comes as a surprise; new monitoring technology would allow water districts to be better prepared for such shortages.

Chairman Mendive thanked the presenters.

ADJOURN: There being no further business to come before the committee, the meeting was adjourned at 2:15 P.M.

Representative Mendive
Chair

Cameron Douglas
Secretary

AGENDA
HOUSE RESOURCES & CONSERVATION COMMITTEE
1:30 P.M.
Room EW40
Tuesday, January 31, 2023

For members of the public to observe the meeting, please click on the following link:
<https://www.idahoptv.org/shows/idahoinsession/ew40/>

SUBJECT	DESCRIPTION	PRESENTER
	Department of Water Resources Agency Update	Gary Spackman, Director, Idaho Department of Water Resources
	Water Resources Board Update	Jeff Raybould, Chairman, Idaho Water Resources Board
DOCKET NO 20-0214-2201	Rules for Selling Forest Products on State-Owned Endowment Lands	Jeremy Shawver, Section Manager - Timber Sales and Contract Administration Idaho Department of Lands
20-0317-2201	Rules Governing Leases on State-Owned Navigable Waterways	Mick Thomas, Division Administrator - Minerals, Navigable Waters, Oil & Gas Idaho Department of Lands

***Public Testimony Will Be Taken by Registering Through the Following Link:
[Register to Testify](#)***

If you have written testimony, please provide a copy to the committee secretary.

COMMITTEE MEMBERS

Chairman Mendive	Rep Yamamoto	Rep Pickett
Vice Chairman Shepherd	Rep Raybould	Rep Raymond
Rep Boyle	Rep Durrant	Rep Tanner
Rep Vander Woude	Rep Hill	Rep Burns
Rep Blanksma	Rep Mickelsen (Coletti)	Rep Necochea
Rep Manwaring	Rep Nelsen	Rep Galaviz

COMMITTEE SECRETARY

Cameron Douglas
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MINUTES
HOUSE RESOURCES & CONSERVATION COMMITTEE

DATE: Tuesday, January 31, 2023

TIME: 1:30 P.M.

PLACE: Room EW40

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

**ABSENT/
EXCUSED:** None

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.

Chairman Mendive called the committee to order at 1:30 P.M.

MOTION: **Rep. Galaviz** made a motion to approve the minutes for the committee meetings of January 17 and January 19, 2023. Motion carried by voice vote.

**UNANIMOUS
CONSENT
REQUEST:** **Chairman Mendive** asked unanimous consent to hear the presentation from the Water Resources Board first, which was granted. He introduced **Jeff Raybould**, Chairman of the Idaho Water Resources Board (IWRB).

Mr. Raybould described IWRB's various programs, including grants and loans, reservoir enlargements and other ongoing water storage programs, and settlement agreements in several different river basins.

Chairman Mendive introduced **Gary Spackman**, Director of the Idaho Department of Water Resources (IDWR).

Director Spackman gave a report to the committee in which he emphasized the need to protect Idaho from out-of-state proposals that could take water from Idaho to downstream users. He also focused on the disputes within the Snake River aquifer between groundwater users and surface-water users, and suggested a few possible subjects for legislation including efficiency of water use. He described the 15 new full-time positions IDWR added in fiscal year 2023.

In response to a question from the committee, **Director Spackman** explained the increase in use of water by water users as a result of different, more water-intensive crops with longer growing seasons, such as corn and alfalfa, being grown across the state.

In response to a question from the committee, **Director Spackman** clarified the law prohibits "waste" of water, but he and the Department are not currently in a position to dictate exact standards.

Chairman Mendive turned the gavel over to **Vice Chairman Shepherd** for consideration of rules.

Vice Chairman Shepherd welcomed **Jeremy Shawver**, Lands Section Manager for Timber Sales and Contract Administration for the Idaho Department of Lands, to present.

**DOCKET NO.
20-0214-2201:** **Mr. Shawver** described the rule, which sets the minimum requirements for various aspects of timber sales. He described the negotiated rulemaking process which led to the proposing of the rule, and the stakeholders involved.

In response to a question from the committee, **Mr. Shawver** clarified most timber sales covered by the rule take place within the state, that federal prohibitions restrict states from selling to foreign entities, and that the state does not currently sell to foreign entities.

Vice Chairman Shepherd announced the committee would not make any motions on the pending rules at this meeting. He then welcomed **Mick Thomas**, Division Administrator for Minerals, Navigable Waters, Oil and Gas for the Idaho Department of Lands, to present on the next rule.

**DOCKET NO.
20-0317-2201:**

Mr. Thomas described the department's navigable waterways program, and the fee rule. He emphasized that all of the revenue involved in the program is raised by the fees the program collects, and the program does not receive any general fund dollars. He described the changes: raising an application fee, which is only paid once every ten years and almost exclusively done by corporate or community entities, and is not expected to present a significant financial burden to applicants.

In response to a question from the committee, **Mr. Thomas** clarified the difference between an application fee and an assessment fee, which largely has to do with whether the fee is for a new entity (e.g. a community marina)

MOTION:

Chairman Mendive made a motion to hold both dockets for a time certain until Thursday, February 9. Motion carried by voice vote

Vice Chairman Shepherd turned the gavel back over to **Chairman Mendive**.

ADJOURN:

There being no further business to come before the committee, the committee was adjourned at 2:56 P.M.

Representative Mendive
Chair

Cameron Douglas
Secretary

AGENDA
HOUSE RESOURCES & CONSERVATION COMMITTEE
1:30 P.M.
Room EW40
Wednesday, February 01, 2023

For members of the public to observe the meeting, please click on the following link:
<https://www.idahoptv.org/shows/idahoinsession/ew40/>

SUBJECT	DESCRIPTION	PRESENTER
	Agency Updates: Department of Fish and Game	Ed Schriever, Director, Department of Fish and Game
DOCKET NO 13-0102-2201	Rules Governing Mandatory Education, Mentored Hunting, and Shooting Ranges (ZBR Chapter Rewrite, Fee Rule) - Proposed Rule	Amber Worthington, Deputy Director, Department of Fish and Game
13-0104-2201	Rules Governing Licensing - Proposed Rule	Amber Worthington, Deputy Director, Department of Fish and Game
13-0104-2202	Rules Governing Licensing - Proposed Rule	Amber Worthington, Deputy Director, Department of Fish and Game
13-0110-2201	Rules Governing Importation, Possession, Release, Sale, or Salvage of Wildlife (ZBR Chapter Rewrite) - Proposed Rule	Amber Worthington, Deputy Director, Department of Fish and Game
13-0114-2201	Rules Governing Falconry (ZBR Chapter Rewrite) - Proposed Rule	Amber Worthington, Deputy Director, Department of Fish and Game
13-0118-2201	Rules Governing Feeding of Wild Cervids (ZBR Chapter Rewrite) - Proposed Rule	Amber Worthington, Deputy Director, Department of Fish and Game

Public Testimony Will Be Taken by Registering Through the Following Link:
[***Register to Testify***](#)

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COMMITTEE MEMBERS

Chairman Mendive	Rep Yamamoto	Rep Pickett
Vice Chairman Shepherd	Rep Raybould	Rep Raymond
Rep Boyle	Rep Durrant	Rep Tanner
Rep Vander Woude	Rep Hill	Rep Burns
Rep Blanksma	Rep Mickelsen (Coletti)	Rep Necochea
Rep Manwaring	Rep Nelsen	Rep Galaviz

COMMITTEE SECRETARY

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MINUTES
HOUSE RESOURCES & CONSERVATION COMMITTEE

DATE: Wednesday, February 01, 2023

TIME: 1:30 P.M.

PLACE: Room EW40

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

**ABSENT/
EXCUSED:** 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.

Chairman Mendive called the committee to order at 1:30 P.M.

Chairman Mendive announced that the committee would hear the presentations on the rules but not take any action. He then introduced **Ed Schriever**, Director of the Idaho Department of Fish and Game, for a presentation.

Director Schriever began by updating the committee on wolf management. He described the department's efforts to determine where wolves are located, their abundance, and trends in their population numbers. He described the methods the department uses to collect the data, and the results, which show a relatively stable population though with a slight decline, in accordance with the department's wolf management plan.

Director Schriever also updated the committee on the department's testing efforts to monitor and mitigate chronic wasting disease in the state's ungulate population. He also described the department's efforts to reduce depredations and the resulting damage claims that would need to be paid out to farmers and other landowners, and explained the department's updates to rules for deer and elk hunting tags for nonresidents.

In response to questions from the committee, **Director Schriever** expanded upon the causes and process for depredation claims, addressed concerns about impact on private property from both depredation itself and the depredation mitigation efforts, and expanded on the nature of chronic wasting disease and possible tactics for eliminating the spread of the disease. He also briefly touched on performance objectives for elk population control and promised to return to the committee for a more thorough presentation on that subject.

Chairman Mendive turned the gavel over to **Vice Chairman Shepherd** for the consideration of rules.

Vice Chairman Shepherd introduced **Amber Worthington**, Deputy Director of the Department of Fish and Game. Deputy Director Worthington introduced **Tricia Hebdon**, Assistant Wildlife Chief at the Department of Fish and Game, for subject-matter expertise.

DOCKET NO. 13-0102-2201: **Deputy Director Worthington** explained the rule - a fee rule to allow the department to set fees for department-owned shooting ranges and mandatory tests for certain hunters. In response to a question from the committee, she clarified the process for collecting public comment on this and other rules.

In response to questions from the committee, **Ms. Hebdon** explained further the procedure for the hunter mentor program covered by the rule.

DOCKET NO. 13-0104-2201: **Deputy Director Worthington** explained the rule, which originated as a petition. It governs nonresident and outfitter deer and elk tag distribution.

DOCKET NO. 13-0104-2202: **Deputy Director Worthington** explained the rule, which makes changes to rules to allow easier access for the visually impaired.

DOCKET NO. 13-0110-2201: **Deputy Director Worthington** explained the rule, which clarifies various rules related to captive wildlife.

DOCKET NO. 13-0114-2201: **Deputy Director Worthington** explained the rule, which clarifies the regulation of falconry to conform with US Fish and Wildlife Service regulations.

DOCKET NO. 13-0118-2201: **Deputy Director Worthington** explained the rule, which consolidates and edits rules governing the feeding of wild cervids.

Vice Chairman Shepherd turned the gavel back over to **Chairman Mendive**.

ADJOURN: There being no further business to come before the committee, the meeting was adjourned at 2:51 P.M.

Representative Mendive
Chair

Cameron Douglas
Secretary

AGENDA
HOUSE RESOURCES & CONSERVATION COMMITTEE
1:30 P.M.
Room EW40
Tuesday, February 07, 2023

For members of the public to observe the meeting, please click on the following link:
<https://www.idahoptv.org/shows/idahoinsession/ew40/>

SUBJECT	DESCRIPTION	PRESENTER
RS 29924C2	State parks, recreation, risk	Rep. Redman
DOCKET NO		
37-0203-2201	Water Supply Bank Rules (ZBR Chapter Rewrite, Fee Rule) - Proposed Rule	Mat Weaver, Deputy Director, Department of Water Resources Shelly Keen, Water Allocation Bureau Chief, Department of Water Resources
37-0305-2201	Mine Tailings Impoundment Structures Rules (ZBR Chapter Rewrite, Fee Rule) - Proposed Rule	Mat Weaver, Deputy Director, Department of Water Resources
37-0306-2201	Safety of Dams Rules (ZBR Chapter Rewrite, Fee Rule) - Proposed Rule	Mat Weaver, Deputy Director, Department of Water Resources
37-0304-2201	Drilling for Geothermal Resources Rules (ZBR Chapter Rewrite, Fee Rule) - Proposed Rule	Erik Boe, Ground Water Protection Manager, Department of Water Resources
37-0310-2201	Well Driller Licensing Rules (ZBR Chapter Rewrite, Fee Rule) - Proposed Rule	Erik Boe, Ground Water Protection Manager, Department of Water Resources

Public Testimony Will Be Taken by Registering Through the Following Link:
[**Register to Testify**](#)

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COMMITTEE MEMBERS

Chairman Mendive	Rep Yamamoto	Rep Pickett
Vice Chairman Shepherd	Rep Raybould	Rep Raymond
Rep Boyle	Rep Durrant	Rep Tanner
Rep Vander Woude	Rep Hill	Rep Burns
Rep Blanksma	Rep Mickelsen	Rep Necochea
Rep Manwaring	Rep Nelsen	Rep Galaviz

COMMITTEE SECRETARY

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MINUTES
HOUSE RESOURCES & CONSERVATION COMMITTEE

DATE: Tuesday, February 07, 2023

TIME: 1:30 P.M.

PLACE: Room EW40

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

**ABSENT/
EXCUSED:** None

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.

Chairman Mendive called the meeting to order at 1:30 P.M.

MOTION: **Rep. Durrant** made a motion to approve the minutes of January 31, 2023, and February 1, 2023. **Motion carried by voice vote.**

RS 29924C2: **Chairman Mendive** welcomed **Rep. Redman** to introduce RS 29924C2. Rep. Redman described the RS, which is intended to define the Department of Parks and Recreation's responsibility and liability for loss, damage, and injury in Idaho's state parks.

MOTION: **Rep. Raybould** made a motion to introduce **RS 29924C2. Motion carried by voice vote.**

Chairman Mendive turned the gavel over to **Vice Chairman Shepherd** for consideration of rules.

Vice Chairman Shepherd welcomed **Mat Weaver**, Deputy Director of the Department of Water Resources, to present rules. Mr. Weaver outlined the five rules to be presented, and introduced several subject matter experts to help explain the rules.

**DOCKET NO.
37-0203-2201:** **Shelly Keen**, Water Allocation Bureau Chief for the Department of Water Resources, explained Fee Rule **Docket No. 37-0203-2201**, which covers water supply bank rules. He briefly described the bank, a voluntary exchange of water rights to supplement new and beneficial uses, using the Water Resource Board's water supply bank and local rental pools, and the changes and clarifications made to the program's rules. He described the rule-making and public comment procedure, and stressed that the Department has not modified or added any fees in this rule.

In response to questions from the committee, **Mr. Keen** deferred to **Mary Condon**, Water Supply Bank Coordinator, who explained the source of some of the changes to the text of the rule to reflect Idaho Code and input from stakeholders. She also addressed concerns about renting water rights from one basin to another.

Mr. Keen responded to a question about the rule potentially allowing rentals of water out of state, which would require additional qualifications for the Department of Water Resources to be able to approve diversions outside of Idaho. He also clarified some of the structure of the supply bank's governance by the Water Resource Board and by the Director of the Department of Water Resources.

In response to a question from the committee, **Ms. Condon** explained a rule change that would change the process for water users to withdraw their water from the bank after an executed contract. The committee also asked about a section that changed language to allow the bank to access water rights that "may have" been abandoned, rather than just those that "had" been abandoned, a process which Ms. Condon further explained.

MOTION: **Rep. Blanksma** made a motion to reject **Docket No. 37-0203-2201** in total.

SUBSTITUTE MOTION: **Rep. Raybould** made a substitute motion to hold the docket until time certain, February 15, 2022.

In response to committee questions about the impact of potentially repealing the existing rules without replacing them, **Josh Scholer**, Bureau Chief for Regulatory and Legislative Affairs at the Division of Financial Management, explained the process and consequences of rejecting the rule. He stated that the rule would revert to the previous, existing version of the rule, if it was a final rule, and that if the rule would evaporate if it was a temporary rule.

MOTION WITHDRAWN: **Rep. Raybould** asked unanimous consent to withdraw the substitute motion. There being no objection, the motion was withdrawn.

ROLL CALL VOTE ON ORIGINAL MOTION: Roll call vote was requested. **Original motion carried by a vote of 16 AYE, 2 NAY. Voting in favor of the motion: Chairman Mendive, Vice Chairman Shepherd, Reps. Boyle, Vander Woude, Blanksma, Manwaring, Yamamoto, Raybould, Durrant, Hill, Mickelsen, Nelsen, Raymond, Tanner, Burns, and Galaviz. Voting in opposition to the motion: Reps. Pickett and Necochea.**

DOCKET NO. 37-0305-2201: **Deputy Director Weaver** explained the pending rule, which covers mine tailings impoundment structures, an aspect of dam safety rules that is under a separate code section than other dam safety rules. He described that while the agency had considered combining this rule with other dam safety rules, due to delays until late in the process they kept the two separate and only made two minor changes.

In response to questions from the committee, **Deputy Director Weaver** clarified the change in rules for inspection timings, from a blanket two years to unique timelines based on each dam's characteristics and hazard class.

Jonathan Oppenheimer, external relations director for the Idaho Conservation League, testified **in opposition** to the docket on the grounds that it gives too much discretion to the Director of the Department of Water Resources to regulate inspections.

MOTION: **Rep. Raymond** made a motion to approve **Docket No. 37-0305-2201. Motion carried by voice vote. Reps. Necochea and Galaviz** requested to be recorded as voting NAY.

DOCKET NO. 37-0306-2201: **Deputy Director Weaver** described the rule set, which establishes safety standards for all new and existing dam construction, maintenance, and repair. He described the changes made in the rules, which modified some specifications and analysis requirements.

Mr. Oppenheimer testified **in opposition** to the docket on the grounds that the increase in discretion for the Director of the Department of Water Resources on the schedule for safety inspections for dams.

MOTION: **Rep. Boyle** made a motion to approve **Docket No. 37-0306-2201. Motion carried by voice vote. Reps. Necochea and Galaviz** requested to be recorded as voting NAY.

MOTION: **Rep. Boyle** moved the committee adjourn. **Motion carried by voice vote.**

ADJOURN: There being no further business to come before the committee, the meeting was adjourned at 3:02 P.M.

Representative Mendive
Chair

Cameron Douglas
Secretary

AMENDED AGENDA #1
HOUSE RESOURCES & CONSERVATION COMMITTEE
1:30 P.M.
Room EW40
Thursday, February 09, 2023

For members of the public to observe the meeting, please click on the following link:
<https://www.idahoptv.org/shows/idahoinsession/ew40/>

SUBJECT	DESCRIPTION	PRESENTER
RS 30111	Flood districts, commissioners	Roger Batt, Legislative Advisor, Flood District 10
RS 29948C1	Oil, gas	Mick Thomas, Idaho Department of Lands
RS 30292	Lava Ridge project, concern	Rep. Nelsen
RS 30251	Natural Resources interim committee	Rep. Blanksma
	Presentation: The Value of Hydropower and Cloudseeding	Kresta Davis, Water Resources and Policy Senior Manager, Idaho Power Company
	Presentation: Updates on Idaho Water-Related Programs	Roger Batt, Treasure Valley Water Users Association Mary Ann Nelson, Department of Environmental Quality Rick Naerebout, Idaho Dairymen's Association Delwyne Trefz, Idaho Soil and Water Conservation Commission Brian Patton, Idaho Water Resources Board Paul Arrington, Idaho Water Users Association

If you have written testimony, please provide a copy to the committee secretary.

COMMITTEE MEMBERS

Chairman Mendive	Rep Yamamoto	Rep Pickett
Vice Chairman Shepherd	Rep Raybould	Rep Raymond
Rep Boyle	Rep Durrant	Rep Tanner
Rep Vander Woude	Rep Hill	Rep Burns
Rep Blanksma	Rep Mickelsen	Rep Necochea
Rep Manwaring	Rep Nelsen	Rep Galaviz

COMMITTEE SECRETARY

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MINUTES
HOUSE RESOURCES & CONSERVATION COMMITTEE

DATE: Thursday, February 09, 2023

TIME: 1:30 P.M.

PLACE: Room EW40

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

**ABSENT/
EXCUSED:** Representatives Hill, Mickelsen

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.

Chairman Mendive called the meeting to order at 1:30 P.M.

MOTION: **Rep. Galaviz** made a motion to approve the minutes of February 7, 2023. **Motion carried by voice vote.**

RS 30111: **Roger Batt**, Legislative Advisor for Flood District 10, described the RS, which allows flood control boards to appoint their own board members rather than requiring the Director of the Department of Water Resources to do so. It allows the bond that board members file to be filed with the flood control district rather than with the clerk of the District Court, and allow flood district boards to appoint at-large members if no member from a division of a district can be found, a provision similar to an ability possessed by water and sewer districts.

MOTION: **Rep. Raybould** made a motion to introduce **RS 30111**. **Motion carried by voice vote.**

RS 29948C1: **Mick Thomas**, Division Administrator at the Idaho Department of Lands, described the RS. It makes several clarifying changes to statutes which offer guidance to oil and gas operators, mineral interest owners, and the state. It removes the Director of the Department of Lands from the Oil and Gas Conservation Commission (OGCC) and changes technical requirements of commissioners to better reflect the needs in Idaho.

MOTION: **Rep. Raybould** made a motion to introduce **RS 29948C1**. **Motion carried by voice vote.**

RS 30292: **Rep. Jack Nelsen**, District 26, described the RS, which would be a concurrent resolution in opposition to the placement of approximately 400 wind turbines on federal land in Jerome, Lincoln, and Minidoka Counties.

MOTION: **Rep. Burns** made a motion to introduce **RS 30292**. **Chairman Mendive** announced the committee would delay consideration of **RS 30292** until later in the meeting.

**MOTION
WITHDRAWN:** **Rep. Burns** asked unanimous consent to withdraw his motion. Without objection, the motion was withdrawn.

RS 30251: **Rep. Blanksma** described the RS, which would renew the Resources interim committee.

MOTION: **Rep. Raybould** made a motion to introduce **RS 30251**. **Motion carried by voice vote.**

Chairman Mendive introduced **Kresta Davis**, Water Resources and Policy Senior Manager at the Idaho Power Company, for a presentation on the value of hydropower and cloudseeding.

Ms. Davis described the importance of hydropower as a critical source of reliable, renewable power in the state of Idaho, and gave an overview of the hydropower generation system in the state. In recent years, demand has increased while drought has reduced the amount of water available over the last 40 years. She explained several tools available to counteract declining water availability, which includes aquifer recharge (sending excess flow, especially in spring runoff, into the aquifer), and cloud seeding.

Cloud seeding is a process which uses an abundance of super cooled liquid water to provide enhanced snowfall. **Ms. Davis** described environmental safety concerns about cloud seeding, which primarily uses silver iodide as its chemical agent, and argued there has been no evidence of adverse effects to human health or the environment in studies from public and private sectors and from all levels of government, local to federal. She specifically mentioned an Idaho Department of Environmental Quality study that found it unlikely that cloud seeding would cause a detectable increase in silver concentration in target areas.

The benefits of cloud seeding **Ms. Davis** presented include greater reliability for storage and natural flow, higher water quality and improved fishery conditions, additional recreation opportunities on reservoirs and in rivers, and more reliable hydropower. She explained the history of cloud seeding in Idaho, which began operations in 2003 and has been expanding since 2013, including several projects in western Wyoming, which creates runoff into the Snake River Basin in eastern Idaho. The average natural benefits cumulatively add up to over 1.2 million acre-feet of natural flow across Idaho, at a cost of roughly \$2 per acre-foot.

In response to questions from the committee, **Ms. Davis** clarified the silver iodide used in cloud seeding behaves differently chemically than silver alone or silver as a compound with other minerals. She also argued cloud seeding is not zero-sum, and cloud seeding in one area does not result in reduced precipitation elsewhere. She also said although aquifers have not notably recharged in the years of cloud seeding, the abundance of factors playing into aquifer levels make it difficult to determine the individual efficacy of one factor or another. She also explained there are no current plans to build more dams, but there are plans to use other methods such as pump storage, which uses lower reservoirs and pumping water back up to run through the dam again to continue to generate power.

**UNANIMOUS
CONSENT
REQUEST:**

Chairman Mendive asked unanimous consent to return to **RS 30292**. There being no objection, the committee resumed consideration of the RS.

In response to questions from the committee, **Rep. Nelsen** confirmed he was aware of other statements on the issue by the governor and attorney general, among others, that he was not concerned about possible redundancies with those messages, and in his opinion a concurrent resolution, rather than a memorial, was the appropriate legislative vehicle.

MOTION:

Rep. Burns made a motion to introduce **RS 30292**. **Motion carried by voice vote.**

Chairman Mendive introduced **Roger Batt** of the Treasure Valley Water Users Association for a presentation on Idaho's water-related programs. Mr. Batt introduced his co-presenters: **Mary Ann Nelson** of the Department of Environmental Quality; **Rick Naerebout** of the Idaho Dairymen's Association; **Delwyne Trefz** of the Idaho Soil and Water Conservation Commission; **Brian Patton** of the Idaho Water Resources Board; and **Paul Arrington** of the Idaho Water Users Association.

Dr. Nelson provided an overview and summary of the Agricultural Best Management Practices Funding program, established during the 2017 legislative session. She explained several of the projects which had been funded through grants from the program, including several pieces enhancing water quality in the Boise watershed.

Mr. Naerebout remarked on the Concentrated Animal Feeding Operation (CAFO) Environmental Improvement Fund, which spent \$5 million on projects to help dairy and cattle operations clean up their environmental impact.

Mr. Trefz shared updates on his department's Water Quality Program for Agriculture (WQPA), which provides financing for soil and water conservation projects on private lands. It had been unfunded between fiscal years 2011 and 2022. The new projects funded by the program covered all 33 conservation districts, and went to a variety of means of water conservation.

Mr. Patton shared updates on the Flood Management Grant Program, which assists with funding for reducing flood risk, preventing floods, improving stream channels, and repairing flood-damaged stream channels, and the Aging Infrastructure Grant Program, which rehabilitates aging irrigation water storage and delivery infrastructure.

Mr. Arrington concluded the presentation series by asking the committee to continue their support of the programs.

ADJOURN: There being no further business to come before the committee, the meeting was adjourned at 2:43 P.M.

Representative Mendive
Chair

Cameron Douglas
Secretary

AMENDED AGENDA #1
HOUSE RESOURCES & CONSERVATION COMMITTEE
1:30 P.M.
Room EW40
Monday, February 13, 2023

For members of the public to observe the meeting, please click on the following link:
<https://www.idahoptv.org/shows/idahoinsession/ew40/>

SUBJECT	DESCRIPTION	PRESENTER
RS 30322	Fur buyer's licenses	Rep. Boyle
RS 30325	Trapping, lifetime license cert	Rep. Boyle
	Presentation: A Modern Firefighting Force for a Changing Idaho	Dustin Miller, Director, Idaho Department of Lands Josh Harvey, Fire Management Bureau Chief, Idaho Department of Lands
	Presentation: Fire Prevention	Ron Raley, Perimeter Solutions

If you have written testimony, please provide a copy to the committee secretary.

COMMITTEE MEMBERS

Chairman Mendive	Rep Yamamoto	Rep Pickett
Vice Chairman Shepherd	Rep Raybould	Rep Raymond
Rep Boyle	Rep Durrant	Rep Tanner
Rep Vander Woude	Rep Hill	Rep Burns
Rep Blanksma	Rep Mickelsen	Rep Necochea
Rep Manwaring	Rep Nelsen	Rep Galaviz

COMMITTEE SECRETARY

Cameron Douglas
Room: EW62
Phone: 332-1136
Email: hres@house.idaho.gov

MINUTES
HOUSE RESOURCES & CONSERVATION COMMITTEE

DATE: Monday, February 13, 2023

TIME: 1:30 P.M.

PLACE: Room EW40

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

**ABSENT/
EXCUSED:** Representatives Manwaring, Raybould

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.

**UNANIMOUS
CONSENT
REQUEST:** **Chairman Mendive** called the meeting to order at 1:29 P.M.

Chairman Mendive asked unanimous consent to move the two RSs to the end of the meeting. There was no objection, and the schedule was adjusted.

Chairman Mendive introduced **Dustin Miller**, Director of the Idaho Department of Lands, for a presentation on modern firefighting forces.

Director Miller introduced **Craig Foss**, State Forester, and **Josh Harvey**, Fire Management Bureau Chief at the Idaho Department of Lands. He described the Department's role in managing endowment lands, which provide a great deal of timber to Idaho's economy and recreation opportunities for Idaho citizens and visitors, and the way in which the Department fights wildfire in those areas.

Mr. Harvey provided an overview of the state's firefighting program, which protects over 6 million acres in the state. Because of extended drought and changes in weather patterns, the length of the fire season is increasing and fires are escaping initial attack more quickly. This strains resources and personnel and requires the use of additional state or national resources. Human-caused fires are also increasing in number and severity. In addition, many people moving into rural areas or the wilderness on the periphery of urban areas do not necessarily have the knowledge or experience to effectively carry out fire safety. The modernization effort to date has added several different types of full-time personnel, but the Department is requesting additional engines and associated personnel in multiple regions across the state, as well as additional technology for fire mapping and detection.

In response to questions from the committee, **Mr. Harvey** expanded upon forestry efforts to reduce fuel load as a component of fire prevention, and possible updates to performance measures for the department.

Chairman Mendive introduced **Ron Raley**, Agency Liaison for Perimeter Solutions, for a presentation on fire prevention.

Mr. Raley presented about the use of long-term fire retardant to prevent human-caused fires, most of which occur near roads. Long-term fire retardant can last for days, weeks, or months, depending on precipitation. He provided examples of uses of the product, including by railroads and utility companies, and described the certification process by the US Forest Service that the product had gone through.

In response to questions from the committee, **Mr. Raley** confirmed his company currently contracts with state agencies but is not making an ask budget-wise of the legislature. He also said the retardant does not have a long-term adverse effect on foliage.

RS 30322: **Rep. Judy Boyle**, District 9, described **RS 30322**, which adds a three-day fur buyers' license for non-resident fur buyers.

In response to a question from the committee, **Rep. Boyle** clarified the proposed three-day license would be different from the existing annual license.

MOTION: **Rep. Shepherd** made a motion to introduce **RS 30322**. **Motion carried by voice vote.**

RS 30325: **Rep. Judy Boyle**, District 9, described **RS 30325**, which allows for a lifetime trapping license for Idaho residents.

MOTION: **Rep. Blanksma** made a motion to introduce **RS 30325**. **Motion carried by voice vote.**

ADJOURN: There being no further business to come before the committee, the meeting was adjourned at 2:18 P.M.

Representative Mendive
Chair

Cameron Douglas
Secretary

AGENDA
HOUSE RESOURCES & CONSERVATION COMMITTEE
1:30 P.M.
Room EW40
Wednesday, February 15, 2023

For members of the public to observe the meeting, please click on the following link:
<https://www.idahoptv.org/shows/idahoinsession/ew40/>

SUBJECT	DESCRIPTION	PRESENTER
DOCKET NO		
24-3501-2201	Rules of the Outfitters and Guides Licensing Board (ZBR Chapter Rewrite) - Proposed Rule	Tim Frost, Division Deputy Administrator, Department of Occupational and Professional Licensing
26-0130-2201	Idaho Safe Boating Rules (Chapter Repeal) - Temporary and Proposed Rule	Seth Hobbs, Program Manager, Department of Parks and Recreation

Public Testimony Will Be Taken by Registering Through the Following Link:
[Register to Testify](#)

If you have written testimony, please provide a copy to the committee secretary.

COMMITTEE MEMBERS

Chairman Mendive	Rep Yamamoto	Rep Pickett
Vice Chairman Shepherd	Rep Raybould	Rep Raymond
Rep Boyle	Rep Durrant	Rep Tanner
Rep Vander Woude	Rep Hill	Rep Burns
Rep Blanksma	Rep Mickelsen	Rep Necochea
Rep Manwaring	Rep Nelsen	Rep Galaviz

COMMITTEE SECRETARY

Cameron Douglas
Room: EW62
Phone: 332-1136
Email: hres@house.idaho.gov

MINUTES
HOUSE RESOURCES & CONSERVATION COMMITTEE

DATE: Wednesday, February 15, 2023

TIME: 1:30 P.M.

PLACE: Room EW40

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

**ABSENT/
EXCUSED:** Representatives Blanksma, Yamamoto

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.

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

MOTION: **Rep. Durrant** made a motion to approve the minutes of February 9 and 13, 2023. **Motion carried by voice vote.**

**DOCKET NO.
24-3501-2201:** **Tim Frost**, Division Deputy Administrator at the Division of Occupational and Professional Licensing (DOPL), presented the rule chapter. He noted that the chapter has been updated for the first time in several years.

In response to a question from the committee, **Mr. Frost** confirmed nothing being removed from the rule chapter will be made into an enforceable rule.

Mr. Frost walked through the rule changes step by step, explaining where definitions have been removed for redundancy reasons, and rules have been combined for clarity. He noted a change whereby guides would not be contractually limited to a single outfitter. He elaborated on several changes in standards that DOPL made for outfitters and guides to match the criteria used by Idaho Fish and Game. He also explained other rules in the packet that added new outfitter permits, and said that in total the rule chapter had been reduced by ten pages.

In response to questions from the committee, **Mr. Frost** introduced **Brad Compton**, chairman of the Outfitters and Guides Licensing Board, who described several circumstances that would require operators to change their operating area, and the changes in procedure that the rules would make to affect that process.

In response to a specific question about a 500-mile training requirement for float boating, **Mr. Frost** gave a broad overview of Idaho's guide licensing process, which is among the more restrictive in the country. He explained how the process has been simplified, but that the outfitter and guide community was not interested in removing licensing requirements entirely. He noted that there are no new restrictions to any of the five categories of guide licenses.

In response to a question from the committee, **Mr. Frost** described the procedure that DOPL uses to bring outfitters and guides together for feedback from stakeholders in different parts of the industry, and the appeals process the outfitters could use to challenge a decision. **Chairman Mendive** invited **Aaron Lieberman**, Executive Director of the Idaho Outfitters and Guides Association (IOGA), to the podium, who added in places like the Sawtooth National Recreation Area, the concerning trend of federal land managers reducing opportunity for outfitters, a small minority of total public use, does not address possible overuse challenges.

Mr. Lieberman also addressed the earlier question about the float boating requirements. He described how IOGA had lobbied to reduce some of the more onerous restrictions on river guides, which DOPL had been amenable to. He also clarified that the 500-mile rule is an equivalency rule for guides transferring in from other states with lighter regulatory regimes and less stringent training requirements.

In response to a question from the committee, **Mr. Frost** addressed the process for petitioning for a rule change. **Mr. Lieberman** noted his concern with that process, and expressed his desire to see that process become less restrictive.

In response to a question from the committee about striking out a restriction on fishing, **Mr. Frost** explained that the regulation of fishing is governed by the Department of Fish and Game, not the Outfitters and Guides Licensing Board. **Mr. Compton** added that the language in question was grossly outdated and does not reflect the modern regulatory regime that governs the river.

In response to a question from the committee, **Mr. Compton** noted that while the state controls the water and the wildlife, a federal land manager such as the US Forest Service can control access to it.

In response to a question from the committee, **Mr. Frost** explained a rule that prevents boatmen from transporting big-game hunters to hunting areas if they are not also a licensed outfitter for big game in the drop off area.

In response to further questions from **Rep. Tanner** about the 500-mile guide requirement, **Mr. Frost** offered that the department would address that particular concern in an upcoming negotiated rulemaking procedure.

MOTION: **Rep. Mickelsen** made a motion to approve **Docket No. 24-3501-2201** with the understanding that the Department would address **Rep. Tanner's** concerns. **Motion carried by voice vote.**

Chairman Mendive turned the gavel over to **Vice Chairman Shepherd** for the consideration of the next rule.

DOCKET NO. 26-0130-2201: **Seth Hobbs**, Program Manager for the Department of Parks and Recreation, described the docket, which repeals a rule that was made redundant by 2022 legislation.

MOTION: **Rep. Mickelsen** made a motion to approve **Docket No. 26-0130-2201**. **Motion carried by voice vote.**

Vice Chairman Mendive gave the gavel back to **Chairman Mendive**.

Chairman Mendive recognized committee page **Nelson Baines**, who was in his final day with the committee. Mr. Baines expressed his gratitude for his time with the committee.

ADJOURN: There being no further business to come before the committee, the meeting was adjourned at 2:38 P.M.

Representative Mendive
Chair

Cameron Douglas
Secretary

AGENDA
HOUSE RESOURCES & CONSERVATION COMMITTEE
1:30 P.M.
Room EW40
Tuesday, February 21, 2023

For members of the public to observe the meeting, please click on the following link:
<https://www.idahoptv.org/shows/idahoinsession/ew40/>

SUBJECT	DESCRIPTION	PRESENTER
H 103	RECREATION - Adds to existing law to provide for the assumption of risk and legal responsibility by recreational participants for injuries associated with recreational activities in state parks.	Rep. Redman
H 119	FLOOD DISTRICTS - Amends existing law to revise provisions regarding flood control district commissioners.	Dan Steenson, Sawtooth Law
HCR 3	NATURAL RESOURCE ISSUES STUDY - States findings of the Legislature and authorizes the Legislative Council to appoint a committee to undertake and complete a study of natural resource issues.	Rep. Raybould
	Presentation: Outfitters and Guides Industry Updates	Aaron Lieberman, Executive Director, Idaho Outfitters and Guides Association
	Agency Update: Department of Parks and Recreation	Susan Buxton, Director, Department of Parks and Recreation

Public Testimony Will Be Taken by Registering Through the Following Link:
[Register to Testify](#)

If you have written testimony, please provide a copy to the committee secretary.

COMMITTEE MEMBERS

Chairman Mendive	Rep Yamamoto	Rep Pickett
Vice Chairman Shepherd	Rep Raybould	Rep Raymond
Rep Boyle	Rep Durrant	Rep Tanner
Rep Vander Woude	Rep Hill	Rep Burns
Rep Blanksma	Rep Mickelsen	Rep Necochea
Rep Manwaring	Rep Nelsen	Rep Galaviz

COMMITTEE SECRETARY

Cameron Douglas
Room: EW62
Phone: 332-1136
Email: hres@house.idaho.gov

MINUTES
HOUSE RESOURCES & CONSERVATION COMMITTEE

DATE: Tuesday, February 21, 2023

TIME: 1:30 P.M.

PLACE: Room EW40

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

**ABSENT/
EXCUSED:** Representatives Boyle, Blanksma, Manwaring, Mickelsen

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.

Chairman Mendive called the meeting to order at 1:30 P.M.

MOTION: **Rep. Galaviz** made a motion to approve the minutes of February 15, 2023. **Motion carried by voice vote.**

**UNANIMOUS
CONSENT
REQUEST:** **Chairman Mendive** asked unanimous consent to rearrange the order of bills for consideration. There being no objection, the request was granted.

H 119: **Dan Steenson**, of Sawtooth Law in Boise representing Flood Control District 10, presented the bill. He described the flood control district system and explained the bill, which would allow commissioners to appoint or reappoint commissioners to fill vacancies, rather than requiring the Director of the Department of Water Resources to do so. Because commissioners recommend nominees to the Director already, this would increase efficiency. It would also allow the commission to nominate an at-large commissioner if no willing nominee from a certain district can be found, a rule which is already in effect for water and sewer districts and school district boards of trustees. Lastly, it allows bonds for commissioners to be filed with the secretary of the governing board, rather than with the court that initially authorized the board.

MOTION: **Rep. Raybould** made a motion to send **H 119** to the floor with a **DO PASS** recommendation. **Motion carried by voice vote.** **Rep. Vander Woude** will sponsor the bill on the floor.

H 103: **Rep. Jordan Redman** District 3, described the bill, which defines the area of responsibility of the Department in terms of liability for loss, damage, or injury to visitors to Idaho parks. He explained a few of the frivolous cases brought against the Parks Department that this bill would aim to prevent.

MOTION: **Rep. Raybould** made a motion to send **H 103** to the floor with a **DO PASS** recommendation. **Motion carried by voice vote.** **Rep. Redman** will sponsor the bill on the floor.

HCR 3: **Rep. Raybould**, District 34, presented **HCR 3**, which authorizes the Resources interim committee.

In response to a question from the committee, **Rep. Raybould** clarified that she expects there would be minority representation on the interim committee.

MOTION: **Rep. Raymond** made a motion to send **HCR 3** to the floor with a **DO PASS** recommendation. **Motion carried by voice vote.** **Rep. Raybould** will sponsor the bill on the floor.

Aaron Lieberman, Executive Director of the Idaho Outfitters and Guides Association (IOGA), delivered a top-level overview of the current priorities of the outfitters and guides in Idaho. He explained the services outfitters and guides offer, including opportunities for exploration, often being the first on site in rescue situations, and trail maintenance and other similar land stewardship activities. He stressed the contributions that outfitters and guides make to Idaho's rural economy, with 80 percent of outfitters living in communities with populations of 500 or fewer. He noted that Idaho is among the most strictly regulated states for outfitting and guiding in the country, a higher standard that IOGA supports.

Mr. Lieberman brought the committee's attention to several pending bills that IOGA is supporting, including **S 1051** to protect outfitters from frivolous litigation; and **S 1085**, which would move several well-established definitions from administrative rule into statute. He also noted concerns about illegal and unlicensed outfitting and guiding.

In response to questions from the committee, **Mr. Lieberman** clarified that the responsibility for policing illegal guides is currently unclear. The Division of Occupational and Professional Licensing (DOPL) currently only concerns itself with license holders, and does not do any boots-on-the-ground monitoring or enforcement. Fish and Game officers could also enforce, but that department does not currently have anyone dedicated to such enforcement. He also noted that there is an exemption to that rule for nonprofit groups such as churches that might offer trips for their members.

In response to further questions from the committee, **Mr. Lieberman** gave a brief history of the Outfitters and Guides Licensing Board, which before being integrated into DOPL was an independent agency with its own enforcement arm.

Susan Buxton, Director of the Idaho Department of Parks and Recreation, gave an update on her department's mission and activities. She described the 30 state parks, boating program, and trail maintenance. She described the economic impact and the relatively low staffing per visitor that the Department maintains, and noted the 27 percent increase in park visitation since 2020.

Director Buxton then briefly summarized the department's budget, which is asking for additional full-time positions to stabilize staffing and upgrade part-time positions to full-time out on the ground in the parks. It also includes a one-time grant of \$100 million to address maintenance backlogs and expand capacity and access in Idaho's outdoors, increases to cover increasing park operations costs, a new maintenance shop on the Trail of the Coeur d'Alenes, and promotion of responsible off-highway vehicle (OHV) use.

Director Buxton then gave an overview of the Department's performance measures. The department exceeded goals of increasing park revenue and maintaining trail mileage, but came short of the goal numbers for increasing participants in rec programs, improving the customer satisfaction scores, and raising outside funds.

Chairman Mendive introduced the committee's two new pages, **Caitlin Yang** and **Emma Brulotte**.

ADJOURN:

There being no further business to come before the committee, the meeting was adjourned at 2:42 P.M.

Representative Mendive
Chair

Cameron Douglas
Secretary

AGENDA
HOUSE RESOURCES & CONSERVATION COMMITTEE
1:30 P.M.
Room EW40
Thursday, February 23, 2023

For members of the public to observe the meeting, please click on the following link:
<https://www.idahoptv.org/shows/idahoinsession/ew40/>

SUBJECT	DESCRIPTION	PRESENTER
H 143	FISH AND GAME - Amends existing law to provide for a fur buyer's license and to revise provisions regarding taxidermist and fur buyer's licenses.	Rep. Boyle
H 144	FISH AND GAME - Amends existing law to provide for trapping license certificates.	Rep. Boyle
H 156	PREDATORY WILDLIFE - Amends existing law to classify rattlesnakes as predatory wildlife.	Rep. Boyle
	Presentation: Grazing Improvement Program	Troy Forest, Director, Grazing Improvement Plan Utah Department of Agriculture

Public Testimony Will Be Taken by Registering Through the Following Link:
[Register to Testify](#)

If you have written testimony, please provide a copy to the committee secretary.

COMMITTEE MEMBERS

Chairman Mendive	Rep Yamamoto	Rep Pickett
Vice Chairman Shepherd	Rep Raybould	Rep Raymond
Rep Boyle	Rep Durrant	Rep Tanner
Rep Vander Woude	Rep Hill	Rep Burns
Rep Blanksma	Rep Mickelsen	Rep Necochea
Rep Manwaring	Rep Nelsen	Rep Galaviz

COMMITTEE SECRETARY

Cameron Douglas
Room: EW62
Phone: 332-1136
Email: hres@house.idaho.gov

MINUTES
HOUSE RESOURCES & CONSERVATION COMMITTEE

DATE: Thursday, February 23, 2023

TIME: 1:30 P.M.

PLACE: Room EW40

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

**ABSENT/
EXCUSED:** Representatives Raybould, Mickelsen

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.

MOTION: **Rep. Durrant** made a motion to approve the minutes of February 21, 2023. **Motion carried by voice vote.**

H 143: **Rep. Burns**, District 26, described the bill, which changes fish and game code to allow for a three-day non-resident fur buyer license.

Rusty Kramer of the Idaho Trappers Association and the National Trappers Association testified **in support** of the bill.

Amber Worthington, Deputy Director of the Idaho Department of Fish and Game (IDFG), testified **in support** of the bill.

MOTION: **Rep. Vander Woude** made a motion to send **H 143** to the floor with a **DO PASS** recommendation. **Motion carried by voice vote.** **Rep. Burns** will sponsor the bill on the floor.

H 144: **Rep. Boyle**, District 9, described the bill, which allows for lifetime trapping licenses.

Amber Worthington, Deputy Director of IDFG, testified **in support** of the bill.

Rusty Kramer of the Idaho Trappers Association and the National Trappers Association testified **in support** of the bill.

MOTION: **Rep. Blanksma** made a motion to send **H 144** to the floor with a **DO PASS** recommendation. **Motion carried by voice vote.** **Rep. Boyle** will sponsor the bill on the floor.

H 156: **Rep. Boyle**, District 9, described the bill, which would reclassify rattlesnakes as predatory wildlife.

John Cossell Jr., a professor at Northwest Nazarene University, testified **in opposition** to the bill. As a professional herpetologist, he disputed the characterization of rattlesnakes as dangerous, and that Idaho rattlesnakes are not as venomous as those from neighboring states.

In response to a question from the committee about the continued survival of other species on the list, **Mr. Cossell** returned to the podium and said rattlesnakes would be vulnerable to extermination because of their much slower reproduction and their winter gathering in large numbers which would allow them to be killed in large numbers at once.

Amber Worthington, Deputy Director of IDFG, testified on the bill. The Department is neutral on the bill.

In response to questions from the committee, **Ms. Worthington** clarified local ordinances often supersede IDFG rules on similar species, and she is not familiar with all such ordinances. She also said the Department's biggest concern with the bill is how the change in law would affect the treatment of live possession.

Charles Peterson, a retired biology professor from Pocatello, testified **in opposition** to the bill because of its detrimental effect on rattlesnake populations if they are allowed to be killed without limits when they gather in large numbers for a large area for the winter. He also noted rattlesnakes' important role in the ecosystem.

In response to questions from the committee, **Mr. Peterson** expanded upon the current laws governing rattlesnakes in Idaho and surrounding states.

Jonathan Oppenheimer of the Idaho Conservation League testified **in opposition** to the bill.

In closing, **Rep. Boyle** stressed it is not the intent of the bill to affect Fish and Game's ability to control the possession of live rattlesnakes.

MOTION: **Rep. Blanksma** made a motion to send **H 156** to the floor with a **DO PASS** recommendation.

ROLL CALL VOTE: A roll call vote was requested. **Motion carried** by a vote of **9 AYE, 5 NAY, 4 ABSENT AND EXCUSED**. **Voting in favor** of the motion: **Vice Chairman Shepherd, Representatives Boyle, Blanksma, Manwaring, Durrant, Hill, Pickett, Raymond, Tanner**. **Voting in opposition** to the motion: **Reps. Yamamoto, Nelsen, Burns, Necochea, Galaviz**. **Absent and excused:** **Reps. Vander Woude, Raybould, Mickelsen, Chairman Mendive**. **Rep. Boyle** will sponsor the bill on the floor.

Rep. Raymond, District 31, introduced the presentation about Utah's Grazing Improvement Program, a model he would be interested in emulating in Idaho. He noted several ranchers work on both sides of the state line, and have seen the benefits of the program on the Utah side. He also noted he is drafting legislation to create a similar program in Idaho.

Troy Forrest, Director of the Grazing Improvement Program at the Utah Department of Agriculture and Food, described the Grazing Improvement Program in Utah. Its goal is to help ranchers more effectively communicate their grazing concerns to federal land managers. He gave examples of projects the program had worked on. This includes land management and drilling water wells. The drilling of wells allows many additional acres to be opened for grazing.

In response to a question from the committee, **Mr. Forrest** said many of the wells are on federal land, but part of the program's work is to ensure rights-of-way exist to ensure the ranchers who need them can still have access once the land reverts to federal control.

ADJOURN: There being no further business to come before the committee, the meeting was adjourned at 2:46 P.M.

Representative Shepherd
Vice Chair

Cameron Douglas
Secretary

AGENDA
HOUSE RESOURCES & CONSERVATION COMMITTEE
1:30 P.M.
Room EW40
Monday, February 27, 2023

For members of the public to observe the meeting, please click on the following link:
<https://www.idahoptv.org/shows/idahoinsession/ew40/>

SUBJECT	DESCRIPTION	PRESENTER
S 1051	OUTFITTERS AND GUIDES - Amends existing law to revise provisions regarding the liability of outfitters and guides.	Rep. Scott
H 183	BIG PAYETTE LAKE WATER QUALITY ACT - Amends existing law to provide for legislative intent, to provide a date upon which the council shall be dissolved, to revise the declaration of policies and purposes, to revise the duties of the council, and to revise lake management plan provisions.	Rep. Raybould
S 1049	ENDOWMENT LAND - Adds to existing law to provide for notice of restriction, regulation, and prohibition on endowment land and to provide for punishment and violations.	Rep. Raymond
DOCKET NO 13-0102-2201	Rules Governing Mandatory Education, Mentored Hunting, and Shooting Ranges (ZBR Chapter Rewrite, Fee Rule) - Proposed Rule For Action Only - No further testimony will be taken.	

Public Testimony Will Be Taken by Registering Through the Following Link:
[Register to Testify](#)

If you have written testimony, please provide a copy to the committee secretary.

COMMITTEE MEMBERS

Chairman Mendive	Rep Yamamoto	Rep Pickett
Vice Chairman Shepherd	Rep Raybould	Rep Raymond
Rep Boyle	Rep Durrant	Rep Tanner
Rep Vander Woude	Rep Hill	Rep Burns
Rep Blanksma	Rep Mickelsen	Rep Necochea
Rep Manwaring	Rep Nelsen	Rep Galaviz

COMMITTEE SECRETARY

Cameron Douglas
Room: EW62
Phone: 332-1136
Email: hres@house.idaho.gov

MINUTES
HOUSE RESOURCES & CONSERVATION COMMITTEE

- DATE:** Monday, February 27, 2023
- TIME:** 1:30 P.M.
- PLACE:** Room EW40
- MEMBERS:** Chairman Mendive, Vice Chairman Shepherd, Representatives Boyle, Vander Woude, Blanksma, Manwaring, Yamamoto, Raybould, Durrant, Hill, Mickelsen, Nelsen, Pickett, Raymond, Tanner, Burns, Necochea, Galaviz
- ABSENT/
EXCUSED:** None
- 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.
- Chairman Mendive** called the meeting to order at 1:30 P.M.
- MOTION:** **Rep. Galaviz** made a motion to approve the minutes of February 23, 2023. **Motion carried by voice vote.**
- S 1051:** **Rep. Heather Scott**, District 2, presented the bill, which would clarify outfitters and guides liability provisions. Current law makes liability releases for outfitters and guides non-enforceable, which makes liability insurance rates for outfitters and guides either prohibitively expensive or outright unavailable. This bill would rectify that situation to make the law more straightforward and provide reasonable protections for outfitters and guides unless they are negligent or reckless - the same language used for ski resorts.
- Rep. Scott** introduced **Aaron Lieberman**, Executive Director of the Idaho Outfitters and Guides Association (IOGA), who supports the legislation. Mr. Lieberman noted the bill accomplishes three things: it makes liability releases enforceable, it clarifies outfitters and guides are protected unless they engage in reckless or intentional negligence, and it clarifies that outfitters and guides do not necessarily need to eliminate, alter, control, or lessen all risk. These changes would harmonize the law with other industries, and update the language in statute which was written in the early 1960s.
- Leslie Frazee**, representing the recreation insurance industry, testified **in support** of the bill. Increased litigation and higher verdicts have raised average insurance rates for outfitters and fewer companies insuring the outdoor industry. This bill would protect both outfitters and insurers.
- Erik Weiseth**, managing partner of Orange Torpedo Trips, a river outfitter, testified **in support** of the bill.
- In response to a question from the committee, **Mr. Weiseth** gave a specific example of an instance in which a trip participant's family sued his company because of health problems caused by falling out of a boat into cold water even though a release was signed. He noted the incentive structure being geared toward settlement, the cost of which drives up prices for insurers.
- Leah Corrigan**, civil litigation attorney who represents outdoor industry companies, testified **in support** of the bill. As she practices law in Idaho and in neighboring states, she unfavorably compared Idaho law to the laws in surrounding states.
- John Heimer**, a retired river outfitter, testified **in support** of the bill.

Rep. Shepherd made comments in favor of the bill, noting the economic impact of the recreation industry in his district.

MOTION: **Rep. Burns** made a motion to send **S 1051** to the floor with a **DO PASS** recommendation. **Motion carried by voice vote.** **Rep. Scott** will sponsor the bill on the floor.

H 183: **Rep. Britt Raybould**, District 34, described the legislation, which would re-establish the Big Payette Lake Water Quality Council in order to accept and make recommendations based on results from a University of Idaho shoreline erosion impact study due to be completed in 2023.

Rep. Raybould introduced **Roy Eiguren**, who helped draft the legislation, to answer a question about language that would state the legislature finds the council's creation to be "necessary." Mr. Eiguren explained the intent of the council is to receive the study from the University and to modify the existing plan that is already in place.

In response to a further question from the committee, **Mr. Eiguren** clarified the existing duties of the council, which are to study water quality, conduct public awareness programs, examine environmental conditions on and around the lake, amend the plan based on studies that come to it, and advise city, state, and federal planning authorities. He also clarified the funding for the council, which is sourced from private-sector individuals and organizations.

In response to a question from the committee about the necessity of the council to respond to a study that hasn't been released yet, **Mr. Eiguren** said the early indications from the study would indicate the council would need to be in existence to develop a plan, which would then be submitted to the legislature for approval.

In response to questions about the Legislature's role in the process, **Mr. Eiguren** noted the only way the council can be established is from statutory authority granted by the legislature. He argued it would be advisable to create the council now so it will be in place when the study is released; the supporters include the City of McCall, the Valley County Commission, and the University of Idaho. The study is to be completed by November 2023, and is being conducted by **Dr. Frank Wilhelm**, a nationally-recognized scientist at the University of Idaho. The legislation is different from bills from prior years that had also included Lake Cascade. As the council has not existed since 2005, the lead agency for implementing the plan is the Department of Environmental Quality (DEQ), with whom there is a Memorandum of Understanding. Mr. Eiguren believes the lack of updates for 20 years makes a new plan and a new council necessary.

Jeff Mousseau, a McCall resident, testified **in support** of the bill, and urged the necessity of clean lake water as the source of drinking water for McCall.

David Simmonds, a McCall resident and president of a Payette Lake-focused water quality nonprofit, testified **in support** of the bill. He noted the existing law does not address the current situation.

MOTION: **Rep. Blanksma** made a motion to **HOLD H 183** subject to the call of the chair.

SUBSTITUTE MOTION: **Rep. Raymond** made a motion to send **H 183** to the floor with a **DO PASS** recommendation.

ROLL CALL VOTE ON SUBSTITUTE MOTION: A roll call vote was requested. **Substitute motion carried** by a vote of **10 AYE, 8 NAY**. **Voting in favor** of the motion: **Reps. Manwaring, Yamamoto, Raybould, Mickelsen, Nelsen, Pickett, Raymond, Burns, Necochea, Galaviz**. **Voting in opposition** to the motion: **Vice Chairman Shepherd, Reps. Boyle, Vander Woude, Blanksma, Durrant, Hill, Tanner, Chairman Mendive**. **Rep. Raybould** will sponsor the bill on the floor.

S 1049:

Rep. Jerald Raymond, District 31, presented the bill, which would provide for notice of restrictions on Endowment Lands. Endowment Lands are neither wholly public nor wholly private, established to fund specific beneficiaries like public schools, and the mechanisms for prosecution of bad actors on state endowment lands are limited, a situation this bill seeks to address. He noted this bill is being brought by the sportsmen, not the Department of Lands, and there are no additional FTEs or law enforcement powers being granted. He noted the wide support across many industries the bill has received.

In response to a question from the committee concerning closure of Endowment Land, **Rep. Raymond** noted such restrictions would be an absolute last resort to close lands that are being abused. **Rep. Tanner** stated his concerns about such closures punishing all users of lands, instead of focusing on bad actors. **Rep. Raymond** noted Endowment Lands are different than public lands, and the state has a constitutional requirement to manage them.

Scott Phillips, Policy and Communications Chief at the Idaho Department of Lands (IDL), noted IDL has the authority to close Endowment Land when necessary, though it is rarely used. He said the costs for remediating damage to Endowment Lands either comes out of the funding the land would otherwise send to its intended beneficiary, or from sportsmen's fees.

In response to a question from the committee, **Mr. Phillips** said this bill is designed to create a penalty structure short of closure to deter bad actors, and there is nothing in the bill giving the Department new authority to close land. The reason for stronger language was to give options other than the current tool of criminal trespass, which local law enforcement are often unwilling to prosecute.

In response to a question from the committee, **Rep. Raymond** confirmed the bill would give the state the authority to issue citations or fines for leaving trash or illegal camping without having to resort to closure of the land.

Tricia Hebdon, Assistant Wildlife Bureau Chief at the Idaho Department of Fish and Game (IDFG), testified **in support** of the bill.

MOTION:

Rep. Mickelsen made a motion to send **S 1049** to the floor with a **DO PASS** recommendation. **Motion carried by voice vote.** **Rep. Raymond** will sponsor the bill on the floor.

Chairman Mendive turned the gavel over to **Vice Chairman Shepherd** for consideration of the administrative rule.

**DOCKET NO.
13-0102-2201:**

Tricia Hebdon, Assistant Wildlife Bureau Chief at IDFG, said shooting range funding comes from Pittman-Robertson, and this rule would allow IDFG to supplement funding for shooting ranges they own. She said the new funds would be necessary to allow for additional hours of operation for those costs. Pittman-Robertson funds fluctuate based on the sale of ammunition, and these funds would allow for more reliable operation.

In response to a question from the committee, **Ms. Hebdon** said Pittman-Robertson funds are based on grants and are somewhat restricted. She said the consequence of not having these additional funds would likely be reduced operating hours for the ranges.

In response to a question from the committee, **Ms. Hebdon** said the department had not provided a summary of revenue received from sources other than Pittman-Robertson.

Vice Chairman Shepherd asked members of the committee what further information they would like to see. **Rep. Boyle** stated she would like to see a breakdown of total Pittman-Robertson dollars, funding from NRA dinners and other similar organizations, and contributions from local organizations.

MOTION: **Rep. Raybould** made a motion to hold **Docket No. 13-0102-2201** subject to the call of the chair. **Motion carried by voice vote.**

ADJOURN: There being no further business to come before the committee, the meeting was adjourned at 2:59 P.M.

Representative Mendive
Chair

Cameron Douglas
Secretary

AGENDA
HOUSE RESOURCES & CONSERVATION COMMITTEE
1:30 P.M.
Room EW40
Wednesday, March 01, 2023

For members of the public to observe the meeting, please click on the following link:
<https://www.idahoptv.org/shows/idahoinsession/ew40/>

SUBJECT	DESCRIPTION	PRESENTER
DOCKET NO 20-0317-2201	Rules Governing Leases on State-Owned Navigable Waterways (ZBR Chapter Rewrite, Fee Rule) - Proposed Rule For Action Only - No further testimony will be taken.	
	Department of Lands Performance Reports	Dustin Miller, Director, Idaho Department of Lands
	Q and A: A Modern Firefighting Force for a Changing Idaho (from 2/13 presentation)	Dustin Miller, Director, Idaho Department of Lands Craig Foss, Forestry and Fire Division Administrator, Idaho Department of Lands

If you have written testimony, please provide a copy to the committee secretary.

COMMITTEE MEMBERS

Chairman Mendive	Rep Yamamoto	Rep Pickett
Vice Chairman Shepherd	Rep Raybould	Rep Raymond
Rep Boyle	Rep Durrant	Rep Tanner
Rep Vander Woude	Rep Hill	Rep Burns
Rep Blanksma	Rep Mickelsen	Rep Necochea
Rep Manwaring	Rep Nelsen	Rep Galaviz

COMMITTEE SECRETARY

Cameron Douglas
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Phone: 332-1136
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MINUTES
HOUSE RESOURCES & CONSERVATION COMMITTEE

DATE: Wednesday, March 01, 2023

TIME: 1:30 P.M.

PLACE: Room EW40

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

**ABSENT/
EXCUSED:** None

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.

Chairman Mendive called the meeting to order at 1:30 P.M.

Chairman Mendive handed the gavel over to **Vice Chairman Shepherd** for consideration of the administrative rule.

DOCKET NO. 20-0317-2201: **Scott Phillips**, Policy and Communications Chief at the Idaho Department of Lands (IDL), reminded the committee of the nature of the fee rule. The changes are streamlining of language and an increase in fees in order to cover the costs of the leases on state-owned navigable waterways program. The program does not receive any funding from the General Fund, and the current fee does not cover all of the expenses of the program.

In response to a question from the committee. **Mr. Phillips** described the public outreach during the rulemaking process, and noted the absence of any opposition.

MOTION: **Rep. Raymond** made a motion to approve **Docket No. 20-0317-2201. Motion carried by voice vote.**

Vice Chairman Shepherd handed the gavel back over to **Chairman Mendive.**

Dustin Miller, Director of IDL, gave a presentation on the Department's performance reports. He began by describing the agency's mission and programs. He walked the committee through the department's performance on goals it had been set on timber sales, fire control, Forest Practices Act inspections, and renewal of land leases.

In response to questions from the committee, **Director Miller** described discussions within the department about adding additional performance metrics specifically geared toward fire suppression in coming years, and noted there has been no final determination on adding more metrics at this time. He also described the department's funding structure, including the distribution of funds to Endowment Land beneficiaries. **Mr. Phillips** added to the description by describing several specific distribution vehicles those Endowment Lands use. He also promised to provide a chart to help visually demonstrate these processes.

In response to further questions from the committee, **Bill Hoganson**, Deputy Chief of Staff at IDL, described commercial assets, including land and buildings, owned by IDL. Most of those assets have been sold, but IDL retains some parcels of land that it plans to sell in the future. The assets have an income return of 3.1%, with appreciation as an additional percentage on top of that.

In response to questions from the committee about fires at mills causing delays in operation, **Director Miller** said IDL does have the opportunity to extend contracts with mill operators, and noted the scarcity of mills south of the Salmon River. **Mr. Hoganson** added other than interest on timber that remains uncut, there are no additional penalties for not cutting timber right away.

In response to questions from the committee, **Archie Gray**, chief of the Forestry Assistance Bureau at IDL, described the system of timber scaling and the associated licensure process. He noted the check scalers will check both state and private loads.

In response to a question from the committee, **Director Miller** gave a brief summary of the Rangeland Fire Protection Associations in southern Idaho.

Director Miller then briefly summarized the presentation given to the committee at the February 13, 2023 meeting about IDL's wildland fire program.

In response to questions from the committee, **Director Miller** defended the duplication of capabilities between IDL and the federal agencies, as the federal agencies primarily fight fires on federal land which leaves IDL as the primary firefighting force for state and private lands. He also noted IDL's more aggressive approach to putting out fires compared to the federal agencies.

In response to questions from the committee, **Director Miller** described the safety of firefighters as a key reason the department needs skilled, experienced fire captains and incident commanders.

ADJOURN: There being no further business to come before the committee, the meeting was adjourned at 2:24 P.M.

Representative Mendive
Chair

Cameron Douglas
Secretary

AGENDA
HOUSE RESOURCES & CONSERVATION COMMITTEE
1:30 P.M.
Room EW40
Tuesday, March 07, 2023

For members of the public to observe the meeting, please click on the following link:
<https://www.idahoptv.org/shows/idahoinsession/ew40/>

SUBJECT	DESCRIPTION	PRESENTER
S 1017	BOATING - Amends existing law to revise provisions regarding certificates of number and invasive species stickers, to provide for certain fees, and to provide for the assessment of certain penalties.	Rep. Furniss
HCR 7	WATER - States findings of the Legislature and supports ongoing investments in the state's water infrastructure.	Rep. Raybould
H 120	OIL AND GAS - Amends and repeals existing law to revise provisions regarding the Oil and Gas Conservation Commission, spacing units, oil and gas wells, the integration of tracts, reporting requirements, public data, confidentiality of well and trade information, rules, and royalties and to provide for minimum surface use bonds.	Rep. Boyle

Public Testimony Will Be Taken by Registering Through the Following Link:
[***Register to Testify***](#)

If you have written testimony, please provide a copy to the committee secretary.

COMMITTEE MEMBERS

Chairman Mendive	Rep Yamamoto	Rep Pickett
Vice Chairman Shepherd	Rep Raybould	Rep Raymond
Rep Boyle	Rep Durrant	Rep Tanner
Rep Vander Woude	Rep Hill	Rep Burns
Rep Blanksma	Rep Mickelsen	Rep Necochea
Rep Manwaring	Rep Nelsen	Rep Galaviz

COMMITTEE SECRETARY

Cameron Douglas
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MINUTES
HOUSE RESOURCES & CONSERVATION COMMITTEE

DATE: Tuesday, March 07, 2023

TIME: 1:30 P.M.

PLACE: Room EW40

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

**ABSENT/
EXCUSED:** None

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.

Chairman Mendive called the meeting to order at 1:30 P.M.

MOTION: **Rep. Galaviz** made a motion to approve the minutes of February 27 and March 1, 2023. **Motion carried by voice vote.**

S 1017: **Rep. Rod Furniss**, District 31, described the bill, which is brought by the Department of Parks and Recreation and combines several IDAPA rules into code. It also allows the department to sell multi-year stickers for boats.

In response to questions from the committee, **Rep. Furniss** introduced **Susan Buxton**, Director of the Department of Parks and Recreation. Director Buxton explained the definition of vessel in the law would not change. She also noted the intent of the bill is not to change any rules or procedures to do with vessel registration or the invasive species sticker; the bill would merely move the regulation from rules into code. She clarified inflatable vessels under ten feet in length would be exempt from the sticker requirements.

MOTION: **Rep. Raybould** made a motion to send **S 1017** to the floor with a **DO PASS** recommendation. **Motion carried by voice vote.** **Rep. Tanner** requested to be recorded as voting **NAY**. **Rep. Furniss** will sponsor the bill on the floor.

HCR 7: **Rep. Britt Raybould**, District 34, presented the resolution, which would support ongoing investment in the state's water infrastructure on a more long-term track similar to other large infrastructure investments like roads and bridges.

Mary Alice Taylor of the Association of Idaho Cities testified **in support** of the resolution.

Douglas Jones of Idaho Water Engineering testified **in support** of the resolution.

MOTION: **Rep. Burns** made a motion to send **HCR 7** to the floor with a **DO PASS** recommendation. **Motion carried by voice vote.** **Rep. Raybould** will sponsor the bill on the floor.

H 120: **Rep. Judy Boyle**, District 9, presented the bill. She noted her district is the only area in the state which currently has significant oil and gas resources.

Rep. Boyle then introduced **Mick Thomas**, Division Administrator for Minerals, Navigable Waters, and Oil and Gas at the Idaho Department of Lands, for further details on the bill. Mr. Thomas noted this is the first update to oil and gas law since 2017. The bill would alter the makeup of the Oil and Gas Commission and increase clarity in law and regulation for mineral interest owners. He described the public comment process Department of Lands conducted on the changes contained within the legislation.

In response to questions from the committee, **Mr. Thomas** noted no existing rules were included in the legislation. Rather, the changes focused on clarifying points of confusion, especially around reporting, and not creating any new authority for the Oil and Gas Commission. He also gave an overview of the current and proposed makeup of the Commission. The Commission currently includes a county commissioner from Payette County, the only oil and gas producing county in the state, three technical experts, and the Director of the Department of Lands. The proposed commission would remove the Director and one technical expert, and add two gubernatorial appointees.

MOTION: **Rep. Mickelsen** made a motion to send **H 120** to the floor with a **DO PASS** recommendation. **Motion carried by voice vote.** **Rep. Boyle** will sponsor the bill on the floor.

ADJOURN: There being no further business to come before the committee, the meeting was adjourned at 2:02 P.M.

Representative Mendive
Chair

Cameron Douglas
Secretary

AMENDED AGENDA #1
HOUSE RESOURCES & CONSERVATION COMMITTEE
1:30 P.M.
Room EW40
Thursday, March 09, 2023

For members of the public to observe the meeting, please click on the following link:
<https://www.idahoptv.org/shows/idahoinsession/ew40/>

SUBJECT	DESCRIPTION	PRESENTER
<u>S 1021</u>	PRIEST LAKE - Amends existing law to prohibit certain outlet control structures.	Senator Herndon Norm Semanko, Attorney, Parsons Behle & Latimer
<u>S 1032</u>	WATER MANAGEMENT ACCOUNT - Amends existing law to revise provisions regarding expenditures, to provide for the selection of projects, and to revise provisions regarding loans and grants.	Rep. Raybould
<u>S 1033</u>	IRRIGATION - Adds to existing law to provide for the appropriation of ground water for supplemental irrigation use.	Rep. Mickelsen

Public Testimony Will Be Taken by Registering Through the Following Link:
[Register to Testify](#)

If you have written testimony, please provide a copy to the committee secretary.

COMMITTEE MEMBERS

Chairman Mendive	Rep Yamamoto	Rep Pickett
Vice Chairman Shepherd	Rep Raybould	Rep Raymond
Rep Boyle	Rep Durrant	Rep Tanner
Rep Vander Woude	Rep Hill	Rep Burns
Rep Blanksma	Rep Mickelsen	Rep Necochea
Rep Manwaring	Rep Nelsen	Rep Galaviz

COMMITTEE SECRETARY

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MINUTES
HOUSE RESOURCES & CONSERVATION COMMITTEE

DATE: Thursday, March 09, 2023

TIME: 1:30 P.M.

PLACE: Room EW40

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

**ABSENT/
EXCUSED:** Representative Tanner

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.

Chairman Mendive called the meeting to order at 1:30 P.M.

MOTION: **Rep. Durrant** made a motion to approve the minutes of March 7, 2023. **Motion carried by voice vote.**

S 1021: **Sen. Scott Herndon**, District 1, introduced the bill, which addresses the Priest Lake outlet dam. The bill would amend a section of Idaho code which specifically addresses the dam, a state-owned asset managed by the Idaho Water Resource Board (IWRB). The waters of Priest Lake, along with Lake Pend Oreille and Lake Coeur d'Alene, are state property. The bill would make slight modifications to Idaho statute to ensure the dam would be under the sole and exclusive control of the IWRB. The legislation would ensure no other outlet structure can be built without the approval of the legislature and the governor, which created the dam originally. The change is necessary because another outlet structure is under consideration. The Kalispell tribe in 2014 studied the possibility of creating a fishery on the Priest River by injecting cold water from the bottom of Priest Lake to cool the river enough to serve as trout habitat. In 2018, some \$300,000 was spent by the Clark Fork Settlement Agreement Fund to study the possibility of a siphon system to bypass the dam to feed water directly into the river. Sen. Herndon said opponents may cite ongoing local efforts to continue studying the problem, and noted the bill will not interfere with any of those efforts.

Sen. Herndon then introduced **Norm Semanko**, an attorney representing a group called Stop the Priest Lake Siphon, for additional technical expertise. He said the bill would not interfere with IWRB's ability to improve or maintain Priest Lake Dam, and IWRB has no concerns with the legislation. Nothing in the legislation alters existing law regarding water rights or permits. The system as currently constructed limits the releases from the dam to what is needed to sustain existing water rights; the secondary outlet system would give another vehicle for releasing water to maintain minimum stream flow for fish habitat. The bill would not dictate an outcome.

In response to questions from the committee, **Sen. Herndon** said the bill would not change the status quo, so no further breach of any treaty rights to tribes in the area would be caused. **Mr. Semanko** added he is not aware of any treaty rights which would be implicated, and the Kalispell tribe is in favor of improving the fisheries, though not necessarily of the siphon.

Amy Anderson, of the Selkirk Conservation Alliance, testified **in opposition** to the bill on grounds of unnecessary oversight.

Betty Gardner of Priest River testified **in opposition** to the bill.

Stephen Pfeiffer of Idaho Rivers United testified **in opposition** to the bill.

Jonathan Quinn-Hurst testified **in opposition** to the bill.

Allan Songstad of Stop the Priest Lake Siphon testified **in support** of the bill.

Eric Johnson of the West Priest Lake Cabin Owners' Association testified **in support** of the bill.

Jennifer Ekstrom of the Idaho Conservation League testified **in opposition** to the bill.

Ken Hagman of Nordman testified **in support** of the bill.

Kyle Maki of Potlach testified **in opposition** to the bill.

Jennifer Pegg of Priest River testified **in opposition** to the bill.

Paul Arrington of the Idaho Water Users Association testified **in support** of the bill.

Sen. Herndon closed debate by stressing the bill is an approval mechanism, not the solution, and the bill will not prevent the local communities from continuing their work toward solutions. The legislation is necessary because the state owns the dam and the governor owns the water rights, so the legislature must be involved.

MOTION: **Rep. Raybould** made a motion to send **S 1021** to the floor with a **DO PASS** recommendation. **Motion carried by voice vote. Reps. Burns, Necochea, and Galaviz** requested to be recorded as voting **NAY. Rep. Sauter** will sponsor the bill on the floor.

S 1032: **Rep. Britt Raybould**, District 34, presented the bill. It would adopt intent language from a past appropriation bill, which expires at the end of the fiscal year the appropriation passed, in perpetuity, and reorganize the section of code and update language.

MOTION: **Rep. Yamamoto** made a motion to send **S 1032** to the floor with a **DO PASS** recommendation. **Motion carried by voice vote. Rep. Raybould** will sponsor the bill on the floor.

S 1033: **Rep. Stephanie Mickelsen**, District 32, presented the bill, which would allow the Idaho Department of Water Resources to use a policy already in code to condition new groundwater applications.

MOTION: **Rep. Raybould** made a motion to send **S 1033** to the floor with a **DO PASS** recommendation. **Motion carried by voice vote. Rep. Mickelsen** will sponsor the bill on the floor.

ADJOURN: There being no further business to come before the committee, the meeting was adjourned at 2:38 P.M.

Representative Mendive
Chair

Cameron Douglas
Secretary

AGENDA
HOUSE RESOURCES & CONSERVATION COMMITTEE
1:30 P.M.
Room EW40
Monday, March 13, 2023

For members of the public to observe the meeting, please click on the following link:
<https://www.idahoptv.org/shows/idahoinsession/ew40/>

SUBJECT	DESCRIPTION	PRESENTER
HJM 4	WATER QUALITY STANDARDS - States findings of the Legislature declaring opposition to EPA proposed rules regarding water quality standards.	Rep. Boyle
DOCKET NO 37-0304-2201	Drilling for Geothermal Resources Rules (ZBR Chapter Rewrite, Fee Rule) - Proposed Rule	Erik Boe, Ground Water Protection Manager, Department of Water Resources
37-0310-2201	Well Driller Licensing Rules (ZBR Chapter Rewrite, Fee Rule) - Proposed Rule	Erik Boe, Ground Water Protection Manager, Department of Water Resources

Public Testimony Will Be Taken by Registering Through the Following Link:
[Register to Testify](#)

If you have written testimony, please provide a copy to the committee secretary.

COMMITTEE MEMBERS

Chairman Mendive	Rep Yamamoto	Rep Pickett
Vice Chairman Shepherd	Rep Raybould	Rep Raymond
Rep Boyle	Rep Durrant	Rep Tanner
Rep Vander Woude	Rep Hill	Rep Burns
Rep Blanksma	Rep Mickelsen	Rep Necochea
Rep Manwaring	Rep Nelsen	Rep Galaviz

COMMITTEE SECRETARY

Cameron Douglas
Room: EW62
Phone: 332-1136
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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

AMENDED AGENDA #1
HOUSE RESOURCES & CONSERVATION COMMITTEE
1:30 P.M.
Room EW40
Wednesday, March 15, 2023

For members of the public to observe the meeting, please click on the following link:
<https://www.idahoptv.org/shows/idahoinsession/ew40/>

SUBJECT	DESCRIPTION	PRESENTER
S 1112	BEAR LAKE - Adds to existing law to recognize Bear Lake's benefits and to provide for its enhancement, protection, and preservation.	Rep. Wheeler
S 1084aa	WILDLIFE - Adds to existing law to provide an exception to requirements for wildlife held captive in Idaho.	Rep. Boyle
HJM 5	GRIZZLY BEAR - States findings of the Legislature and urges the delisting of grizzly bear in the lower 48 states.	Rep. Dixon (1)
S 1085	OUTFITTERS AND GUIDES - Amends existing law to revise provisions regarding outfitter and guide licensure.	Tim Frost, Deputy Administrator, Division of Occupational and Professional Licenses
	Presentation: Department of Water Resources Performance Reports	Gary Spackman, Director, Idaho Department of Water Resources

Public Testimony Will Be Taken by Registering Through the Following Link:
[Register to Testify](#)

If you have written testimony, please provide a copy to the committee secretary.

COMMITTEE MEMBERS

Chairman Mendive
Vice Chairman Shepherd
Rep Boyle
Rep Vander Woude
Rep Blanksma
Rep Manwaring

Rep Yamamoto
Rep Raybould
Rep Durrant
Rep Hill
Rep Mickelsen
Rep Nelsen

Rep Pickett
Rep Raymond
Rep Tanner
Rep Burns
Rep Necochea
Rep Galaviz

COMMITTEE SECRETARY

Cameron Douglas
Room: EW62
Phone: 332-1136
Email: hres@house.idaho.gov

MINUTES
HOUSE RESOURCES & CONSERVATION COMMITTEE

DATE: Wednesday, March 15, 2023

TIME: 1:30 P.M.

PLACE: Room EW40

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

**ABSENT/
EXCUSED:** Representatives Blanksma, Tanner

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.

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

MOTION: **Rep. Durrant** made a motion to approve the minutes of March 9 and March 13, 2023. **Motion carried by voice vote.**

**UNANIMOUS
CONSENT
REQUEST:** **Chairman Mendive** requested unanimous consent to re-order the agenda to consider **S 1084aa** first. There being no objection, the order was changed.

S 1084aa: **Rep. Judy Boyle**, District 9, presented the bill. It would allow three private wildlife exhibitors with a USDA Class C Exhibitors License to be treated the same as city zoos. The Department of Fish and Game would still be able to regulate importations of deer and elk to control for instances of Chronic Wasting Disease. The bill is brought on behalf of Yellowstone Bearworld, a family-owned drive-through wildlife park which has been operating near Rexburg for over 25 years. The amendment in the Senate was brought at the request of the Department of Fish and Game (IDFG).

Jonathan Oppenheimer, external relations director of the Idaho Conservation League, testified **in opposition** to the bill.

In response to questions from the committee, **Mr. Oppenheimer** said the bill would remove a current requirement for bonds under IDFG rule.

Jeremy Chou, attorney at Givens Pursley representing Yellowstone Bearworld, testified **in support** of the bill.

In response to questions for the committee, **Mr. Chou** noted there is no bonding requirement under USDA regulations but the insurance policy would remain. OSHA would still have oversight over the business. IDFG would still have the ability to review Yellowstone Bearworld's records, but would no longer have the ability to inspect the facility, though USDA would still have that power.

In response to further questions from the committee, **Tricia Hebdon**, Assistant Chief of Wildlife at the Department of Fish and Game, said USDA can do surprise inspections and has done so at least once a year for the last 20 years, and more frequently in case of complaints. The bill would remove two facilities from IDFG's regulation, which would lessen the regulatory burden for the agency. IDFG would know through USDA records the types and numbers of animals on the property. She noted the Department has a good working relationship with Yellowstone Bearworld, and she does not foresee any obstacles to IDFG inspecting their records. IDFG would retain oversight over the cervids (deer, elk, etc.) at Bearworld, but none of the other animals.

Lorren Oesch, a preschool teacher from Boise, testified **in opposition** to the bill.

In closing, **Rep. Boyle** pointed out the required records for import, possession, or sale of wildlife are currently in state code and the USDA regulations. In response to questions from the committee, she noted the bill does not affect the Boise Zoo. **Ms. Hebdon** clarified IDFG does not have authority over the Boise Zoo, though they maintain a good working relationship as any county or municipal zoo is exempt from the regulations in question.

MOTION: **Rep. Raymond** made a motion to send **S 1084aa** to the floor with a **DO PASS** recommendation. **Motion carried by voice vote. Reps. Burns and Galaviz** requested to be recorded as voting **NAY**. **Rep. Boyle** will sponsor the bill on the floor.

Rep. Raymond noted he ranches near Yellowstone Bearworld, and while he was skeptical when they opened, they have been highly professional in their operations and keep a well-maintained facility with healthy animals.

S 1112: **Rep. Josh Wheeler**, District 35, presented the bill, which would add Bear Lake to a section of code which preserves the lakes and waters of Idaho. It would maintain Idaho's sovereignty, encourage collaboration among agencies and stakeholders, and protect the endemic species in the lake.

Paul Arrington of the Idaho Water Users Association testified **in support** of the bill.

Claudia Cottle, representing Bear Lake Watch, testified **in support** of the bill.

MOTION: **Rep. Mickelsen** made a motion to send **S 1112** to the floor with a **DO PASS** recommendation. **Motion carried by voice vote. Rep. Wheeler** will sponsor the bill on the floor.

HJM 5: **Rep. Sage Dixon**, District 1, presented the memorial, which would petition the federal government to delist grizzly bears as endangered species. The result of delisting would allow Idaho, along with the federal government, to help manage conflicts between grizzly bears and humans and livestock.

Jonathan Oppenheimer, external relations director of the Idaho Conservation League, testified **in opposition** to the memorial.

In response to questions from the committee, **Mr. Oppenheimer** said he is unfamiliar with any program through which the Idaho Conservation League has paid any funds for depredations caused by grizzly bears.

Darcy Lammers of Bonners Ferry testified **in support** of the memorial.

In response to questions from the committee, **Mr. Lammers** clarified recovery of the species is said to be impossible in some recovery zones due to smaller size and the lack of a national park or similar preserve as a core habitat. He also noted he was not compensated when his daughter's 4-H lambs were killed by a grizzly bear on his farm due to US Fish and Wildlife Service policy not to reimburse for damages caused by endangered species. The individual bear in question was a known problem bear; it was trapped and ultimately euthanized.

Chyla Wilson, representing the Idaho Farm Bureau Federation, testified **in support** of the memorial.

In closing, **Rep. Dixon** stressed the challenge of basing measurements of healthy bear populations based on the numbers in individual small areas.

MOTION: **Rep. Pickett** made a motion to send **HJM 5** 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. Dixon (1)** will sponsor the memorial on the floor.

S 1085: **Tim Frost**, Deputy Administrator at the Division of Occupational and Professional Licenses, presented the bill, which would move several definitions regarding outfitter and guide licensing from rule into code, and eliminate duplicative licenses to make it easier for guides to work for multiple outfitters. The bill does not change any fee schedules or dedicated funding.

Tricia Hebdon, Assistant Chief of Wildlife at the Department of Fish and Game, testified **in support** of the bill.

MOTION: **Rep. Mickelsen** made a motion to send **S 1085** to the floor with a **DO PASS** recommendation. **Motion carried by voice vote.** **Chairman Mendive** will sponsor the bill on the floor.

Gary Spackman, Director of the Idaho Department of Water Resources, summarized his department's performance reports. He noted four of the nine measures relate to water rights, and in this area the workload has been growing.

In response to questions from the committee, **Director Spackman** said the influx of new population to the state is playing a role in the increased water right activity. In response to a question about the Department being behind on its goals of groundwater recharge in the Snake River basin, he noted recharge efforts are dependent on snowpack and rain, which are outside the Department's control, and the goals in question are an average rather than an annual target. He explained the correlation between groundwater recharge and groundwater monitoring.

ADJOURN: There being no further business to come before the committee, the meeting was adjourned at 2:59 P.M.

Representative Mendive
Chair

Cameron Douglas
Secretary

AMENDED AGENDA #1
HOUSE RESOURCES & CONSERVATION COMMITTEE
1:30 P.M.
Room EW40
Tuesday, March 21, 2023

For members of the public to observe the meeting, please click on the following link:
<https://www.idahoptv.org/shows/idahoinsession/ew40/>

SUBJECT	DESCRIPTION	PRESENTER
S 1143	FISH AND GAME - Adds to existing law to provide for seasonal restrictions regarding antlers and horns to protect wintering big game.	Rep. Raybould
DOCKET NO 13-0102-2201	Rules Governing Mandatory Education, Mentored Hunting, and Shooting Ranges (ZBR Chapter Rewrite, Fee Rule) - Proposed Rule No further testimony will be taken.	
	Presentation: Department of Water Resources Performance Reports (Continued from 3/15)	Gary Spackman, Director, Idaho Department of Water Resources
	Prsentation: Wolf Management Plan	Katie Oelrich, Wildlife Staff Biologist, Idaho Department of Fish and Game

Public Testimony Will Be Taken by Registering Through the Following Link:
[Register to Testify](#)

If you have written testimony, please provide a copy to the committee secretary.

COMMITTEE MEMBERS

Chairman Mendive
Vice Chairman Shepherd
Rep Boyle
Rep Vander Woude
Rep Blanksma
Rep Manwaring

Rep Yamamoto
Rep Raybould
Rep Durrant
Rep Hill
Rep Mickelsen
Rep Nelsen

Rep Pickett
Rep Raymond
Rep Tanner
Rep Burns
Rep Necochea
Rep Galaviz

COMMITTEE SECRETARY

Cameron Douglas
Room: EW62
Phone: 332-1136
Email: hres@house.idaho.gov

MINUTES
HOUSE RESOURCES & CONSERVATION COMMITTEE

DATE: Tuesday, March 21, 2023

TIME: 1:30 P.M.

PLACE: Room EW40

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

**ABSENT/
EXCUSED:** Representatives Vander Woude, Blanksma, Manwaring, Tanner, Burns

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.

Chairman Mendive called the meeting to order at 1:36 P.M.

MOTION: **Rep. Galaviz** made a motion to approve the minutes of March 15, 2023. **Motion carried by voice vote.**

S 1143: **Rep. Britt Raybould**, District 34, presented the bill, which would provide seasonal restrictions for antlers and horns to protect wintering big game. These restrictions would bring Idaho's policy into line with surrounding states and set up a specified hunting season for shed hunters to protect herds and reduce stress on them during the winter season.

Amber Worthington, Deputy Director of the Department of Fish and Game, testified **in support** of the bill.

In response to questions from the committee, **Ms. Worthington** clarified there would be an exemption to the season for private lands and private landowners, and this legislation would only affect public lands. She also clarified Fish and Game does not currently have any authority over antler shed collection at this time. She noted the need for the legislation driven by people pursuing the animals on snow machines, snowshoes, and other methods, and current law does not adequately address the specific circumstances of shed hunting. She said the Department does not intend to add a tag system or anything similar.

Brian Brooks, representing the Idaho Wildlife Federation, testified **in support** of the bill.

MOTION: **Rep. Yamamoto** made a motion to send **S 1143** to the floor with a **DO PASS** recommendation. **Motion carried by voice vote.** **Vice Chairman Shepherd** and **Rep. Boyle** requested to be recorded as voting **NAY**. **Rep. Raybould** will sponsor the bill on the floor.

Chairman Mendive turned the gavel over to **Vice Chairman Shepherd** for consideration of the rule.

**DOCKET NO.
13-0102-2201:** **Vice Chairman Shepherd** re-introduced the rule to the committee.

MOTION: **Rep. Mickelsen** made a motion to approve **Docket No. 13-0102-2201**. **Motion carried by voice vote.**

Vice Chairman Shepherd turned the gavel back over to **Chairman Mendive**.

Gary Spackman, Director of the Department of Water Resources, continued his presentation on the Department's performance measures. He noted the importance of prioritization in determining the performance metrics the Department uses. He noted concerns about the uptick of pending applications currently waiting for action of the Water Supply bank, as both the timeframe for addressing cases and the backlog of cases has been on the rise. The number of drilling permits for groundwater wells has grown from around 3,000 to around 5,000 since FY 2017, and the Department has been working to ensure quality standards remain high even with the increased volume. He described the creation of a new water district on Jordan Creek in Owyhee County, and briefly described other water district work across the state. He laid out the goal of 250,000 acre-feet of groundwater recharge per year, and he hopes this year's increased snowpack would allow the target to be surpassed.

In response to questions from the committee, **Director Spackman** said the Department is not able to look at every single domestic well being drilled to ensure there is appropriate sizing, and because of multiple water sources it would be beyond the Department's resources to thoroughly enforce. **Rep. Mickelsen** suggested the enforcement of this issue would be something the Department and the committee to begin working on.

In response to further questions from the committee, **Director Spackman** noted an example from last year in Rigby when the Department put a moratorium on use of wells, although the Department did not have the authority to stop use of domestic wells, even though they often had more junior water rights. If some users choose to pay fines and keep pumping, he suggested he has some authority to issue penalties to violators independent of the enforcement authority of the water districts, limited to \$300 per acre for irrigation, and perhaps those limits on penalties could be reconsidered.

Katie Oelrich, Wildlife Staff Biologist at the Department of Fish and Game, gave a presentation on Idaho's gray wolf management plan. The goal of the plan is to maintain a viable, self-sustaining wolf population which minimizes conflict with both livestock and ungulate populations. It also includes improving monitoring techniques through technology.

In response to questions from the committee, **Ms. Oelrich** noted the current population goals of around 500 wolves align with the US Fish and Wildlife Service's 2009 Northern Rocky Mountain Wolf Delisting Rule.

ADJOURN:

There being no further business to come before the committee, the meeting was adjourned at 2:42 P.M.

Representative Mendive
Chair

Cameron Douglas
Secretary

AGENDA
HOUSE RESOURCES & CONSERVATION COMMITTEE
1:30 P.M.
Room EW40
Thursday, March 23, 2023

For members of the public to observe the meeting, please click on the following link:
<https://www.idahoptv.org/shows/idahoinsession/ew40/>

SUBJECT	DESCRIPTION	PRESENTER
	Presentation: Department of Fish and Game Performance Reports	Amber Worthington, Deputy Director, Idaho Department of Fish and Game

If you have written testimony, please provide a copy to the committee secretary.

COMMITTEE MEMBERS

Chairman Mendive
Vice Chairman Shepherd
Rep Boyle
Rep Vander Woude
Rep Blanksma
Rep Manwaring

Rep Yamamoto
Rep Raybould
Rep Durrant
Rep Hill
Rep Mickelsen
Rep Nelsen

Rep Pickett
Rep Raymond
Rep Tanner
Rep Burns
Rep Necochea
Rep Galaviz

COMMITTEE SECRETARY

Cameron Douglas
Room: EW62
Phone: 332-1136
Email: hres@house.idaho.gov

MINUTES
HOUSE RESOURCES & CONSERVATION COMMITTEE

DATE: Thursday, March 23, 2023

TIME: 1:30 P.M.

PLACE: Room EW40

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

**ABSENT/
EXCUSED:** Representatives Boyle, Vander Woude, Manwaring, Hill, Mickelsen, Pickett, Tanner, Burns

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.

Chairman Mendive called the meeting to order at 1:33 P.M.

MOTION: **Rep. Galaviz** made a motion to approve the minutes of March 21, 2023. **Motion carried by voice vote. Chairman Mendive** thanked **Reps. Galaviz and Durrant** for their work as minutes proofreaders during the session.

Amber Worthington, Deputy Director of the Department of Fish and Game, gave a presentation on the Department's performance measures. After an overview of the Department's core functions, revenue, and expenditures, she described the performance measures the Department has set. For sustaining Idaho's fish and wildlife, the Department has met its compliance with regulation goals, but come slightly short of the target for elk and deer populations and game fish. She then described meeting or nearing objectives in public lands access, and improving public understanding of fish and game wildlife management. Finally, she described the Department's struggles in retaining highly qualified personnel.

In response to questions from the committee, **Tricia Hebdon**, Assistant Chief of Wildlife for the Department of Fish and Game, explained the decline in deer and elk populations is due to the differences in habitat and climate needs of white-tailed deer, mule deer, and elk, and particular losses among the white-tailed deer population in the last year. She also noted breaking out the data for all three species might cause an overload of data that might hurt the general public's comprehension of the data. **Ms. Worthington** noted the further limitation of only ten performance reports per department. **Rep. Blanksma** added the legislature has the statutory authority to allow the Department to include additional performance measures.

Chairman Mendive recognized **Caitlyn Yang** and **Emma Brulotte**, the committee's pages, and **Cameron Douglas**, the committee secretary, for their help during the session. **Ms. Yang**, **Ms. Brulotte**, and **Mr. Douglas** thanked the committee for the opportunity to serve.

ADJOURN: There being no further business to come before the committee, the meeting was adjourned at 1:58 P.M.

Representative Mendive
Chair

Cameron Douglas
Secretary