

MINUTES  
**SENATE RESOURCES & ENVIRONMENT COMMITTEE**

**DATE:** Monday, March 10, 2025

**TIME:** 1:30 P.M.

**PLACE:** Room WW55

**MEMBERS PRESENT:** Chairman Burtenshaw, Vice Chairman Hart, Senators Guthrie, Harris, Okuniewicz, Cook, VanOrden, Kohl, and Taylor

**ABSENT/ EXCUSED:** None

**NOTE:** The sign-in sheet, testimonies and other related materials will be retained with the minutes in the committee's office until the end of the session and will then be located on file with the minutes in the Legislative Services Library.

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

**RS 32622C1** **Senate Resolution Stating Findings of the Senate and Providing that All Temporary and Pending Rules of the Idaho Department of Fish and Game, the Idaho Department of Lands, the Division of Occupational and Professional Licenses, the Idaho Department of Parks and Recreation, the Idaho Department of Water Resources, and the Idaho Department of Environmental Quality Have Been Reviewed and Approved, with an Exception.** Unanimous Consent Request for Referral to a Privileged Committee for Printing

**MOTION:** **Senator Harris** requested unanimous consent to send **RS 32622C1** to the Judiciary and Rules Committee for printing. There were no objections.

**RS 32623** **Senate Concurrent Resolution Stating Findings of the Legislature and Rejecting Certain Rules of the Idaho Department of Lands Relating to Rules Governing Grazing, Farming, Conservation, Noncommercial Recreation, and Communication Site Leases.** Unanimous Consent Request for Referral to a Privileged Committee for Printing

**MOTION:** **Vice Chairman Hart** requested unanimous consent to send **RS 32623** to the Judiciary and Rules Committee for printing. There were no objections.

**S 1146** **OIL AND GAS - Amends existing law to revise a provision regarding the Oil and Gas Conservation Commission.** **Senator Harris** explained this legislation addressed qualifications for the members of the Gas and Oil Conservation Commission (Commission). For this commission, one of the five members had to have a degree in geosciences or engineering and at least five years of experience in the oil and gas industry. The degree requirement limited the pool of Idahoans qualified to serve on the Commission, making it difficult to find applicants. This legislation removed the specific degree requirement and revised the years of experience required from five years to eight years.

**MOTION:** **Senator Kohl** moved to send **S 1146** to the floor with a **do pass** recommendation. **Senator Guthrie** seconded the motion. The motion carried by **voice vote**.

**HJM 5  
HCR 8**

**LAVA RIDGE - States findings of the Legislature, expresses concern and opposition towards the Lava Ridge wind energy project, and requests additional federal intervention.**

**LAVA RIDGE - States findings of the Legislature, expresses concern and opposition towards the Lava Ridge wind energy project, and requests that the State of Idaho monitor the project and assist in applicable reviews.**

**Representative Clow** explained that **HJM 5** and **HCR 8** were similar and he would present them together. He explained these were formal requests to Idaho's Congressional delegation in the United States Senate and the United States House of Representatives, and to the President of the United States to act to terminate the LS Energy wind turbine project known as Lava Ridge. He provided some history on the proposed Lava Ridge wind turbine farm planned for the Magic Valley. He spoke about the significant resistance from the general public to this project and reviewed some of the reasons for the resistance, including concerns about the impact on the Eastern Snake Plain Aquifer (ESPA) due to blasting and about energy generated from this project going outside of Idaho. He believed this legislation was needed because, despite overwhelming opposition, the Lava Ridge Project was approved by the Bureau of Land Management last December. He was concerned that although President Trump signed an executive order identifying the Lava Ridge project and ordering the United States Department of Interior to place a temporary moratorium on all activities and rights of the developer, this was only effective for 90 days.

**Representative Nelson** confirmed the opposition to the Lava Ridge project in his community. He spoke about the dangers of blasting to install wind turbines on top of the calderas stretching across Idaho from Yellowstone Park, and the lack of mitigation to the community to compensate for things like spoiled wells and the effects of an invasion of workers on a small community.

**MOTION:** **Senator Taylor** moved to send **HJM 5** to the floor with a **do pass** recommendation. **Senator Kohl** seconded the motion. The motion carried by **voice vote**.

**MOTION:** **Senator Taylor** moved to send **HCR 8** to the floor with a **do pass** recommendation. **Senator Kohl** seconded the motion. The motion carried by **voice vote**.

**H 129** **LAND BANK FUND - Amends existing law to extend the time that proceeds can be held in the land bank fund.** **Senator Bernt** explained this legislation extended the time that monies could be held in the Land Bank Fund from five years to ten years. This was to give the State Board of Land Commissioners (Land Board) and the Idaho Department of Lands (IDL) more time to find suitable endowment land to buy and expand the State's portfolio. **Representative Vander Woude** added that money was placed in the Land Bank Fund from the sale of State property. Regulation required this money be reinvested into suitable endowment land within five years. If the money was not reinvested within five years, it was transferred to the Permanent Endowment Fund and no longer available to the State to reinvest into endowment lands. He shared about the lack of availability of land to buy, and he addressed the opposition to this legislation that suggested limiting purchases to federal land.

**DISCUSSION:** **Senator Cook** asked if the number of acres owned by the State had grown, stayed the same, or decreased over the last 10 years. **Representative Vander Woude** responded that since the initial Idaho endowment land grant the number of acres owned by the State had gone down, although it had increased recently as the State sold some lands with a high value, which allowed them to buy larger parcels of land with the proceeds. **Senator Cook** asked for clarification of Representative Vander Woude's comment about trying to get the State out of the business of purchasing and owning land. **Representative Vander Woude** responded that he meant that he did not have a problem with the State buying more forest land that they had the expertise to manage, but he did not think the State had the expertise to manage businesses and commercial property.

**TESTIMONY:** **Heather Eastman**, Idaho Business for the Outdoors, **Nick Fasciano**, Idaho Wildlife Federation, **Jack Hurty**, Idaho Outfitters and Guides Association, **Stephen Thomas**, Idaho Forest Group, and **Jonathan Oppenheimer**, Idaho Conservation League, testified in favor of **H 129**.

**Russ Hendricks**, Idaho Farm Bureau, **Thomas Daniel**, and **Luke Malek**, Stimpson Company, testified against **H 129**. **Mr. Daniel** did not have a problem with the State owning land, but he disagreed with that land being removed from the tax rolls. **Mr. Malek** agreed with the intent behind this legislation, but asked that the Committee consider a partnership with Stimpson Company that would forward Idaho's conservation interests.

Most in favor of **H 129** believed this legislation would allow the Land Board and IDL greater flexibility when reinvesting land sale proceeds, and that more flexibility was needed to allow for fluctuations in the real estate market. They shared that this legislation would allow the State to avoid having to transfer money into the Permanent Endowment Fund, which was not in the best interests of the endowment land beneficiaries. They believed investments in land assets were better for Idahoans than investments in the stock market. They believed this legislation enhanced public access to Idaho's outdoor spaces, and benefit recreational users.

**DISCUSSION:** **Senator Guthrie** asked Mr. Thomas how transparent the Land Board was when they purchased land. **Mr. Thomas** responded that he had followed purchase proceedings for the last ten years and found them to be extremely transparent. **Senator Guthrie** shared a concern about private investors competing with the State when purchasing land, and asked if there was any thought given to providing the private sector a first right of refusal opportunity once a value was set on a land purchase. **Mr. Thomas** responded he did not know.

**TESTIMONY:** **Mr. Hendricks** testified the current system was working as the Legislature had intended. He referred the Committee to his handout from the 2024 IDL Annual Report (Attachment 1). He shared how the endowment had increased their agricultural, forestland, and rangeland holdings. He shared Idaho Farm Bureau's policy opposing any net loss of private property in Idaho. He shared concerns that the percentage of government owned land in Idaho was too high, about the private sector competing with the State, and that land purchased for the endowment was not necessarily open to the public for recreation and other opportunities.

**DISCUSSION:** **Senator Harris** asked Mr. Hendricks if he had any suggested amendments to this legislation that would allow him to support it. **Mr. Hendricks** responded that he would support expanding the time available to purchase non-private land. **Senator Taylor** asked Mr. Hendricks to clarify what he meant by the State taking property and if these transactions were between a willing buyer and a willing seller. **Mr. Hendricks** responded he did not mean take, he meant purchase. **Senator Taylor** asked if Mr. Hendricks would agree that the purpose of the endowment fund was to maximize the return for the State. **Mr. Hendricks** responded he would agree.

**TESTIMONY:** **Mr. Oppenheimer** shared his belief that land assets in the Land Bank Fund provided predictable revenue that balanced investments in the stock market. He disputed some of Mr. Hendricks' numbers, which he stated contradicted the detailed description of acres acquired that was available on IDL's website. He shared that since Idaho became a state, they had sold a million acres of endowment lands, and this was an opportunity to rebuild some of that asset base. He spoke about the process IDL used to identify and purchase land, and in praise of the fair and transparent process used to acquire endowment lands.

**DISCUSSION:** **Senator Guthrie** asked Mr. Oppenheimer if there was ever an opportunity for the private sector to insert themselves into the land buying process. **Mr. Oppenheimer** responded that ultimately the Land Board had a sole and strict duty to the endowment beneficiaries, and if they changed to an open, competitive bidding process, the Land Board and the Legislature would have to take steps that would likely reduce the maximum return on the investment, which would create some constitutional issues.

**DISCUSSION:** **Senator Okuniewicz** asked Representative Vander Woude how much money was about to reach the five year deadline and what would happen if that money was not spent. **Representative Vander Woude** believed there was about \$85 million in the Land Bank with \$5 or \$7 million reaching the deadline this year and another \$20 million next year. If not reinvested, this money would be transferred into the Permanent Endowment Fund. **Senator Okuniewicz** asked if the funds in the Land Bank were invested in the stock market or were they just drawing interest. **Representative Vander Woude** believed they were just drawing interest, so they could remain liquid and available any time IDL found an appropriate land deal.

**Vice Chairman Hart** stated there seemed to be multiple concerns about the Land Board and how the Land Bank Fund was managed that were beyond the scope of this legislation. He asked Representative Vander Woude if he thought there was a need for a trailer bill or for these concerns to be addressed in the next legislative session. **Representative Vander Woude** responded he had received differing opinions about what the Legislature had the authority to do, so before trying to set parameters on what the Land Board could do, he hoped to pass this legislation to preserve the funds available to purchase land. **Vice Chairman Hart** asked if the mechanics of buying and selling land for the endowment fund was outside of the responsibility of the Legislature. **Representative Vander Woude** responded he received an opinion that the Legislature did not and a later opinion that they did.

**Chairman Burtenshaw** asked if this legislation changed any policy. **Representative Vander Woude** responded nothing was changed policy-wise with this legislation; it just extended the time period to reinvest land sales.

**Senator Guthrie** shared some concerns and recognized that some of the Land Bank funds would soon be unavailable to reinvest in land. He suggested sending this legislation to the 14th Order of Business with the recommendation to revise five years to eight years with a three year sunset. **Chairman Burtenshaw** asked for clarification on Senator Guthrie's suggestion. **Senator Guthrie** explained that instead of revising from five years to ten, the legislation would be revised from five years to eight, but in three years, the time limit would return to five years. **Representative Vander Woude** responded that he did not oppose an amendment that provided a three year extension, but he asked for a commitment to look at how these funds were reinvested and what the Land Board was buying. **Representative Rubel** added that an extra three years would at least help with the imminent loss of \$9 million this July, and \$31 to \$32 million by this time next year, and she would prefer Senator Guthrie's revision to seeing this legislation die.

**MOTION:** **Senator Taylor** moved to send **H 129** to the floor with a **do pass** recommendation. The motion failed due to lack of a second.

**MOTION:** **Senator Guthrie** moved to send **H 129** to the 14th Order of Business for possible amendment. **Vice Chairman Hart** seconded the motion.

**ROLL CALL VOTE:** **Chairman Burtenshaw** called for a roll call vote on the motion to send **H 129** to the 14th Order of Business for possible amendment. **Chairman Burtenshaw**, **Vice Chairman Hart**, and **Senators Guthrie, Okuniewicz, VanOrden, Kohl**, and **Taylor** voted aye. **Senator Cook** and **Senator Harris** voted nay. The motion carried. **Chairman Burtenshaw** and **Senator Kohl** reserved their right to change their vote.

**H 161** **FLOOD CONTROL DISTRICTS - Amends existing law related to meetings, compensation, and the powers and duties of the board of commissioners of a flood control district.** **Representative Vander Woude** explained this legislation updated the statutes for flood control districts. Updates included flood control districts were no longer required to keep an office within their district, the frequency of their meetings could be as needed as long as a meeting notice was posted, district meetings had to comply with open meeting laws, districts were allowed to set their own compensation for their board members, and all procurement must follow current procurement laws.

**DISCUSSION:** **Senator Cook** asked where the money came from to pay board members. **Dan Steenson**, Sawtooth Law, representing Flood Control District 10, responded that flood control districts were taxing districts, so their revenues came from the land base within their boundaries.

**MOTION:** **Senator Taylor** moved to send **H 161** to the floor with a **do pass** recommendation. **Senator Cook** seconded the motion. The motion carried by **voice vote**. **Senator Okuniewicz** reserved his right to change his vote.

**MINUTES APPROVAL:** **Senator VanOrden** moved to approve the Minutes of January 27, 2025. **Vice Chairman Hart** seconded the motion. The motion carried by **voice vote**.

**MINUTES APPROVAL:** **Senator Cook** moved to approve the Minutes of Minutes of January 29, 2025. **Senator Harris** seconded the motion. The motion carried by **voice vote**.

**MINUTES APPROVAL:** **Senator Taylor** moved to approve the Minutes of Minutes of February 12, 2025. **Senator Cook** seconded the motion. The motion carried by **voice vote**.

**ADJOURNED:** There being no further business at this time, **Chairman Burtenshaw** adjourned the meeting at 2:40 p.m.

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Senator Burtenshaw  
Chair

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Shelly Johnson  
Secretary