

MINUTES

## SENATE RESOURCES & ENVIRONMENT COMMITTEE

**DATE:** Monday, March 17, 2025

**TIME:** 1:00 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 1:00 p.m.

**Chairman Burtenshaw** stated he would move **H 128** to the beginning of the agenda to accommodate Representative Mendive.

**H 128** **FISH AND GAME - Adds to existing law to provide that the Department of Fish and Game shall not adopt or enforce any rule that makes it unlawful to use sabots in a muzzleloader-only season.** **Representative Mendive** explained this legislation added to Idaho Code the provision that the Idaho Department of Fish and Game (IDFG) would not prohibit the use of sabots in a muzzleloader-only season. He explained the advantages of using sabots, including that they were more accurate and more likely to bring down a target.

**DISCUSSION:** **Senator Okuniewicz** asked if there were any other states that did not allow sabots, and if this legislation was preventative, since sabots were already disallowed. **Representative Mendive** responded that he did not know about other states, and that IDFG's rules currently stated that it was unlawful to use a sabot during a muzzleloader-only season, so this would remove that rule.

**Senator Guthrie** asked for an explanation of the difference between using a sabot and what they were currently using. **Representative Mendive** responded that IDFG allowed patched round balls or conical bullets. The sabot had plastic around the bullet and made a better connection with the grooves, so it was more accurate and it hit a little harder. **Senator Guthrie** asked if allowing the use of sabots was contrary to the intended challenge associated with using a muzzleloader. **Representative Mendive** responded that hunters were still limited by the open sights on these guns, which put the hunter at a maximum distance of about a hundred yards. He believed he could hit an animal with a round ball at a hundred yards, but he did not think he could harvest the animal, and the use of a sabot would improve his harvest rate.

**TESTIMONY:** **Nick Fasciano**, Idaho Wildlife Federation, testified against **H 128**. He believed decisions about the use of individual technologies in hunting belonged to IDFG, who used work groups and a public process to address adding technologies in hunting. He thought adding specifics to Idaho Code could be difficult to undo.

**DISCUSSION:** **Senator Lent** provided more history on the use of technologies for muzzleloader hunting in Idaho and other parts of the country. He explained that with traditional muzzle loaders, the powder, round ball, and piece of patch went down the barrel, with the patch between the powder and ball. The sabot just replaced the patch, which was greasy and messy, with a piece that was a little more efficient.

**Chairman Burtenshaw** asked if flintlock was used to spark or ignite the powder. **Senator Lent** explained there were two approaches, flintlock and a cap, he described each approach, and he stated they currently use caps. **Senator Harris** asked Senator Lent if he saw using sabots as a way to increase the rate of harvest. **Senator Lent** responded that using sabots increased accuracy, so the hunter was more likely to harvest an animal he shot. **Senator Guthrie** asked if IDFG had an opinion on this issue. **Senator Lent** responded that he did not know, but historically they had been resistant to any kind of change allowing technology.

**MOTION:** **Senator Cook** moved to send **H 128** to the floor with a **do pass** recommendation. **Senator Okuniewicz** seconded the motion.

**DISCUSSION:** **Senator Okuniewicz** stated these types of projectiles allowed for a cleaner, quicker kill, and a hunter was less likely to lose an injured animal and continue hunting. **Senator Taylor** stated he would most likely reluctantly vote for this legislation, but he was nervous about the number of rules being voted to statute this year. **Senator Guthrie** and **Senator Harris** stated they believed this legislation was moving the sport of muzzleloader hunting away from what it was intended to be and they would be voting no.

**VOICE VOTE:** The motion to send **H 128** to the floor with a **do pass** recommendation carried by **voice vote**. **Senator Guthrie** and **Senator Harris** requested that they be recorded as voting nay.

**S 1167** **WEATHER MODIFICATION DISTRICTS - Repeals existing law to remove provisions regarding weather modification.** **Senator Nichols** explained this was a cleanup bill that repealed Idaho Code § 22-43, regarding weather modification districts. This section of code had only been utilized by one district in the State of Idaho and had not been utilized in more than 40 years.

**MOTION:** **Senator Van Orden** moved to send **S 1167** to the floor with a **do pass** recommendation. **Senator Taylor** seconded the motion.

**TESTIMONY:** **Serge Brown** from the Clear Skies Movement protested against cloud seeding, geoengineering, SAI (Stratospheric Aerosol Injection), SRM (Solar Radiation Modification), and weather modification. His comments were in general and unrelated to the content of **S 1167**.

**VOICE VOTE:** The motion to send **S 1167** to the floor with a **do pass** recommendation passed by voice vote.

**S 1170** **ENVIRONMENTAL QUALITY - Repeals and adds to existing law to establish provisions regarding ore processing by cyanidation.** **Vice Chairman Hart** explained this legislation replaced Idaho Code relating to ore processing by cyanidation. The updated code included two pages of definitions where the original code section had none, kept the original 180 day permitting process, but required that process be more interactive between the applicant and the agencies reviewing their application, and better delineated what parts of the design needed to be approved by an Idaho registered engineer. This legislation also required that if the approval process involved multiple agencies, each agency only reviewed their part of an application, and once they did, other agencies would default to that review.

**Vice Chairman Hart** stated he had a conflict of interest pursuant to Senate Rule 39(H) but intended to vote.

**Ben Davenport**, Idaho Mining Association, provided some additional history and reviewed this legislation section by section. He explained the current statute was adopted 38 years ago and was last amended in 2005. Until recently, the current statute had not been used to process a permit. Since many ambiguities and questions arose during that recent application process, this legislation attempted to address these by bringing current industry practices and environmental standards into code, while also providing clarity to the application and permitting process. This legislation was negotiated with the extensive involvement of the Idaho Department of Environmental Quality (DEQ). He explained this legislation tried to:

- establish clear environmental targets to protect beneficial use and water quality
- establish clear expectations around the level of design and engineering detail needed throughout the permitting application process
- enable DEQ and the applicant to maintain interaction throughout the permit application review process
- protect against redundancy and duplication in cyanide permitting programs with other state permits
- streamline the inter-agency connection between cyanide facility approval at DEQ and the financial assurance approval by the Idaho Department of Lands
- allow the DEQ Director to review and approve a permit application in phases or components as opposed to at one single decision point
- provide that when more time was needed, the applicant and the Director could agree to extend statutory timelines without restarting the process
- bring some relevant areas of rule into code

**DISCUSSION:** **Senator Okuniewicz** asked what the difference in ore processing was between what was proposed in this legislation and what was already being done. **Mr. Davenport** responded that this legislation did not address the ore processing process, it only addressed the permitting and the application process. **Senator Taylor** asked if there were any partners, other than DEQ, involved in crafting this legislation. **Mr. Davenport** responded that the only stakeholders involved in this collaboration were DEQ, the Idaho Department of Lands (IDL), and the Idaho Mining Association. They did not involve those with pending lawsuits against the federal government related to ore processing by cyanidation. **Senator Taylor** shared a concern about moving rule into statute and asked if only three entities, IDL, DEQ, and the Idaho Mining Association, were involved in agreeing to null and void the sections listed on Page 10. **Mr. Davenport** responded that was correct. He added that these sections were being voided because what was covered in these sections was now proposed to be in statute.

**Senator Guthrie** shared it was his understanding that the Legislature's directive was to move rules to statute when they were not revisited or changed much, and asked if the changes made by this legislation were consistent with that directive. **Mr. Davenport** responded that the changes in this legislation were consistent with the actions he had seen in both legislative bodies over the last five or six years.

**Chairman Burtenshaw** asked why the cyanidation process had not been used in thirty years. **Mr. Davenport** clarified that there had not been a new cyanidation facility permitted under the current framework, although other facilities that were already permitted had operated using this process during the last thirty years. **Chairman Burtenshaw** asked how water used for this process was made safe. **Dale Kerner**, Vice President of Permitting at Integra Resources, responded that water used during the cyanidation process was continually recirculated through that processing system during operations. When that water left the mill to go to a pond or a tailing storage facility, it was detoxified to reduce its cyanide concentration to a level that was protective of wildlife, or less than fifty parts per million. At the end of operations, the water that was used in the processing circuit was purified for discharge back into the environment. **Senator Taylor** asked if antimony required the same process of cyanidation as gold. **Mr. Kerner** responded that cyanidation was not essential to the antimony concentration process.

**TESTIMONY:** **Jonathan Oppenheimer**, Idaho Conservation League (ICL), testified against **S 1170**. **Mr. Oppenheimer** shared that ICL was involved in the development of the original rules. He was concerned that ICL was not included in the development of the changes made by this legislation, and he reviewed two specific concerns. One was removing Section 300.02 from the existing rule set, and the other was regarding the use of "may" on page eight, line five, where it stated they "may provide for public comment", which should state "shall". He requested that **S 1170** be sent to the amending order to make changes.

**DISCUSSION:** **Senator Kohl** asked Mr. Oppenheimer if his concerns with this legislation were limited to his two stated amendments. **Mr. Oppenheimer** responded that IDL also had broader concerns, but if they were able to make those small changes, they would be able to live with the legislation.

**Mr. Davenport** stated he opposed sending this legislation to the amending order. He believed DEQ felt comfortable with this legislation as presented. He believed this was important legislation for both regulators and the regulated community, and that it provided flexibility to DEQ, protection for the environment, transparency for the public, and predictability for mining companies.

**MOTION:** **Senator Guthrie** moved to send **S 1170** to the floor with a **do pass** recommendation. **Senator Okuniewicz** seconded the motion. The motion carried by **voice vote**. **Senator Taylor** requested that he be recorded as voting nay.

**ADJOURNED:** There being no further business at this time, **Chairman Burtenshaw** adjourned the meeting at 1:56 p.m.

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Senator Burtenshaw  
Chair

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Shelly Johnson  
Secretary