

MINUTES
HOUSE RESOURCES & CONSERVATION COMMITTEE

DATE: Tuesday, March 15, 2016

TIME: 1:30 p.m. or Upon Adjournment

PLACE: Room EW40

MEMBERS: Chairman Raybould, Vice Chairman Gestrin, Representatives Moyle, Andrus, Shepherd, Wood, Boyle, Vander Woude, Gibbs, Miller, Bateman, Burtenshaw, Mendive, VanOrden, Youngblood, Pence, Erpelding, Rubel

**ABSENT/
EXCUSED:** Rep. Shepherd

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

Chairman Raybould called the meeting to order at 1:33 p.m.

MOTION: **Rep. Boyle** made a motion to approve the minutes of the February 23, 2016, meeting. **Motion carried by voice vote.**

MOTION: **Rep. Pence** made a motion to approve the minutes of the February 29, 2016, joint meeting. **Motion carried by voice vote.**

HCR 53: **Rep. Erpelding** began presenting **HCR 53** by stating that he has no reason to declare Rule 38, but he is an outfitter and has permits on federal or jointly managed land. Rep. Erpelding said he values and finds it absolutely critical that the outdoor industry continue to contribute to Idaho's economy. **HCR 53** points out the recent constitutional amendment that gave us a right to hunt, fish and trap on land does not specify that the state is responsible for maintaining state land open and available for hunting, fishing and other types of access. An argument can be made that it could be the state's responsibility to maximize profits, meaning to ensure that we support our education system. So if financial benefits were being maximized, there could be reasons the state would consider closing public access, and there have been proposals over the years to the Idaho Department of Lands asking for public hunting, fishing and trapping access to be closed during certain times of the year. **HCR 53** asks that the State Board of Land Commissioners ensure that the decisions they make with regard to the management of state land keeps reasonable access for hunters, anglers and other outdoor activities available and not close land based on an assessment or permit of exclusivity.

Speaking **in support** of **HCR 53** were **Sharon Keifer**, Deputy Director, Idaho Department of Fish and Game, speaking on behalf of the Idaho Fish and Game Commission; and **Michael Gibson**, Trout Unlimited Sportsman Project.

MOTION: **Rep. Boyle** made a motion to send **HCR 53** to the floor with a **DO PASS** recommendation. **Motion carried by voice vote.** **Rep. Erpelding** will sponsor the bill on the floor.

HCR 55: **Rep. Wood** presented **HCR 55** explaining that the Idaho Department of Fish and Game (F&G) proposed a rule about trapper education programs. It was found F&G did not have authority to promulgate the rule under the current statute, and the rule was rejected. **HCR 55** rejects IDAPA 13.01.16, **Docket No. 13-0116-1501**, and declares it null, void and of no force and effect.

MOTION: **Rep. VanOrden** made a motion to send **HCR 55** to the floor with a **DO PASS** recommendation. **Motion carried by voice vote.** **Rep. Wood** will sponsor the bill on the floor.

H 594: **Rep. Gibbs** asked that **H 594** be held in committee. **Rep. Gibbs** explained that sponsors are not minimizing the importance of this program by withdrawing **H 594**, but last week an additional \$1 million was appropriated to the invasive species inspection program which should carry it through 2016. **H 594** was developed in response to concerns that the program funds would not be enough to last through 2017. As it stands currently, approximately \$1 million will remain after one year of the program, plus stickers generate about \$1.2 million annually. Therefore, the fee is not needed until at least 2018.

MOTION: **Rep. Gestrin** made a motion to **HOLD H 594** in Committee. **Motion carried by voice vote.**

H 582: **Rep. Boyle** presented **H 582**, a framework for how we would manage lands once they are returned from the federal government to the state of Idaho for management. **Rep. Boyle** said we have committees and task forces to talk about it, but we have not said what we would do. There is a fear factor Idaho would sell the lands off and Idahoans would lose access. **H 582** has no force and effect because we do not have those lands yet.

In response to committee questions, **Rep. Boyle** said there is nothing in **H 582** regarding the sale of land under state control because that would be a separate conversation, and just like Idaho's Endowment Lands, would require a constitutional amendment. **Rep. Boyle** also explained that quotations in **H 582** regarding equal footing are not premature and have had a lot of research put into them.

Those speaking **in support** of **H 582** because they were of the opinion that the federal government mismanages Idaho lands either in relation to fire prevention and suppression or less profitably than Idaho would were: **Tracy Walton; Darryl Ford; James Border; Viki Purdy; Jake Stephens; Fred Birnbaum**, Idaho Freedom Foundation; **Mary Huff**; and **Larry Lundin**.

Kirk Chandler; Jay Langer; Russ Hedricks, Idaho Farm Bureau; and **Paula Devina** spoke **in support** of **H 582** stating that access to Idaho lands under federal management were more restricted than they would be under Idaho state management. **Paula Devina** further stated that as a result of multiple and repeated FOIA requests to the USDA Forest Service regarding roads closed in Idaho, she received information that 500 miles of roads were closed in Idaho County, roads, she commented, would have been helpful in fighting fires.

Forest Goodrum was called upon to answer questions from **Rep. Andrus** regarding whether, if he opposed **H 582**, would he support a constitutional amendment that the state would not sell off any acquired lands but always and forever keep them in the control of the people, not the legislature. **Mr. Goodrum** responded to the question as a hypothetical because it is unsure the United States is going to authorize transfer of lands, and although the intention of the amendment is most laudable, he does not know how practicable it would be. He remarked that the state has disposed of State Endowment Lands and reinvested in other sources. **Mr. Goodrum** stated that in choosing a hypothetical beyond the bounds of reality that the lands would not be sold and even making an assumption the state of Idaho could manage lands better than the United States, the problem is still an economic one. **Mr. Goodrum** said federal land managers don't do a good job, partly because of inefficiency and partly lack of resources, but Idaho would have less resources. The hypothetical is based on the idea it is feasible and possible the state would do a better job, but we live in reality.

Rep. Boyle closed testimony stating **H 582** is not to take land away from the people. The intent is not to sell the land. **H 582** is just a framework. The United States Supreme Court granted the state of Hawaii all of their lands in our lifetime, and there are other precedents for this action. Rep. Boyle remarked we need to move forward with the conversation and see what we can do.

MOTION: **Rep. Youngblood** made a motion to send **H 582** to the floor with a **DO PASS** recommendation.

Rep. Boyle replied to committee questions regarding the absence of express language that Idaho won't sell the land and language specifying specific uses for the land, by explaining that those things need to be a separate conversation from **H 582** and separate legislation or a constitutional amendment.

ROLL CALL VOTE: Roll call vote was requested. **Motion carried by a vote of 12 AYE, 3 NAY, 3 Absent/Excused. Voting in favor** of the motion: **Reps. Gestrin, Andrus, Wood, Boyle, Vander Woude, Gibbs, Miller, Burtenshaw, Mendive, VanOrden, Youngblood, Raybould. Voting in opposition** to the motion: **Reps. Pence, Erpelding, Rubel. Reps. Moyle, Shepherd and Bateman were absent/excused. Rep. Boyle** will sponsor the bill on the floor.

S 1338: **Rep. Dixon** presented fire statistics for the 2015 fire season in Idaho. Rep. Dixon said the Idaho State Forester pointed out that while wildfire can start on any lands, managed lands face fewer durations of fire due to lower fuel loads and better access to forest roads. The US Forest Service (USFS) is not actively managing their lands with respect to fire abatement by appropriate thinning and logging. **S 1338** allows counties to identify and designate as catastrophic public nuisances lands owned by the US government and managed by the USFS when appropriate. After consultation with the Attorney General, counties can demand that federal agencies abate the nuisance or provide a response with a plan to abate the nuisance by a set date no later than 30 days from the initial request date. **S 1338** codifies into state law what counties can already do. **S 1338** does not impair or infringe upon federal laws or regulations or the management of federal lands because it does not authorize or direct the responsible officials to take any action to abate the catastrophic public nuisances beyond notification to authorities currently managing those lands.

Rep. Dixon yielded his time to **Fred Birnbaum**, Idaho Freedom Foundation, who clarifies that federal agencies do not have to respond in 30 days or at all. **S 1338** demonstrates that the state supports counties in their requests for abatement. This is a tool, but not a legal hammer – a political hammer.

Those speaking **in support** of **S 1338** were **Don Ebert; Kirk Chandler; Vicky Purdy;** and **Braden Jensen**, Idaho Farm Bureau Federation, who opined that federal lands in Idaho are poorly managed and **S 1338** would be a step to work with the federal agencies.

Forest Goodram, Ada County Fish and Game League, and **Michael Gibson**, Trout Unlimited, spoke **in opposition** to **S 1338**, opining that **S 1338** consisted of canned language from the American Legislative Exchange Council (ALEC) which had been struck down in New Mexico and is the work of out-of-state interests whose pressing of their processes on Idaho could undermine all the Idaho forest collaboratives working to restore Idaho's rivers and forests.

MOTION: **Rep. Youngblood** made a motion to send **S 1338** to the floor with a **DO PASS** recommendation. **Motion carried by voice vote. Reps. Wood, Pence** and **Erpelding** requested to be recorded as voting **NAY. Rep. Dixon** will sponsor the bill on the floor.

ADJOURN: There being no further business to come before the committee, the meeting adjourned at 4:04 p.m

Representative Raybould
Chair

Lorrie Byerly
Secretary