

MINUTES  
**HOUSE RESOURCES & CONSERVATION COMMITTEE**

**DATE:** Wednesday, January 31, 2024

**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:** Representative(s) Manwaring, Durrant

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

**Erik Boe**, Ground Water Protection Section Manager for the Idaho Dept. of Water Resources (IDWR), also representing the Idaho Water Resources Board, gave a brief overview of the Agency's rule making efforts in 2023 to comply with the Governor's Executive Order that directed agencies to simplify and eliminate unnecessary language in Administrative Rules over a five year period. IDWR's goal has been to address 20% of their rules each year and 2023 is the third year of rule making. Two rules were scheduled for review this year however IDWR received interest in new water reuse projects or practices. This concept, new to Idaho, involves the injection of recycled industrial and municipal waste water into drinking aquifers and it brings with it a number of concerns and challenges to work through. This has resulted in IDWR requesting and being approved for additional time to collaborate with Dept. of Environmental Quality (DEQ) and other interested parties. IDWR expects to present expanded rule chapters in 2025.

**DOCKET NO. 37-0308-2301:** **Angela Hansen**, Water Allocation Bureau Chief at IDWR, presented **Docket No. 37-0308-2301** which is a Zero Based regulation to adopt a new fee rule called the water appropriation rule which sets the procedures for obtaining a permit to divert and use unappropriated public waters or a permit for a reallocation of trust water within the Sawn Falls Trust Water Area. The rule speaks to the filing and processing of an application for a permit to appropriate water in Idaho and establish fees. She assured the committee the negotiated rule making processes have been followed including public hearings and the input gained from those hearings has been incorporated into the rules before the committee. This area of administrative rules has not been touched for over 37 years so there was much to consider however nothing controversial has been changed or added. Some of the significant changes made through the rule making include updating the language relating to the Swan Falls trust area, changes to application requirements, removal of obsolete procedures and updating of processing procedures, and the removal of some outdated maps. At the conclusion of the presentation Ms. Hansen responded to committee questions.

**MOTION:** **Rep. Yamamoto** made a motion to **approve Docket No. 37-0308-2301**. **Motion carried by voice vote.**

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

**Dustin Miller**, Director of Idaho Dept. of Lands (IDL), presented an agency performance report elaborating on the Agency's mission, 2023 accomplishments, and performance measures. Some of the items he touched on include: volume of timber sold, percent of fires controlled, fire readiness reviews, forest practice inspections, percent of land leases renewed, and incidents of log scale checks. He thanked the committee for the additional resources afforded in the 2023 appropriations and answered several committee questions. Additionally Director Miller reported on specific 2023 expenditures, explained the plans for the 2024 and 2025 budget enhancement requests, and answered more committee questions.

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

**DOCKET NO. 20-0101-2301:** **Dustin Miller**, IDL Director, presented **Docket No. 20-0101-2301** explaining the reasons for the changes, the progress the agency has made with reviewing rules since the Governor's initiative was issued, and assured the committee the changes presented have undergone the negotiated rule making process, to include public hearings.

**MOTION:** **Rep. Raymond** made a motion to **approve Docket No. 20-0101-2301**. **Motion carried by voice vote.**

**UNANIMOUS CONSENT REQUEST:** **Vice Chairman Shepherd** made a unanimous consent request to move **Docket No. 20-0301-2301** to the bottom of the agenda. There being no objection the request was granted.

**DOCKET NO. 20-0303-2301** **Eric Wilson**, IDL Resource Protection & Assistance, presented **Docket No. 20-0303-2301**. He reviewed the agency's authority to make rule changes, and explained the reason for the changes are to comply with the Governor's Executive Order. The changes reduce the rule's overall word count and simplify the language. He assured the committee that all the negotiated rule making requirements have been met.

**MOTION:** **Rep. Mendive** made a motion to **approved Docket No. 20-0303-2301**. **Motion carried by voice vote.**

**DOCKET NO. 20-0305-2301:** **Eric Wilson**, IDL Resource Protection & Assistance, presented **Docket No. 20-0305-2301** and explained the reason for entering the negotiated rule making. He reviewed the negotiated rule making requirements with the committee, provided the results of this process, and assured everyone the requirements have been met. Some significant changes include: rules that now include all state-owned navigable waterbodies rather than just river beds, and a few significant fee increases to cover agency costs. He answered committee questions about the fee increases, explaining the fees have not been changed since 1981 and pointed out how costs have changed significantly since that time. He assured the committee all the fee increases presented simply cover agency costs.

**MOTION:** **Rep. Yamamoto** made a motion to **approve Docket No. 20-0305-2301**. **Motion carried by voice vote.** **Rep. Necochea** and **Rep. Shepherd** requested they be recorded as voting **NAY**.

**DOCKET NO. 20-0501-2301:** **Todd Wernex**, IDL Recreation Program Manager presented **Docket No. 20-0501-2301**. He explained this rule change is a direct result of legislation passed in 2023 to help Idaho Dept. of Lands (IDL) manage the impact of recreation on endowment land. In the new chapter prohibited activities are identified, steps in violation progression are defined, and fines are determined so IDL can manage the use of public lands properly.

The significant increase in state population, and thereby the use of public lands is increasing the problems associated with garbage dumping, resource damage, cutting range fences, long term camping and unauthorized trail building. He provided a summary of the negotiated rule making process, assured the committee all the negotiated rule making requirements have been met, and answered committee questions.

**MOTION:** **Rep. Raybould** made a motion to approve **Docket No. 20-0501-2301**. **Motion carried by voice vote.**

**MOTION:** Chairman Mendive made a motion to **hold Docket No. 20-0301-2301** to the call of the chair. **Motion carried by voice vote.**

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

**ADJOURN:** There being no further business to come before the committee the meeting was adjourned at 3:04 p.m.

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Representative Shepherd  
Chair

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Andrea Blades  
Secretary