

MINUTES
HOUSE RESOURCES & CONSERVATION COMMITTEE

DATE: Tuesday, February 21, 2017

TIME: 1:30 P.M.

PLACE: Room EW40

MEMBERS: Chairman Gibbs, Vice Chairman Gestrin, Representatives Moyle, Raybould, Shepherd, Wood, Boyle, Vander Woude, Miller, Burtenshaw, Mendive, Youngblood, Kauffman, Giddings, Blanksma, Erpelding (Gugino), Rubel, Jordan

**ABSENT/
EXCUSED:** None

GUESTS: Sharon Kiefer, Idaho Department of Fish and Game; Braden Jensen, Idaho Farm Bureau; Lynn Tominaga, Idaho Irrigation Pumpers Association; Norm Semanko, Idaho Water Users Association; Marie Kellner, Austin Hopkins and Lana Weber, Idaho Conservation League; Will Hart, Idaho Consumer-Owned Utilities Association; Ryan Moyle, Moyle Mink and Tannery; John Chatburn, OEMR; Brian Brooks, Idaho Wildlife Federation; Elizabeth Criner, FWAA/NWFPA/Simplot; Tyler Murgoitio, FWAA; Dustin Miller, OSC; Stephen Goodson, GOV

Chairman Gibbs called the meeting to order at 1:30pm.

Chairman Gibbs welcomed the committee's new Page, **Rebekah Henrie**.

MOTION: **Rep. Kauffman** made a motion to approve the minutes of the February 9, 2017 and the February 13, 2017 meetings. **Motion carried by voice vote.**

H 169: **Norm Semanko**, Executive Director, Idaho Water Users Association, stated this legislation amends **67-6302**, Idaho Code, to require legislative approval of any efforts to introduce or reintroduce species into the State of Idaho by any agency or entity, State, Federal, or however constituted. This was referenced in **HJM 2**.

Braden Jensen, representing Idaho Farm Bureau, stated they are **in support** of this legislation as well as **H 170** and **H 171**.

Lynn Tominaga, representing Idaho Irrigation Pumpers Association, stated preliminary studies indicate if salmon were reintroduced above Hells Canyon Dam it would cost rate payers \$150-200 million dollars. That means Idaho Power customers would see a rate increase.

In response to questions regarding the stated increased costs, **Mr. Tominaga** explained during a previous relicensing period this issue was on the table. One option was to build an approximate two-mile fish ladder from the Snake River to waters above Hells Canyon Dam. Two additional fish ladders would also need to be constructed to accommodate two more dams. Another option considered was to catch salmon below the Dam and then transport them around the Dam, planting them above the headwaters of Brownlee Reservoir. Both options were considered cost prohibitive.

Marie Kellner, representing the Idaho Conservation League, stated their mission is to advocate on behalf of Idaho's native species and, in keeping with that mission, are **in opposition** to this bill. She stated they are concerned this bill undercuts Idaho's ability to work with other states on fisheries and other wildlife issues and that it provides a false sense of authority since Idaho does not have more authority over any other state than any state has over Idaho. Additionally, she stated it is unclear why the statute is being amended because there are already statutes that require legislative approval for species conservation, so having multiple statutes which appear to confer the same authority leads to ambiguity. Finally, they believe a better course of action would be to work with our sister states to develop plans everyone can agree to rather than posture in a way that has no legal authority.

MOTION: **Rep. Mendive** made a motion to send **H 169** to the floor with a **DO PASS** recommendation. **Motion carried by voice vote. Reps. Rubel, Jordan and Gugino** requested to be recorded as voting **NAY. Rep. Mendive** will sponsor the bill on the floor.

H 170: **Norm Semanko**, Executive Director, Idaho Water Users Association, stated this legislation amends **67-818(5)**, Idaho Code, to clarify Idaho law that introduction or reintroduction of any aquatic or terrestrial species requires approval of the State of Idaho, and that the policy is not limited to listed species.

In response to questions, **Mr. Semanko** stated by adding the phrase "and is hereby prohibited" was only meant to make absolutely clear that any introduction or reintroduction is indeed prohibited without the State of Idaho's approval. Adding that phrase will not change the statute or increase or decrease the penalties associated with this statute.

Marie Kellner, representing the Idaho Conservation League, stated their mission is to advocate on behalf of Idaho's native species and, in keeping with that mission, are **in opposition** to this bill. She stated they have three concerns with this bill. First, they feel adding the phrase "water resources" to the list of things Idaho asserts management primacy over is unnecessary, as this is not in question. Second, the change of "federally listed" species to "aquatic and terrestrial" species seems to significantly broaden the purview of the statute, and they are unclear how it would practically be implemented. And, finally, they question the utility and necessity of the phrase "is hereby prohibited." This statute already explains that introduction or reintroduction is prohibited without legislative and executive agency approval. She stated laws are supposed to be clear and provide guidance; she believes including this phrase creates redundancy, is unnecessary, and adds confusion.

Rep. Jordan asked both **Ms. Kellner** and **Mr. Semanko** questions regarding any potential impacts of this bill to the Columbia River Treaty. Neither knew for sure how or if this bill would impact the Treaty, but neither thought there would be any implications.

MOTION: **Rep. Miller** made a motion to send **H 170** to the floor with a **DO PASS** recommendation. **Motion carried by voice vote. Reps. Jordan and Gugino** requested to be recorded as voting **NAY. Rep. Kauffman** will sponsor the bill on the floor.

H 171: **Norm Semanko**, Executive Director, Idaho Water Users Association, stated this legislation amends **36-906**, Idaho Code, to make it consistent with Idaho policy and law that fishways are not to be required at the Hells Canyon Hydroelectric Project. Additionally, there is no intent or language within this legislation that would eliminate any requirements of the Department of Fish and Game that relate to the Hydroelectric Project.

Marie Kellner, representing the Idaho Conservation League, stated their mission is to advocate on behalf of Idaho's native species and, in keeping with that mission, are **in opposition** to this bill. She stated salmon used to call the rivers above Hells Canyon Dam home and sustained native people long before statehood. Fishing and living off the land is integral to Idaho and a part of the classic Idaho lifestyle. She further stated although it may seem impossible that those fish would ever inhabit those rivers again, this decision should not be taken away from future generations. Ms. Kellner stated instead of writing it off and giving up on this aspect of Idaho's heritage, they asked to instead do the much harder work of engaging in the conversation of restoring Idaho's salmon and steelhead to their native rivers above Hells Canyon Dam while maintaining the agricultural heritage and other aspects of Idaho's economy. It will be difficult but not impossible.

In response to questions, **Mr. Semanko** explained this legislation has to do with the relicensing process with FERC and NOAA, not with the statute itself. In the early 2000's, an EIS was developed as part of the relicensing process, and through that NEPA process it was decided and written in the final document not to require reintroduction of salmon into the waters above the Dam. Additionally, Idaho had to certify that water quality standards in those waters would be met under Section 401 of the Clean Water Act. Amending this statute to specifically state fishways will not be required at the Hells Canyon Hydroelectric Project will make this statute consistent with Idaho policy and law and eliminate any opportunity for reintroduction through the various stages of relicensing. **Reps. Rubel and Jordan** both expressed concerns about taking away the opportunity for future generations to ever see salmon in those waters.

MOTION: **Rep. Blanksma** made a motion to send **H 171** to the floor with a **DO PASS** recommendation. **Motion carried by voice vote.** **Rep. Jordan** requested to be recorded as voting **NAY.** **Rep. Miller** will sponsor the bill on the floor.

H 168: **Sharon Kiefer**, Deputy Director, Idaho Department of Fish and Game, stated this legislation is essentially one half of **H 89**, which the Department requested to hold in committee in order to move forward with this stand-alone legislation for the salmon and steelhead set-aside account. She stated this legislation is the result of interest and requests from sportsmen wanting to see a proportional set-aside fee proposed for salmon and steelhead permits rather than the current flat rate set-aside fee. A proportional fee would float, up or down, as the set-aside keeps pace with any future fee revisions. The change in the set-aside does not affect current fees for the affected permits but is a redistribution of dedicated revenue to more transparently support statutory functions in the set-aside account. A proportional set-aside from salmon and steelhead permits can be feasibly administered from resident and nonresident permits because they do not have substantially disparate prices. The related set-aside distribution from eighth class licenses (sportsman's pak licenses) is also revised for consistency.

Chairman Gibbs requested the record reflect there was no public testimony for **H 168.**

MOTION: **Rep. Wood** made a motion to send **H 168** to the floor with a **DO PASS** recommendation. **Motion carried by voice vote.** **Rep. Youngblood** will sponsor the bill on the floor.

H 141: **Rep. Moon**, District 8, stated this legislation provides a definition for a "commercial wildlife tannery." It also defines requirements for recording wildlife hides and skins, for a shipping compliance statement for a commercial wildlife tannery, and it provides for length of time for records retention.

In response to questions, **Rep. Moon** stated there is only one tannery in Idaho that qualifies as a commercial wildlife tannery and that is Moyle Mink & Tannery, located in Heyburn, Idaho.

Ryan Moyle, owner of Moyle Mink & Tannery, stated at this time the current statute only impacts his business because of the volume he handles and this has been a problem for a very long time. Due to the current requirements in Idaho, it costs his business approximately \$150,000 annually to maintain the required records. This bill will level the playing field and mirror the requirements found in every other state.

MOTION: **Rep. Wood** made a motion to send **H 141** to the floor with a **DO PASS** recommendation. **Rep. Moyle** declared Rule 38. **Motion carried by voice vote.** **Rep. Moon** will sponsor the bill on the floor.

ADJOURN: There being no further business to come before the committee, the meeting adjourned at 2:39pm.

Representative Gibbs
Chair

Tracey McDonnell
Secretary