

MINUTES  
**SENATE RESOURCES & ENVIRONMENT COMMITTEE**

**DATE:** Monday, March 18, 2019

**TIME:** 1:00 P.M.

**PLACE:** Room WW55

**MEMBERS PRESENT:** Chairman Heider, Vice Chairman Brackett, Senators Bair, Mortimer, Patrick, Guthrie, Stennett, and Jordan

**ABSENT/ EXCUSED:** Senator Johnson

**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 Heider** called the meeting of the Senate Resources & Environment Committee (Committee) to order at 1:00 p.m.

**MINUTES APPROVAL:** **Senator Stennett** moved to approve the Minutes of January 30th, 2019. **Senator Guthrie** seconded the motion. The motion carried by **voice vote**.

**Senator Bair** moved to approve the Minutes of February 4th and 25th, 2019 and March 4th, 2019. **Senator Patrick** seconded the motion. The motion carried by **voice vote**.

**VOTE ON GUBERNATORIAL APPOINTMENT:** **Vice Chairman Brackett** moved to send the Gubernatorial appointment of Scott Pugrud as the Administrator of the Office of Species Conservation to the floor with recommendation that he be confirmed by the Senate. **Senator Bair** seconded the motion. The motion carried by **voice vote**. Vice Chairman Brackett will be the floor sponsor.

**VOTE ON GUBERNATORIAL APPOINTMENT:** **Senator Patrick** moved to send the Gubernatorial appointment of Jeffrey Allen to the Northwest Power and Conservation Council to the floor with recommendation that he be confirmed by the Senate. **Senator Mortimer** seconded the motion. The motion carried by **voice vote**. Chairman Heider will be the floor sponsor.

**VOTE ON GUBERNATORIAL APPOINTMENT:** **Senator Patrick** moved to send the Gubernatorial appointment of Betty Coppersmith to the Oil & Gas Conservation Commission to the floor with recommendation that she be confirmed by the Senate. **Senator Mortimer** seconded the motion. The motion carried by **voice vote**. Senator Bair will be the floor sponsor.

**GUBERNATORIAL APPOINTMENT HEARING:** **The appointment of Dustin Miller as the Director of the Idaho Department of Lands (IDL) to serve a term commencing October 1st, 2018 and his appointment to the Oil & Gas Conservation Commission (OGCC), commencing October 1st, 2018 and serving by virtue of his position as the Director of the IDL. Mr. Miller** described his six months of working as Director of IDL, and his time before being appointed as the Director of IDL, where he spent his time as the administrator for the Office of Species Conservation for six years, primarily working on projects dealing with the endangered sage grouse, grizzly bear, and steelhead populations in the state. **Mr. Miller** further went into detail about his previous employment, including his time as the natural resources field coordinator for the U.S. Senate. **Mr. Miller** also described the two major functions of the IDL: the endowment function, which generates revenue on endowment lands from timber management, grazing, and various other leasing activities; and acting as a regulatory and resource protection agency where IDL works closely with citizens and private land owners on efforts to sustain

and protect natural resources and ensure their productivity. **Mr. Miller** stated that the primary focus of OGCC is to ensure there is no waste of oil and gas resources in the state. **Mr. Miller** stated the other goal of OGCC is to ensure that groundwater wells are environmentally protected.

**DISCUSSION:** **Senator Bair** asked what was the biggest surprise Mr. Miller learned or discovered while on the job. **Mr. Miller** answered what surprised him the most about the IDL was the magnitude of the functions and the issues that the agency deals with. **Mr. Miller** further explained the sheer volume of issues and level of detail that the IDL digs into to manage 2.5 million acres and another 3.3 million acres of mineral estates.

**GUBERNATORIAL APPOINTMENT HEARING:** **The re-appointment of Linda Mitchell to the Lake Pend Oreille Basin Commission (Commission) to serve a term commencing July 24, 2018 and Expiring July 1, 2021.** **Ms. Mitchell** stated that she has served on the Commission since its creation in 2003 and all five of the citizen commissioners are the original ones. The Commission is based in Sandpoint and was created as an advisory board to the State of Idaho on water quality and quantity issues in North Idaho. **Ms. Mitchell** further stated the commission is charged with studying, investigating, and selecting ways and means of controlling the water quality and water quantity as they relate to waters of the Lake Pend Oreille Basin. **Ms. Mitchell** stated that she and her husband have been owners and operators of a cruise company for the past 23 years. She has personally spent thousands of hours cruising North Idaho's waterways and she has seen the waters go from being completely free of invasive aquatic weeds to having areas that are choked with Eurasian watermilfoil, curly-leaf pondweed, and flowering rush.

**HJM 5** **Seth Grigg**, Idaho Association of Counties (Association), presented on behalf of Representative Gestrin, District 8, and stated **HJM 5** calls on Congress to enact federal legislation to require that when private lands are exchanged, purchased, or transferred to the federal government, that other federal lands within the county be sold. **Mr. Grigg** further stated in Idaho, roughly 63 percent of land is managed by the federal government and Custer County has as much as 97 percent of its land under federal management.

**DISCUSSION:** **Senator Stennett** asked if the Association members voted on supporting **HJM 5**. **Mr. Grigg** described the process of drafting the legislation and said there were some county commissioners who did not support **HJM 5**.

**TESTIMONY:** **Wayne Butts**, Chairman of the Idaho Association of Counties and Custer County Commissioner, spoke in great detail about the goals, objectives, drafting, and background for **HJM 5**. **Mr. Butts** provided an example where Custer County lost out on tax revenue on 6,000 acres of land when a conservation group based in Portland, Oregon purchased a local ranch and then sold the property to the Forest Service.

**DISCUSSION:** **Senator Jordan** raised concerns that **HJM 5** did not receive enough input from stakeholders. **Mr. Butts** responded that the drafting process lasted for more than two years, and he explained the rationales for creating **HJM 5**.

**Senator Gurthrie** asked what the total loss of private acreage in Idaho was for the past ten years. **Mr. Butts** did not have an answer to the Senator's question, but noted that loss of private lands is something that is affecting all 13 western states.

**Senator Stennett** asked how many counties were present at the Association's last meeting where they discussed **HJM 5**, and noted her concern with the memorial's conflict with land owner rights. **Mr. Butts** stated 37 counties were present during that meeting and one of **HJM 5**'s main goals is to determine the areas of the acreage that are in trespass. **Mr. Butts** noted currently, there are ranchers and farmers that are irrigating and taking crops off of BLM land that doesn't get taxed.

**Senator Brackett** asked how this memorial avoids being disruptive to grazing allotments and he commented that it may have unintended consequences.

**Mr. Butts** responded that he hopes there are enough BLM lands surrounding ranches in areas that are not in grazing today so grazing allotments don't get interrupted.

**TESTIMONY:**

**Arlynn Hacker**, Back Country Horsemen, and **Will Whelan**, Idaho Coalition of Land Trusts, spoke against **HJM 5** due to concerns of the legislation limiting public lands and land owner rights.

**Lin Hintze**, former Custer County Commissioner, and **Russ Hendricks**, Idaho Farm Bureau, spoke in favor of **HJM 5** due to its ability to generate much needed tax revenue.

**DISCUSSION:**

**Senator Stennett** asked Mr. Hendricks how the Idaho Farm Bureau reconciles the private land owner concerns with this memorial. **Mr. Hendricks** responded that in their view, the way **HJM 5** works is the federal land management agencies would have a prioritized list of properties in counties where those agencies can determine if additional land was added either through a sale, purchase or transfer. **Mr. Hendricks** stated after those determinations, they would then have an idea of what land would be the best to reallocate.

**Senator Jordan** asked how the State communicates the willingness to be more flexible in determining land reallocation projects with US Congress when **HJM 5** requires specific land reallocation requests. **Mr. Hendricks** responded he does not believe that Congress is going to say they are only going to consider this land reallocation and not the other in **HJM 5**.

**MOTION:**

**HJM 5** was held in Committee for a lack of a motion.

**ADJOURNED:**

There being no further business at this time, **Chairman Heider** adjourned the meeting at 2:07 p.m.

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Senator Heider  
Chair

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Tyler Brock  
Secretary