

MINUTES  
**HOUSE RESOURCES & CONSERVATION COMMITTEE**

**DATE:** Monday, February 01, 2021

**TIME:** 1:30 P.M.

**PLACE:** Room EW40

**MEMBERS:** Chairman Gibbs, Vice Chairman Lickley, Representatives Moyle, Wood, Boyle, Vander Woude, Gestrin, Mendive, Kauffman, Blanksma, Addis, Moon, Manwaring, Okuniewicz, Yamamoto, Rubel, Davis (Burns), Mathias

**ABSENT/  
EXCUSED:** None

**GUESTS:** Anna Canning, Susan Buxton, and Troy Elmore, Idaho Department of Parks and Recreation; Carson Tester, Westerberg and Associates; Yilka Nina, self; Scott Phillips, Idaho Department of Lands

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

**H 25:** **Susan Buxton**, Interim Director, Idaho Department of Parks and Recreation, stated this legislation amends **Chapter 42, Title 67, Idaho Code**, by removing nine sections that are outdated and no longer necessary due to redundant language found within other statutes or actions that have been completed. The nine Sections are: **67-4205, 67-4209, 67-4210, 67-4211, 67-4214, 67-4215, 67-4216, 67-4217, and 67-4229A.**

In response to several questions regarding where these repealed Sections would be replaced, **Ms. Buxton** explained they aren't being replaced, but rather the language is already found in other sections of Idaho Code.

**Chairman Gibbs** requested the record reflect no one signed up for remote testimony and no one from the audience came forward to testify.

**MOTION:** **Rep. Addis** made a motion to send **H 25** to the floor with a **DO PASS** recommendation. **Motion carried by voice vote.** **Rep. Manwaring** will sponsor the bill on the floor.

**H 23:** **Scott Phillips**, Policy and Communications Chief, Idaho Department of Lands, stated this legislation will eliminate a Section of Code that authorized a land exchange between the Land Board, Idaho State University, the University of Idaho, and the State Board of Education with the goal of transferring title of certain endowment lands that comprised the Center for Higher Education in Idaho Falls to the universities. He concluded, the exchange was completed in 2002 so the statute has served its purpose and is no longer needed.

**Chairman Gibbs** requested the record reflect no one signed up for remote testimony and no one from the audience came forward to testify.

**MOTION:** **Rep. Blanksma** made a motion to send **H 23** to the floor with a **DO PASS** recommendation. **Motion carried by voice vote.** **Rep. Mathias** will sponsor the bill on the floor.

**H 24:** **Scott Phillips**, Policy and Communications Chief, Idaho Department of Lands, stated this legislation will change the PERSI component for the Idaho Board of Scaling Practices' board member compensation for attending meetings. He explained, the \$35 per day rate will remain the same for attending meetings, but it will no longer be counted towards PERSI service.

**Chairman Gibbs** requested the record reflect no one signed up for remote testimony and no one from the audience came forward to testify.

**MOTION:** **Rep. Yamamoto** made a motion to send **H 24** to the floor with a **DO PASS** recommendation. **Motion carried by voice vote.** **Rep. Yamamoto** will sponsor the bill on the floor.

**Chairman Gibbs** turned the gavel over to **Vice Chair Lickley**.

**DOCKET NO. 20-0000-2000F:** **Scott Phillips**, Policy and Communications Chief, Idaho Department of Lands, stated there are 16 rule chapters in this Docket, with 15 of the chapters remaining unchanged from what was reviewed and approved in the 2020 Session. He indicated, **Chapter 20.03.02 - Rules Governing Mined Land Reclamation**, is the only chapter that has been amended. Mr. Phillips explained during the 2019 Session, **H 141** passed which significantly updated Idaho's mining regulations from the Surface Mining Act initially created in the early 1970's. **H 141** required a Temporary Rule be approved prior to August 1, 2019, which the Department met, but further negotiations were necessary to replace the Temporary Rule with a Pending Rule to be reviewed by the Legislature.

**Mr. Phillips** stated 14 public meetings were conducted in 2019, and four more public meetings were held in 2020. The Department received comments from a broad range of stakeholders during the rulemaking meetings, which led to revisions covering seven key concerns. Those seven concerns were: 1) definitions used should be consistent with Department of Environmental Quality; 2) reclamation plans and financial assurances should be allowed to grow with the project rather than being required in full up front; 3) reclamation plans should not require duplicative documentation; 4) an operator should have more than 18 months to submit financial assurances, and if denied there should be an appeal process; 5) indirect costs for reclamation cost calculations should be limited to specific percentages, with exceptions; 6) requirements for trust funds are too narrow and payment schedules are not specifically mentioned for permanent closure plans; and 7) an Idaho licensed CPA should not be required for verifying corporate guarantee financial information. Mr. Phillips remarked these revisions, developed over the last two years, involved participation from affected interests in other state and federal agencies, operators, trade organizations, community groups, and the public and believes the chapter is much improved due to the extensive and inclusive process undertaken by the Department.

**Benjamin Davenport**, Executive Director, Idaho Mining Association spoke in support of **Docket No. 20-0000-2000F**, and specifically the changes to **Chapter 20.03.02**.

**Chairman Lickley** requested the record reflect no one signed up for remote testimony and no one else from the audience came forward to testify.

**MOTION:** **Rep. Moon** made a motion to approve **Docket No. 20-0000-2000F**. **Motion carried by voice vote.**

**ADJOURN:** There being no further business to come before the committee, the meeting was adjourned at 1:59pm.

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Representative Gibbs  
Chair

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Tracey McDonnell  
Secretary