

MINUTES  
**HOUSE RESOURCES & CONSERVATION COMMITTEE**

**DATE:** Tuesday, January 19, 2021

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

**PLACE:** Room EW40

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

**ABSENT/  
EXCUSED:** Representative(s) Moyle, Davis

**GUESTS:** Paul Kline and Ed Schriever, Idaho Department of Fish and Game

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

**Chairman Gibbs** welcomed back the returning committee members and the Secretary, and welcomed the new members and the Page to the committee. He discussed how the committee will conduct business, then assigned **Reps. Lickley, Manwaring, and Mathias** as proofreaders.

**RS 28094:** **Paul Kline**, Deputy Director, Idaho Department of Fish and Game, stated this proposed legislation will define game tags for sage grouse and set game tag prices, it will delete the reference to possession of a sage grouse game permit as an infraction, and it will facilitate the transition of the hunting framework for sage grouse from a sport permit-based model to a game tag-based model to better support sustainable hunting opportunities.

**MOTION:** **Rep. Wood** made a motion to introduce **RS 28094. Motion carried by voice vote.**

**RS 28253:** **Rep. Lickley**, District 25, stated this proposed legislation will allow the Fish and Game Commission to adopt rules or proclamations to address bait use for furbearers. Additionally, it will create the ability for use of bait while trapping of fur-bearing animals, which would mirror the same methods and processes used for other species including wolves and other predators. She remarked this will enable the trapping regulations to be consistent and prevent confusion in the field.

**MOTION:** **Rep. Addis** made a motion to introduce **RS 28253. Motion carried by voice vote.**

**ADJOURN:** There being no further business to come before the committee, the meeting was adjourned at 1:58pm.

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Representative Gibbs  
Chair

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Tracey McDonnell  
Secretary

AGENDA  
**HOUSE RESOURCES & CONSERVATION COMMITTEE**  
**1:30 P.M.**  
**Room EW40**  
**Thursday, January 21, 2021**

Limited public seating will be available in the committee room. For members of the public to observe the meeting, please click on the following link:

<https://www.idahoptv.org/shows/idahoinsession/>

<b>SUBJECT</b>	<b>DESCRIPTION</b>	<b>PRESENTER</b>
	State of the Gunfighters - Mountain Home Air Force Base and Military Construction Projects	Colonel Rick Goodman, 366th Fighter Wing Commander, Mountain Home Air Force Base
<a href="#"><u>RS28074</u></a>	Endowment Land Exchange, Repeal	Scott Phillips, Idaho Department of Lands
<a href="#"><u>RS28092</u></a>	Board of Scaling, Compensation	Scott Phillips
<a href="#"><u>RS28075</u></a>	State Parks	Susan Buxton, Idaho Department of Parks and Recreation

COMMITTEE MEMBERS

Chairman Gibbs

Vice Chairman Lickley

Rep Moyle

Rep Wood

Rep Boyle

Rep Vander Woude

Rep Gestrin

Rep Mendive

Rep Kauffman

Rep Blanksma

Rep Addis

Rep Moon

Rep Manwaring

Rep Okuniewicz

Rep Yamamoto

Rep Rubel

Rep Davis

Rep Mathias

COMMITTEE SECRETARY

Tracey McDonnell

Room: EW62

Phone: 332-1136

email: [hres@house.idaho.gov](mailto:hres@house.idaho.gov)

MINUTES  
**HOUSE RESOURCES & CONSERVATION COMMITTEE**

- DATE:** Thursday, January 21, 2021
- TIME:** 1:30 P.M.
- PLACE:** Room EW40
- MEMBERS:** Chairman Gibbs, Vice Chairman Lickley, Representative(s) Moyle, Wood, Boyle, Vander Woude, Gestrin, Mendive, Kauffman, Blanksma, Addis, Moon, Manwaring, Okuniewicz, Yamamoto, Rubel, Davis, Mathias
- ABSENT/  
EXCUSED:** Representative(s) Moyle, Davis
- GUESTS:** Norm Semanko, Parson Behle; Susan Buxton, Anna Canning, and Brian Beckley, Idaho Department of Parks and Recreation; Scott Phillips and Dustin Miller, Idaho Department of Lands
- Chairman Gibbs** called the meeting to order at 1:30pm.
- MOTION:** **Rep. Mathias** made a motion to approve the minutes of the January 19, 2021 meeting. **Motion carried by voice vote.**
- Colonel Richard Goodman**, 366th Fighter Wing Commander, Mountain Home Air Force Base, presented an overview of the operations and community support of the Air Force Base in Mountain Home. He remarked the Base is a vital part of the National Defense, and has been in existence for 75 years. There are currently 3,461 active duty, 449 civilians, and 148 Air National Guard/Reserves. One project Colonel Goodman highlighted is the \$76 million water project. He explained the goal of the project is to develop a sustainable water system for the Base to relieve the pressure from the declining Mountain Home aquifer which is used by the city of Mountain Home. The project would entail construction of a pump and pipe system to get water from the Snake River to the Base. Once on Base, the water would be treated and used by the Base for consumption and irrigation. He explained to date funding for the project has moved forward through a combination of Air Force and State of Idaho funding.
- RS 28074:** **Scott Phillips**, Policy and Communications Chief, Idaho Department of Lands, stated this proposed legislation is simply housecleaning to remove **Idaho Code, Section 58-156**, which was a one-time land exchange event completed in 2002, so this section is no longer needed.
- MOTION:** **Rep. Addis** made a motion to introduce **RS 28074. Motion carried by voice vote.**
- RS 28092:** **Scott Phillips**, Policy and Communications Chief, Idaho Department of Lands, stated this proposed legislation will amend **Idaho Code, Section 38-1205**, which supports the Board of Scaling Practices' request to remove the PERSI component from its members compensation. He explained the Board members participating in Board meetings will still receive \$35 per day for attending meetings, but this compensation will no longer be counted towards PERSI service.
- MOTION:** **Rep. Okuniewicz** made a motion to introduce **RS 28092. Motion carried by voice vote.**
- RS 28075:** **Susan Buxton**, Interim Director, Idaho Department of Parks and Recreation, stated this proposed legislation will remove nine sections within Idaho Code that are no longer necessary for the operations of the Department. The sections are as follows: **Idaho Code, Sections 67-4205, 67-4209, 67-4210, 67-4211, 67-4214, 67-4215, 67-4216, 67-4217, and 67-4229A.**

**MOTION:** Rep. Manwaring made a motion to introduce **RS 28075. Motion carried by voice vote.**

**ADJOURN:** There being no further business to come before the committee, the meeting was adjourned at 2:00pm.

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Representative Gibbs  
Chair

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Tracey McDonnell  
Secretary

AGENDA  
**HOUSE RESOURCES & CONSERVATION COMMITTEE**  
1:30 P.M.  
Room EW40  
Monday, January 25, 2021

Limited public seating will be available in the committee room. For members of the public to observe the meeting, please click on the following link:

<https://www.idahoptv.org/shows/idahoinsession/>

<b>SUBJECT</b>	<b>DESCRIPTION</b>	<b>PRESENTER</b>
<a href="#">RS28076</a>	Water Rights Delivery Calls Obsolete/Outdated Sections, Repeal	Shelley Keen, Idaho Department of Water Resources
<a href="#">RS28077</a>	Water Resources, Inactive Provisions of Water Law, Repeal	Shelley Keen
Docket No. <a href="#">37-0000-2000F</a>	Idaho Department of Water Resources Omnibus Pending Fee Rules	Mat Weaver, Idaho Department of Water Resources

Public Testimony Will Be Taken by Registering Through the Following Link:  
[Registry to Testify](#)

***If you have written testimony, please provide a copy of it along with the name of the person or organization responsible to the committee secretary to ensure accuracy of records.***

COMMITTEE MEMBERS

Chairman Gibbs      Rep Gestrin  
Vice Chairman Lickley      Rep Mendive  
Rep Moyle      Rep Kauffman  
Rep Wood      Rep Blanksma  
Rep Boyle      Rep Addis  
Rep Vander Woude      Rep Moon

Rep Manwaring  
Rep Okuniewicz  
Rep Yamamoto  
Rep Rubel  
Rep Davis  
Rep Mathias

COMMITTEE SECRETARY

Tracey McDonnell  
Room: EW62  
Phone: 332-1136  
email: [hres@house.idaho.gov](mailto:hres@house.idaho.gov)

MINUTES  
**HOUSE RESOURCES & CONSERVATION COMMITTEE**

**DATE:** Monday, January 25, 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:** Representative(s) Blanksma  
**GUESTS:** Gary Spackman, Idaho Department of Water Resources  
**Chairman Gibbs** called the meeting to order at 1:30pm.  
**RS 28076:** **Gary Spackman**, Director, Idaho Department of Water Resources stated this proposed legislation will eliminate inactive provisions of law related to water right delivery calls. He explained the procedures outlined in these sections are obsolete since the adoption of the Rules for Conjunctive Management of Surface and Ground Water Resources (IDAPA 37.03.11). The sections to be repealed are: **Idaho Code, Sections 42-237b, 42-237c, 42-237d, 42-237g, and 42-238a.**  
**MOTION:** **Rep. Wood** made a motion to introduce **RS 28076. Motion carried by voice vote.**  
**RS 28077:** **Gary Spackman**, Director, Idaho Department of Water Resources stated this proposed legislation will eliminate inactive provisions of law that have become obsolete, outdated, duplicative, or contain language that now conflicts with other sections of Idaho Code.  
**MOTION:** **Rep. Kauffman** made a motion to introduce **RS 28077. Motion carried by voice vote.**  
**Chairman Gibbs** turned the gavel over to **Vice Chair Lickley.**  
**DOCKET NO. 37-0000-2000F:** **Mat Weaver**, Deputy Director, Idaho Department of Water Resources stated this Docket as written was before the committee and approved during the 2020 Session. He indicated no changes were made from what the committee reviewed last Session. He reminded the committee, as a result of the Red Tape Reduction Act, one full chapter was eliminated and overall there was a 21% reduction in the volume of rules as well as a 21% reduction in restrictive rules. Mr. Weaver stated as a follow-up to concerns last Session regarding Rule 61.01 (Standards for Suction Dredges) and 61.03 (Mechanized Equipment Prohibited Below High Water Mark), Department staff have been instructed to initiate negotiated rulemaking for those two rules in calendar year 2021.  
**MOTION:** **Rep. Addis** made a motion to approve **Docket No. 37-0000-2000F. Motion carried by voice vote.**  
**ADJOURN:** There being no further business to come before the committee, the meeting was adjourned at 1:54pm.

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Representative Gibbs  
Chair

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Tracey McDonnell  
Secretary

AGENDA  
**HOUSE RESOURCES & CONSERVATION COMMITTEE**  
**1:30 P.M.**  
**Room EW40**  
**Wednesday, January 27, 2021**

Limited public seating will be available in the committee room. For members of the public to observe the meeting, please click on the following link:

<https://www.idahoptv.org/shows/idahoinsession/>

SUBJECT	DESCRIPTION	PRESENTER
<a href="#">H 9</a>	Sage Grouse Game Tags, Permits	Paul Kline, Department of Fish and Game
<a href="#">H 10</a>	Fish and Game, Bait	Rep. Lickley
<a href="#">RS28324</a>	Water Resources, Inactive Provisions of Water Law, Repeal	Gary Spackman, Department of Water Resources
Docket No. <a href="#">15-0300-2000F</a>	Idaho Forest Products Commission Omnibus Pending Fee Rules	Jennifer Okerlund, Forest Products Commission
Docket No. <a href="#">24-3501-2000</a>	Division of Occupational and Professional Licenses, Outfitter and Guides Licensing Board Pending Rules	Dawn Hall, Division of Occupational and Professional Licenses
	Introductions - Fish and Game Commissioners	Paul Kline

Public Testimony Will Be Taken by Registering Through the Following Link:  
[Registry to Testify](#)

***If you have written testimony, please provide a copy of it along with the name of the person or organization responsible to the committee secretary to ensure accuracy of records.***

COMMITTEE MEMBERS

Chairman Gibbs      Rep Gestrin  
Vice Chairman Lickley      Rep Mendive  
Rep Moyle      Rep Kauffman  
Rep Wood      Rep Blanksma  
Rep Boyle      Rep Addis  
Rep Vander Woude      Rep Moon

Rep Manwaring  
Rep Okuniewicz  
Rep Yamamoto  
Rep Rubel  
Rep Davis(Burns)  
Rep Mathias

COMMITTEE SECRETARY

Tracey McDonnell  
Room: EW62  
Phone: 332-1136  
email: [hres@house.idaho.gov](mailto:hres@house.idaho.gov)

MINUTES  
**HOUSE RESOURCES & CONSERVATION COMMITTEE**

**DATE:** Wednesday, January 27, 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:** Representative(s) Mathias

**GUESTS:** Jennifer Okerlund, Idaho Forest Products Commission; Paul Arrington, Idaho Water Users Association; Gary Spackman, Idaho Department of Water Resources

**Chairman Gibbs** called the meeting to order at 1:33pm.

**MOTION:** **Rep. Manwaring** made a motion to approve the minutes of the January 21, 2021 and January 25, 2021 meetings. **Motion carried by voice vote.**

**H 9:** **Paul Kline**, Deputy Director, Idaho Department of Fish and Game, stated this legislation would define game tags for sage grouse and set game tag prices in **Idaho Code, Sections 36-409 and 36-416**. It would also delete the reference to possession of a sage grouse game permit as an infraction in **Idaho Code, Section 36-1401**. He explained, this legislation facilitates the transition of the hunting framework for sage grouse from a sport permit-based model to a game tag-based model to better support sustainable hunting opportunities. This is accomplished by allowing Fish and Game Managers to use population information to inform game tag availability and appropriately distribute harvest opportunity. He explained the total number of sage grouse harvested annually is expected to remain approximately the same under the new hunt framework and does not affect the sport permit-based hunting framework for sharp-tailed grouse. He concluded by stating the proposed price for resident and nonresident game tags to hunt sage grouse will remain the same as the current price of sport permits to hunt sage grouse.

**Benn Brocksome**, Executive Director, Idaho Sportsmen spoke **in support** of this legislation stating it provides a means for sage grouse harvest now and into the future.

**Chairman Gibbs** requested the record reflect no one signed up for remote testimony and nobody else came forward to testify in the audience.

**MOTION:** **Rep. Wood** made a motion to send **H 9** to the floor with a **DO PASS** recommendation. **Motion carried by voice vote.** **Rep. Okuniewicz** will sponsor the bill on the floor.

**H 10:** **Rep. Lickley**, District 25, stated this legislation will change the law to allow the Fish and Game Commission to address bait allowances for use of game in its Rules and season setting. Additionally, Rep. Lickley stated it will give more flexibility to trappers to use game bait and allows the Commission to work directly with the trapping community to ensure the rules, laws, and regulations trappers follow are consistent across species. She explained Commission Rules cannot override the current restriction in the law so without this exception, trappers cannot use game bait for furbearers. In conclusion, she stated the goal is to mirror language currently in place for wolves and other predators to allow the use of game bait in trapping furbearing animals.



In response to a committee question regarding why this is being addressed in Code first rather than in Rules, **Benn Brocksome**, Executive Director, Idaho Sportsmen, stated they are trying to mirror the language currently in Code for wolves and other predators for furbearers so the Rules would be consistent for all species. He stated it also allows the Commission the ability to negotiate in the future as needed.

In response to the question of what will the Commission propose for Rules, **Benn Brocksome** stated the goal was to get this change in Code early in the Session then introduce the Rules allowing game bait for furbearers. **Chairman Gibbs** remarked hearing Bills before Rules was being done to accommodate the concerns raised last Session regarding bringing Rule changes before Statute changes.

**Rep. Moyle** declared Rule 80 stating he has a trapper's license.

**Chairman Gibbs** requested the record reflect no one signed up for remote testimony.

**Rusty Kramer**, President, Idaho Trapper's Association, stated they are **in support** of this legislation. He explained they have been working on this legislation with the Department for a couple years and have the support from multiple sportsmen's groups, all of the trapping community, and the livestock groups. He concluded this change will clarify things in the field for trappers and make it easier for the Conservation Officers to make determinations in the field.

**MOTION:** **Rep. Wood** made a motion to send **H 10** to the floor with a **DO PASS** recommendation.

**SUBSTITUTE MOTION:** After much discussion among the committee members about what the proper order should be regarding hearing Rules and Bills and the purported flaws with the Administrative Rules process, **Rep. Moyle** made a substitute motion to **HOLD H 10** subject to call of the chair but no later than February 5, 2021. He stated he does not want to kill the Bill but rather provide some time for additional discussions. **Motion carried by voice vote.**

**RS 28324:** **Gary Spackman**, Director, Idaho Department of Water Resources, stated **RS 28324** replaces **RS 28077** that was before the committee and introduced on January 25, 2021. He explained he failed to mention an additional strikeout on page 8, lines 25-29 that he was going to request the committee approve when making the motion to introduce. As a result, he is back before the committee with **RS 28324** which now includes the aforementioned strikeout.

**MOTION:** **Rep. Moyle** made a motion to introduce **RS 28324**. **Motion carried by voice vote.** **Chairman Gibbs** turned the gavel over to **Vice Chair Lickley**.

**DOCKET NO. 15-0300-2000F:** **Jennifer Okerlund**, Director, Idaho Forest Products Commission, stated this omnibus pending fee rule docket as written was before the committee and approved during the 2020 Session. She indicated no changes were made from what the committee reviewed last Session.

**MOTION:** **Rep. Gibbs** made a motion to approve **Docket No. 15-0300-2000F**. **Motion carried by voice vote.**

**DOCKET NO. 24-3501-2000:** **Dawn Hall**, Section Chief, Department of Occupational and Professional Licenses, stated the changes in this Docket are amendments to Section 57 and are necessary to implement **H 426** from the 2020 Session regarding the designation of deer and elk tags allocated for outfitted hunters by the Idaho Fish and Game Commission. She explained this rule will ensure the designation of allocated tags to individual outfitting businesses is done in a manner that provides predictability and opportunities for growth for outfitters while maximizing the use of those tags by the outfitted public.

**MOTION:** **Rep. Addis** made a motion to approve **Docket No. 24-3501-2000. Motion carried by voice vote.**

**Chairman Lickley** put the committee at ease at 2:14pm to wait for the Fish and Game Commissioners to arrive.

**Chairman Lickley** called the committee to order at 2:24pm and turned the gavel over to **Chairman Gibbs.**

**Ed Schriever**, Director, Idaho Department of Fish and Game, introduced members of the Fish and Game Commission to the committee. Those members include **Brad Corkill**, Chairman, representing the Panhandle Region; **Greg Cameron**, representing the Magic Valley Region; **Don Ebert**, representing the Clearwater Region; **Tim Murphy**, representing the Southwest Region; **Lane Clezie**, representing the Southeast Region; **Derick Attebury**, representing the Upper Snake Region; and **Ron Davies**, representing the Salmon Region. Commissioners Ebert, Cameron, and Davies were confirmed in the Senate today. After brief remarks from the three newly confirmed Commissioners, the committee members thanked the Commissioners for the work they do.

**ADJOURN:** There being no further business to come before the committee, the meeting was adjourned at 2:38pm.

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Representative Gibbs  
Chair

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Tracey McDonnell  
Secretary

AGENDA  
**HOUSE RESOURCES & CONSERVATION COMMITTEE**  
1:30 P.M.  
Room EW40  
Monday, February 01, 2021

Limited public seating will be available in the committee room. For members of the public to observe the meeting, please click on the following link:

<https://www.idahoptv.org/shows/idahoinsession/>

SUBJECT	DESCRIPTION	PRESENTER
<a href="#">H 25</a>	State Parks, Repeal of Unnecessary Statutes	Susan Buxton, Idaho Department of Parks and Recreation
<a href="#">H 23</a>	Endowment Land Exchange, Repeal	Scott Phillips, Idaho Department of Lands
<a href="#">H 24</a>	Board of Scaling, Compensation	Scott Phillips
Docket No. <a href="#">20-0000-2000F</a>	Idaho Department of Lands Omnibus Pending Fee Rules	Scott Phillips

Public Testimony Will Be Taken by Registering Through the Following Link:  
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COMMITTEE MEMBERS

Chairman Gibbs

Vice Chairman Lickley

Rep Moyle

Rep Wood

Rep Boyle

Rep Vander Woude

Rep Gestrin

Rep Mendive

Rep Kauffman

Rep Blanksma

Rep Addis

Rep Moon

Rep Manwaring

Rep Okuniewicz

Rep Yamamoto

Rep Rubel

Rep Davis(Burns)

Rep Mathias

COMMITTEE SECRETARY

Tracey McDonnell

Room: EW62

Phone: 332-1136

email: [hres@house.idaho.gov](mailto:hres@house.idaho.gov)

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

AGENDA  
**HOUSE RESOURCES & CONSERVATION COMMITTEE**  
1:30 P.M.  
Room EW40  
Wednesday, February 03, 2021

Limited public seating will be available in the committee room. For members of the public to observe the meeting, please click on the following link:

<https://www.idahoptv.org/shows/idahoinsession/>

SUBJECT	DESCRIPTION	PRESENTER
<a href="#">H 43</a>	Water Rights Delivery Calls Obsolete/Outdated Sections, Repeal	Gary Spackman, Idaho Department of Water Resources
<a href="#">H 57</a>	Water Resources, Inactive Provisions of Water Law, Repeal	Gary Spackman
<a href="#">RS28404</a>	Wildlife, Trapping, Baiting	Rep. Lickley
<a href="#">RS28355</a>	Hound Hunter Permit, Infraction	Rep. Moon
<a href="#">RS28389C1</a>	Parks and Recreation, Fees	Rep. Okuniewicz

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COMMITTEE MEMBERS

Chairman Gibbs  
Vice Chairman Lickley  
Rep Moyle  
Rep Wood  
Rep Boyle  
Rep Vander Woude

Rep Gestrin  
Rep Mendive  
Rep Kauffman  
Rep Blanksma  
Rep Addis  
Rep Moon

Rep Manwaring  
Rep Okuniewicz  
Rep Yamamoto  
Rep Rubel  
Rep Davis(Burns)  
Rep Mathias

COMMITTEE SECRETARY

Tracey McDonnell  
Room: EW62  
Phone: 332-1136  
email: [hres@house.idaho.gov](mailto:hres@house.idaho.gov)

MINUTES  
**HOUSE RESOURCES & CONSERVATION COMMITTEE**

**DATE:** Wednesday, February 03, 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, Mathias

**ABSENT/  
EXCUSED:** None

**GUESTS:** Paul Arrington, Idaho Water Users Association; Del Chapal, self; Katie Thibadeau, Westerberg and Associates; Gary Spackman, Idaho Department of Water Resources

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

**MOTION:** **Rep. Manwaring** made a motion to approve the minutes of the January 27, 2021 and February 1, 2021 meetings. **Motion carried by voice vote.**

**H 43:** **Gary Spackman**, Director, Idaho Department of Water Resources, stated **H 43** will eliminate **Idaho Code, Sections 42-237b, 42-237c, 42-237d, 42-237g, and 42-238a**, which are no longer necessary and are obsolete. He explained in the early 1950's legislation was enacted that established local ground water boards to resolve complaints from individuals holding rights to surface water or ground water against ground water users holding water rights bearing later priority dates. These boards would be established to hold hearings to determine whether there was interference. Since that time no local ground water board ever held a hearing or wrote a decision. As a result of the inactivity of local ground water boards and the more recent adoption of the Rules for Conjunctive Management of Surface and Ground Water Resources (IDAPA 37.03.11), these Sections will be repealed.

**Paul Arrington**, Executive Director, Idaho Water Users Association, spoke in **support of H 43** stating they appreciate the Department engaging the local water user community early on in the process as they reviewed statutes for elimination.

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

**MOTION:** **Rep. Kauffman** made a motion to send **H 43** to the floor with a **DO PASS** recommendation. **Motion carried by voice vote.** **Rep. Kauffman** will sponsor the bill on the floor.

**H 57:** **Gary Spackman**, Director, Idaho Department of Water Resources, stated **H 57** will both eliminate and change several chapters in Idaho Code because the chapters are either no longer necessary or are obsolete. **Idaho Code, Section 42-238b** will be repealed because the Department has not had any pending applications since the early 1950's. **Section 42-247** will be repealed because the Department complied with all the requirements in the 1980's. And, **Title 42, Chapter 19** will be completely eliminated because dams and booms are no longer used on the Clearwater River for timber transport. Director Spackman stated the other area of change relates to criminal enforcement. He explained, the Department doesn't engage in criminal enforcement, so references to criminal enforcement will be eliminated, with the exception of two areas, and they will continue to enforce through the civil enforcement process. The two areas that will continue to have criminal enforcement are recreational suction dredging because sheriffs in rural counties

use criminal enforcement to protect rivers and streams from egregious activities and injection wells in order for the state to retain primacy over injection well oversight.

**Paul Arrington**, Executive Director, Idaho Water Users Association, spoke in support of **H 57**.

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

**MOTION:** **Rep. Wood** made a motion to send **H 57** to the floor with a **DO PASS** recommendation. **Motion carried by voice vote.** **Rep. Lickley** will sponsor the bill on the floor.

**RS 28404:** **Rep. Lickley**, District 25, stated this proposed legislation will replace **H 10** and will allow the use of non-edible portions of game for bait when trapping fur-bearers. She explained this will mirror the same methods and processes used for other species including wolves and other predators, and those species will all be included within the same section of Idaho Code. This will enable the trapping regulations to be consistent, uniform, and prevent confusion in the field.

**MOTION:** **Rep. Addis** made a motion to introduce **RS 28404**. **Motion carried by voice vote.** **Chairman Gibbs** announced with the introduction of **RS 28404, H 10**, which was held call of the chair no later than February 5, 2021, will remain in committee.

**RS 28355:** **Rep. Moon**, District 8, stated this proposed legislation amends **Section 36-1401, Idaho Code** to change the failure to purchase a hound hunter permit from a misdemeanor to an infraction.

**MOTION:** **Rep. Mendive** made a motion to introduce **RS 28355**. **Motion carried by voice vote.**

**RS 28389C1:** **Rep. Okuniewicz**, District 2, stated this proposed legislation implements a fee increase for nonresidents at Idaho State Parks. He explained, fees for nonresidents for camping will be twice those of residents at a minimum of five state parks. Additionally, entry fees for nonresidents will be twice those of residents at a minimum of five state parks. He remarked, Idaho Department of Parks and Recreation will also have the ability to increase fees for nonresidents at all other state parks. This proposed legislation has an emergency provision so that the Department can begin raising nonresident fees before the start of the 2021 peak season. He concluded by stating additional revenues collected from nonresident fees for one year at the minimum of five parks is estimated at \$1.4M.

**MOTION:** **Rep. Blanksma** made a motion to introduce **RS 28389C1**. **Motion carried by voice vote.**

**ADJOURN:** There being no further business to come before the committee, the meeting was adjourned at 2:11pm.

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Representative Gibbs  
Chair

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Tracey McDonnell  
Secretary



**AMENDED AGENDA #2**  
**HOUSE RESOURCES & CONSERVATION COMMITTEE**  
**1:30 P.M.**  
**Room EW40**  
**Tuesday, February 09, 2021**

Limited public seating will be available in the committee room. For members of the public to observe the meeting, please click on the following link:

<https://www.idahoptv.org/shows/idahoinsession/>

<b>SUBJECT</b>	<b>DESCRIPTION</b>	<b>PRESENTER</b>
<a href="#">RS28407</a>	Idaho Department of Lands, Legal Counsel	Rep. Blanksma
Docket No. <a href="#">26-0000-2000F</a>	Idaho Department of Parks and Recreation Omnibus Pending Fee Rules	Anna Canning, Idaho Department of Parks and Recreation

Public Testimony Will Be Taken by Registering Through the Following Link:  
[Registry to Testify](#)

***If you have written testimony, please provide a copy to the committee secretary.***

COMMITTEE MEMBERS

Chairman Gibbs      Rep Gestrin  
Vice Chairman Lickley      Rep Mendive  
Rep Moyle      Rep Kauffman  
Rep Wood      Rep Blanksma  
Rep Boyle      Rep Addis  
Rep Vander Woude      Rep Moon

COMMITTEE SECRETARY

Tracey McDonnell  
Room: EW62  
Phone: 332-1136  
email: [hres@house.idaho.gov](mailto:hres@house.idaho.gov)

MINUTES  
**HOUSE RESOURCES & CONSERVATION COMMITTEE**

**DATE:** Tuesday, February 09, 2021

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

**PLACE:** Room EW40

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

**ABSENT/  
EXCUSED:** Representative(s) Moyle, Wood, Vander Woude, Kauffman, Mathias

**GUESTS:** Anna Canning and Susan Buxton, Idaho Department of Parks and Recreation; Yllka Nina, self; Jacinta Rigi, Lobby Idaho

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

**MOTION:** **Rep. Manwaring** made a motion to approve the minutes of the February 3, 2021 meeting. **Motion carried by voice vote.**

**RS 28407:** **Rep. Blanksma**, District 23, stated this proposed legislation removes the responsibility of the Office of the Attorney General to provide legal representation to the Idaho Department of Lands, and allows the Department to hire or contract its own legal counsel on an as-needed basis at an estimated \$250 per hour. She noted this would generate an estimated \$382,311 in ongoing savings to the Attorney General's budget.

**MOTION:** **Rep. Okuniewicz** made a motion to introduce **RS 28407**. **Motion carried by voice vote.**

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

**DOCKET NO. 26-0000-2000F:** **Anna Canning**, Management Services Administrator, Idaho Department of Parks and Recreation, stated in 2019, the Department reviewed and identified obsolete, outdated, or unnecessary rules for elimination and those changes were presented and approved by the committee during the 2020 Session. She explained during the summer of 2020, the Department continued this review process and made one additional change which is before the committee today. This proposed change is in IDAPA 26.01.20.247 and was done in anticipation of possible changes to Idaho Code to raise the fee for the Idaho state parks passport, to also include a corresponding increase on the fee cap for the annual motor vehicle entrance fee from \$40 to \$80. Ms. Canning indicated this annual pass is primarily sold to nonresidents. They did not receive any comments opposing the fee cap increase.

In response to questions regarding the fee increase and who it will impact, **Ms. Canning** explained it's an annual fee program primarily used by nonresidents who frequently visit Idaho state parks, and purchase the annual pass because the state parks passport sticker is only available to residents. She stated the Department recently learned they have the authority to increase fees to nonresidents, so will be looking into that process including the possibility of a new sticker. When asked if she could provide the number of nonresident sales, Ms. Canning stated they do not track those sales so could not provide any data identifying the historical use of the annual motor vehicle pass by nonresidents vs residents.

**Chairman Lickley** 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 approve **Docket No. 26-0000-2000F. Motion carried by voice vote. Rep. Moon** requested to be recorded as voting **NAY**.

**ADJOURN:** There being no further business to come before the committee, the meeting was adjourned at 1:46pm.

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Representative Lickley  
Chair

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Tracey McDonnell  
Secretary

AGENDA  
**HOUSE RESOURCES & CONSERVATION COMMITTEE**  
**1:30 P.M.**  
**Room EW40**  
**Thursday, February 11, 2021**

Limited public seating will be available in the committee room. For members of the public to observe the meeting, please click on the following link:

<https://www.idahoptv.org/shows/idahoinsession/>

<b>SUBJECT</b>	<b>DESCRIPTION</b>	<b>PRESENTER</b>
	Update on Modification of Ririe Reservoir Flood Control Curves	Jerry Rigby, Attorney, Mitigation, Inc.
<a href="#">RS28508</a>	Natural Resource Committee, Interim	Rep. Gibbs
<a href="#">H 91</a>	Wildlife Trapping, Bait	Rep. Lickley
<a href="#">H 93</a>	Parks and Recreation, Fees	Rep. Okuniewicz

Public Testimony Will Be Taken by Registering Through the Following Link:  
[Registry to Testify](#)

***If you have written testimony, please provide a copy to the committee secretary.***

COMMITTEE MEMBERS

Chairman Gibbs

Vice Chairman Lickley

Rep Moyle

Rep Wood

Rep Boyle

Rep Vander Woude

Rep Gestrin

Rep Mendive

Rep Kauffman

Rep Blanksma

Rep Addis

Rep Moon

Rep Manwaring

Rep Okuniewicz

Rep Yamamoto

Rep Rubel

Rep Davis

Rep Mathias

COMMITTEE SECRETARY

Tracey McDonnell

Room: EW62

Phone: 332-1136

email: [hres@house.idaho.gov](mailto:hres@house.idaho.gov)

MINUTES  
**HOUSE RESOURCES & CONSERVATION COMMITTEE**

**DATE:** Thursday, February 11, 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, Mathias

**ABSENT/  
EXCUSED:** Representative(s) Vander Woude, Gestrin

**GUESTS:** Brian Patton, Idaho Department of Water Resources; Benn Brocksome, Idaho Sportsmen; Chyla Wilson, Idaho Farm Bureau; Paul Kline, Idaho Department of Fish and Game

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

**Jerry Rigby**, Water Rights Attorney, Mitigation, Inc., provided an overview of the ongoing efforts to modify the flood control curves at Ririe Reservoir. He explained the Ririe Reservoir, located on Willow Creek in eastern Idaho, was constructed in the mid 1970's primarily for flood control, but also for irrigation, recreation, and fish and wildlife benefits. As part of the flood control operations, a mandated 40,000 acre-feet of water must be released every fall with an additional 10,000 acre-feet of space held exclusively for flood control; a total of 50,000 acre-feet of flood control space or 60% of the entire reservoir. No other reservoir in Idaho has such stringent, inflexible, and conservative flood control operations. He explained, since the construction of Ririe Dam, conditions have changed on Willow Creek which have substantially reduced flood risk including updated annual maintenance schedules to keep waterways (floodway channels) free of ice in the winter and development of off-stream storage facilities. Mr. Rigby stated being able to save some portion of the 50,000 acre-feet for use by water users would provide valuable benefits to the entire region.

**Mr. Rigby** stated water users have begun efforts with the Bureau of Reclamation and Army Corps of Engineers to review and revise Ririe Dam flood operations. The WIIN Act of 2016 (Water Infrastructure Improvements for the Nation Act), authorizes the Corps to conduct studies and make modifications. The Corps required Mitigation, Inc. provide funding for the studies and as a result, \$480K was provided for the Phase I feasibility study which confirmed that modifying Ririe Dam's flood control operations could provide valuable benefits while maintaining sufficient flood control protections for the region. Mr. Rigby explained a further flood risk study is necessary to revise Ririe Dam flood control operations and the anticipated cost of that study to water users is \$1.7M. Mitigation, Inc. applied to the Idaho Water Resource Board for funding in order to pay for this flood risk study. Mr. Rigby requested support from the Legislature that the Board give full consideration in funding the flood risk study.

**Chairman Gibbs** explained the \$1.7M would be spread out over 3 years for the feasibility study.

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

**RS 28508:** **Rep. Gibbs**, District 32, stated this proposed legislation would authorize the Legislative Council to continue the Interim Natural Resources Committee. He explained this interim committee must be re-authorized every two years and the Speaker of the House and Senate Pro Tempore desire to keep this committee active.

**MOTION:** **Rep. Wood** made a motion to introduce **RS 28508** and recommend it be sent directly to the Second Reading Calendar. **Motion carried by voice vote.** **Rep. Gibbs** will sponsor the bill on the floor.

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

**H 91:** **Rep. Lickley**, District 25, stated this legislation adds clarifying language to **Idaho Code 36-1103, Section 1.(a)**, to allow for the use of non-edible portions of game for bait when trapping. It also clarifies the use of salvaged wildlife for bait while trapping. She explained this legislation includes the use of bait for fur-bearing and other animals mirroring the same methods and processes used for other species including wolves and predators which are now included in this Section of Idaho Code. She concluded this will enable the trapping regulations to be consistent, uniform, and prevent confusion in the field.

**MOTION:** **Rep. Blanksma** made a motion to send **H 91** to the floor with a **DO PASS** recommendation.

**Benn Brocksome**, Idaho Sportsmen, stood **in support** of **H 91**.

**Chyla Wilson**, Idaho Farm Bureau, stood **in support** of **H 91**.

**Paul Kline**, Deputy Director, Idaho Department of Fish and Game, stated the Fish and Game Commission is **in support** of **H 91** and indicated they appreciate all the work done by **Rep. Lickley** and others to make this happen.

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

**VOTE ON MOTION:** **Chairman Gibbs** called for a vote on the motion to send **H 91** to the floor with a **DO PASS** recommendation. **Motion carried by voice vote.** **Rep. Lickley** will sponsor the bill on the floor.

**H 93:** **Rep. Okuniewicz**, District 2, stated this legislation implements fee increases only for nonresidents when visiting Idaho State Parks. He explained, fees for nonresident camping will be twice those of residents at a minimum of five parks and entry fees for nonresidents will also be twice those of residents at a minimum of five parks. Additionally, Idaho Department of Parks and Recreation will have the ability to increase fees for nonresidents at all other parks. He indicated an emergency provision is included in this legislation so that the Department can begin raising nonresident fees before the start of the 2021 peak season.

**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. Rubel** made a motion to send **H 93** to the floor with a **DO PASS** recommendation. **Motion carried by voice vote.** **Rep. Okuniewicz** will sponsor the bill on the floor.

**ADJOURN:** There being no further business to come before the committee, the meeting was adjourned at 2:06pm.

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Representative Gibbs  
Chair

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Tracey McDonnell  
Secretary

AGENDA  
**HOUSE RESOURCES & CONSERVATION COMMITTEE**  
**1:30 P.M.**  
**Room EW40**  
**Monday, February 15, 2021**

Limited public seating will be available in the committee room. For members of the public to observe the meeting, please click on the following link:

<https://www.idahoptv.org/shows/idahoinsession/>

<b>SUBJECT</b>	<b>DESCRIPTION</b>	<b>PRESENTER</b>
<a href="#"><u>RS28465</u></a>	Irrigation Boundaries	Paul Arrington, Idaho Water Users Association
<a href="#"><u>RS28466</u></a>	Water, Full Beneficial Use	Paul Arrington
<a href="#"><u>RS28467</u></a>	Water Rights, Notification	Paul Arrington
<a href="#"><u>RS28533</u></a>	Flood Control, Land Annexation	Paul Arrington
<a href="#"><u>RS28555</u></a>	Water Rights, Federal Lands	Rep. Lickley
<a href="#"><u>RS28566</u></a>	Recreational Agreements, Motor Use	Emily McClure, McClure Policy, LLC
<a href="#"><u>RS28581</u></a>	Sage Grouse Preservation Program	Rep. Young
<a href="#"><u>RS28569</u></a>	Payment In Lieu Of Taxes (PILT)	Rep. Horman

COMMITTEE MEMBERS

Chairman Gibbs

Vice Chairman Lickley

Rep Moyle

Rep Wood

Rep Boyle

Rep Vander Woude

Rep Gestrin

Rep Mendive

Rep Kauffman

Rep Blanksma

Rep Addis

Rep Moon

Rep Manwaring

Rep Okuniewicz

Rep Yamamoto

Rep Rubel

Rep Davis

Rep Mathias

COMMITTEE SECRETARY

Tracey McDonnell

Room: EW62

Phone: 332-1136

email: [hres@house.idaho.gov](mailto:hres@house.idaho.gov)

MINUTES  
**HOUSE RESOURCES & CONSERVATION COMMITTEE**

**DATE:** Monday, February 15, 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, Mathias

**ABSENT/  
EXCUSED:** Representative(s) Kauffman

**GUESTS:** Paul Kline, Idaho Department of Fish and Game; Emily McClure, Riley Stegner

**Chairman Gibbs** called the meeting to order at 2:00pm.

**Chairman Gibbs** announced **Rep. Young** requested **RS 28581** be pulled from the agenda. Additionally, due to the late start of the meeting, the order of business will be different from the agenda.

**MOTION:** **Rep. Mathias** made a motion to approve the minutes of the February 9, 2021 meeting. **Motion carried by voice vote.**

**RS 28555:** **Rep. Lickley**, District 25, stated this proposed legislation amends **Idaho Code 42-1409 and 42-1411** to create a presumption that (1) the priority date for stockwater rights is the date of the original federal grazing authorization and, (2) the current base property relates back to the base property associated with the original federal grazing authorization. She indicated this proposed legislation also amends information required to identify the legal description of stockwater rights on federal grazing allotments.

**MOTION:** **Rep. Blanksma** made a motion to introduce **RS 28555**. **Motion carried by voice vote.**

**RS 28566:** **Emily McClure**, Attorney and Lobbyist, Riley Stegner and Associates, stated Idaho's recreational access laws encourage private landowners to grant public access to their property for recreational purposes. While most recreational users behave responsibly, occasionally a member of the public causes substantial damage to gates, fences, crops or other areas closed to motor vehicles. This proposed legislation would clarify when a landowner enters into a recreational access agreement with the Idaho Department of Fish and Game, and both the landowner and the Department agree to certain restrictions on motorized vehicles, the Department will have the authority to enforce those restrictions, as long as recreational users are given notice of the restrictions. Notice includes posting on the property stating there are motor vehicle restrictions as well as posting the details of the restrictions on the Department's website and at the nearest regional office.

**MOTION:** **Rep. Wood** made a motion to introduce **RS 28566**. **Motion carried by voice vote.**

**RS 28569:** **Rep. Horman**, District 30, stated this proposed legislation calls on the Federalism Committee to study the impact of the United States Government's Payment in Lieu of Taxes (PILT) program in Idaho. She explained the Committee shall pilot technologies providing an objective standard to evaluate and appraise federal lands in real time to determine the fair taxable reimbursement value of federal lands.

**MOTION:** **Rep. Addis** made a motion to introduce **RS 28569**. **Motion carried by voice vote.**



**Chairman Gibbs** put the committee at ease at 2:13pm to wait for the sponsor of the remaining legislation on the agenda.

**Chairman Gibbs** resumed the meeting at 2:28pm.

- RS 28465:** **Paul Arrington**, Executive Director, Idaho Water Users Association, stated this proposed legislation will provide a streamlined process to adjust canal company boundaries where there is no increased use and no injury to other water rights.
- MOTION:** **Rep. Wood** made a motion to introduce **RS 28465. Motion carried by voice vote.**
- RS 28466:** **Paul Arrington**, Executive Director, Idaho Water Users Association, stated this proposed legislation amends **Idaho Code, Section 42-204**, to provide that the Idaho Department of Water Resources may extend the time required for development of a water right to accommodate delays caused by litigation relating to the land or water development and to clarify that a 10-year extension of development for a water permit may be granted for multiple permits relating to a common diversion or distribution system.
- MOTION:** **Rep. Blanksma** made a motion to introduce **RS 28466. Motion carried by voice vote.**
- RS 28467:** **Paul Arrington**, Executive Director, Idaho Water Users Association, stated this proposed legislation amends **Idaho Code, Section 42-248**, to provide notice of water right ownership changes to landowners in circumstances where the water rights used on the land are owned by a third party to remove outdated provisions and to improve readability. He noted, clarifying a change in ownership in the records of the Idaho Department of Water Resources is not a determination of ownership and it is not an administrative action subject to challenge.
- MOTION:** **Rep. Blanksma** made a motion to introduce **RS 28467. Motion carried by voice vote.**
- RS 28533:** **Paul Arrington**, Executive Director, Idaho Water Users Association, stated this proposed legislation enables Flood Control Districts to approve annexation petitions filed by land owners whose lands are not contiguous to the District's existing boundaries.
- MOTION:** **Rep. Lickley** made a motion to introduce **RS 28533. Motion carried by voice vote.**
- ADJOURN:** There being no further business to come before the committee, the meeting was adjourned at 2:38pm.

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Representative Gibbs  
Chair

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Tracey McDonnell  
Secretary

AGENDA  
**HOUSE RESOURCES & CONSERVATION COMMITTEE**  
**1:30 P.M.**  
**Room EW40**  
**Wednesday, February 17, 2021**

Limited public seating will be available in the committee room. For members of the public to observe the meeting, please click on the following link:

<https://www.idahoptv.org/shows/idahoinsession/>

SUBJECT	DESCRIPTION	PRESENTER
Docket No. <a href="#">13-0000-2000F</a>	Idaho Department of Fish and Game Omnibus Pending Fee Rules	Paul Kline, Idaho Department of Fish and Game
Docket No. <a href="#">13-0104-2101</a>	IDFG Temporary Rule; Rules Governing Licensing	Paul Kline
Docket No. <a href="#">13-0104-2002</a>	IDFG Pending Rule; Rules Governing Licensing	Paul Kline
Docket No. <a href="#">13-0108-2001</a>	IDFG Pending Rule; Rules Governing Taking of Big Game Animals	Paul Kline
Docket No. <a href="#">13-0109-2002</a>	IDFG Pending Rule; Rules Governing Taking of Game Birds	Paul Kline
	Roundup Litigation Update	James Curry, Government Affairs Lead for Northwestern United States, Bayer

Public Testimony Will Be Taken by Registering Through the Following Link:  
[Registry to Testify](#)

***If you have written testimony, please provide a copy to the committee secretary.***

COMMITTEE MEMBERS

Chairman Gibbs      Rep Gestrin  
Vice Chairman Lickley      Rep Mendive  
Rep Moyle      Rep Kauffman  
Rep Wood      Rep Blanksma  
Rep Boyle      Rep Addis  
Rep Vander Woude      Rep Moon

Rep Manwaring  
Rep Okuniewicz  
Rep Yamamoto  
Rep Rubel  
Rep Davis  
Rep Mathias

COMMITTEE SECRETARY

Tracey McDonnell  
Room: EW62  
Phone: 332-1136  
email: [hres@house.idaho.gov](mailto:hres@house.idaho.gov)

MINUTES  
**HOUSE RESOURCES & CONSERVATION COMMITTEE**

**DATE:** Wednesday, February 17, 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, Mathias

**ABSENT/  
EXCUSED:** Representative(s) Blanksma, Davis

**GUESTS:** Paul Kline, Idaho Department of Fish and Game

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

**MOTION:** **Rep. Mathias** made a motion to approve the minutes of the February 11, 2021 meeting. **Motion carried by voice vote.**

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

**DOCKET NO. 13-0000-2000F:** **Paul Kline**, Deputy Director, Idaho Department of Fish and Game, stated this Docket as written was before the committee and approved during the 2020 Session. He indicated there were no changes made from what the committee reviewed last Session. He reminded the committee, as a result of the Governor's Red Tape Reduction Act, three chapters, 50 pages of text, and hundreds of restrictions were eliminated.

**MOTION:** **Rep. Addis** made a motion to approve **Docket No. 13-0000-2000F**. **Motion carried by voice vote.**

**DOCKET NO. 13-0104-2101:** **Paul Kline**, Deputy Director, Idaho Department of Fish and Game, stated this is a Temporary Rule Docket. He explained during the 2020 Session, the Legislature approved rulemaking that provided the Fish and Game Commission the authority to manage nonresident hunter participation in previously uncapped elk and deer hunts to not less than 10% of the total number of hunters based on the most recent five-year average. Acting on that authority, the Commission adopted new guidelines to set nonresident tag limits for all previously uncapped general elk and deer hunts to address hunter congestion and crowding. The remaining balances of deer and elk outfitter set-aside allowed the Commission to allocate nearly 100% of the outfitter reported use for deer to newly limited hunt units, but only 59% of the high reported use for elk to newly limited hunt zones. Mr. Kline remarked that temporary rulemaking is appropriate as it provided the Commission the needed flexibility to increase the outfitter tag allocation in newly limited elk zones to accommodate 100% of reported historical outfitter use for elk. Finally, this temporary rule does not impose any new fees or charges.

**MOTION:** **Rep. Wood** made a motion to approve **Docket No. 13-0104-2101**. **Motion carried by voice vote.**

**DOCKET NO. 13-0104-2002:** **Paul Kline**, Deputy Director, Idaho Department of Fish and Game, stated this Pending Rule is found in Chapter 4 of IDAPA and addresses moving controlled hunt drawing dates for the Landowner Appreciation Program (LAP) to an earlier time in the year (May 15 - June 15) to provide landowners with adequate notification of draw results for hunts beginning in August. He explained, this rulemaking will also provide the Commission the authority to limit the number of deer and elk tags

made available annually to nonresident Disabled Veterans (DAV) at nonresident DAV prices and is part of the strategy to manage nonresident hunter numbers to address hunter congestion. He remarked during the 21-day comment period there was broad support for their proposals.

**MOTION:** **Rep. Wood** made a motion to approve **Docket No. 13-0104-2002. Motion carried by voice vote.**

**DOCKET NO. 13-0108-2001:** **Paul Kline**, Deputy Director, Idaho Department of Fish and Game, stated this Pending Rule is found in Chapter 8 of IDAPA and establishes a one-year waiting period for successful controlled hunt pronghorn applicants to be consistent with current rule language that requires a one-year waiting period for successful antlered deer and elk controlled hunt applicants. He explained, a person drawn in the previous year remains eligible to apply for controlled hunts in the second application period, controlled hunts with an unlimited number of tags, or LAP hunts. Mr. Kline stated this rulemaking will help to improve controlled hunt draw odds for pronghorn. He remarked during the 21-day comment period there was broad support for their proposals.

**MOTION:** **Rep. Manwaring** made a motion to approve **Docket No. 13-0108-2001.**

**Chairman Lickley** asked for any public testimony from the audience for this Docket and any of the previous Dockets.

**Benn Brocksome**, Idaho Sportsmen stood **in support** of all the Dockets on the agenda.

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

**VOTE ON MOTION:** **Chairman Lickley** called for a vote on the motion to approve **Docket No. 13-0108-2001. Motion carried by voice vote.**

**DOCKET NO. 13-0109-2002:** **Paul Kline**, Deputy Director, Idaho Department of Fish and Game, stated this Pending Rule is found in Chapter 9 of IDAPA and will establish consistent requirements for the use of game bird tags authorized by **Idaho Code, Section 36-409(c)**, and will establish mandatory check and reporting requirements for swans. He remarked, game tags are currently authorized for turkey, crane, swan, and could encompass grouse or other species if game birds tags are authorized in the future. He stated this rulemaking will also authorize the Commission to designate two special waterfowl hunting days for Veterans and active military, will authorize the Commission to delay the opening date for pheasant season for all nonresident license holders, and will simplify the turkey hunt framework consistent with executive order requirements for rule simplification. He remarked during the 21-day comment period there was broad support for their proposals.

Committee members expressed concern Section 100 on page 16, was being written before any legislation is in place to support it and this is not, in their opinion, the process agencies should be following. After much discussion on this topic, **Mr. Kline** explained this Section is harmless as written because it doesn't depend on any new legislation since it is already in place for turkeys, cranes, and swans. The purpose was to provide a place-holder as a means to add additional species, if approved, in the future.

**MOTION:** **Rep. Gibbs** made a motion to approve **Docket No. 13-0109-2002.**

**ROLL CALL  
VOTE:**

**Rep. Boyle** requested a roll call vote on the motion to approve **Docket No. 13-0109-2002**. **Motion failed by a tie vote of 8 AYE, 8 NAY, and 2 Absent/Excused**. **Voting in favor** of the motion: **Chairman Lickley, Reps. Gibbs, Wood, Kauffman, Addis, Manwaring, Rubel, and Mathias**. **Voting in opposition** to the motion: **Reps. Moyle, Boyle, Vander Woude, Gestrin, Mendive, Moon, Okuniewicz, and Yamamoto**. **Reps. Blanksma and Davis were absent/excused**.

**MOTION:**

**Rep. Wood** indicated the Docket is still before the committee awaiting action since the motion failed on a tie vote. For that reason, he made a motion to **HOLD Docket No. 13-0109-2002** in committee time certain, Tuesday, February 23, 2021.

**SUBSTITUTE  
MOTION:**

**Rep. Mathias** made a substitute motion to approve **Docket No. 13-0109-2002**, with the exception of Section 100.

**ROLL CALL  
VOTE ON  
SUBSTITUTE  
MOTION:**

**Rep. Moon** requested a roll call vote on the substitute motion to approve **Docket No. 13-0109-2002**, with the exception of Section 100. **Motion carried by a vote of 16 AYE, 0 NAY, and 2 Absent/Excused**. **Voting in favor** of the motion: **Chairman Lickley, Reps. Gibbs, Moyle, Wood, Boyle, Vander Woude, Gestrin, Mendive, Kauffman, Addis, Moon, Manwaring, Okuniewicz, Yamamoto, Rubel, and Mathias**. **Voting in opposition** to the motion: none. **Reps. Blanksma and Davis were absent/excused**.

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

**Chairman Gibbs** recognized **Kyra Cronin**, the committee's Page, for her excellent work during the first six weeks of the Legislative Session.

**Chairman Gibbs** put the committee at ease at 2:19pm to wait for the arrival of the next presenter.

**Chairman Gibbs** resumed the meeting at 2:34pm.

**James Curry**, Governmental Affairs Lead for the Northwestern United States, Bayer, provided an update on the Roundup litigation. He stated Roundup has been the subject of litigation for the last six years spanning the transition of the mine from Monsanto to Bayer. In January 2020, EPA released an assessment which stated Roundup and its active ingredient pose no risk to human health and is not carcinogenic. In June 2020, a settlement was announced to mitigate risk moving forward including 125,000 cases and \$9.6B in settlement payments. As part of the settlement agreement, there was no admission of any wrong doing or liability; Roundup is a transformative product in agriculture and its use will continue. He indicated the company is also prepared to set aside \$2B for future claims and settlements, and as part of multiple efforts to remain transparent with their product the company will work with EPA to revise the label to provide links to all available science.

**Randy Vranes**, Business Unit Lead for Minerals, Bayer, gave a brief update on operations. He stated they received approval for the Caldwell Canyon Mine last year and with \$328M approved to be invested in the mine to build out the infrastructure, they are looking forward to starting up operations in 2024. They are currently working in the Blackfoot Ridge Mine and will transition over to the Caldwell Canyon Mine upon its completion.

**ADJOURN:**

There being no further business to come before the committee, the meeting was adjourned at 2:48pm.

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Representative Lickley  
Chair

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Tracey McDonnell  
Secretary

**AMENDED AGENDA #2**  
**HOUSE RESOURCES & CONSERVATION COMMITTEE**  
**1:30 P.M.**  
**Room EW40**  
**Tuesday, February 23, 2021**

Limited public seating will be available in the committee room. For members of the public to observe the meeting, please click on the following link:

<https://www.idahoptv.org/shows/idahoinsession/>

SUBJECT	DESCRIPTION	PRESENTER
	Idaho Department of Water Resources and Idaho Water Resource Board Updates	Gary Spackman, Idaho Department of Water Resources and Jeff Raybould, Idaho Water Resource Board
<a href="#">RS28646C2</a>	Wolves, Classification	Senator Siddoway
<a href="#">RS28477</a>	Phosphogypsum Stacks, Construction	Ben Davenport, Idaho Mining Association
<a href="#">RS28662</a>	Water Management	Paul Arrington, Idaho Water Users Association
<a href="#">RS28455C1</a>	Sage Grouse, Licenses, Fees	Rep. Okuniewicz
<a href="#">RS28668</a>	Sage Grouse, Preservation Program	Rep. Young
<a href="#">H 187</a>	Recreational Agreements, Motor Use	Emily McClure, Riley Stegner and Associates
<a href="#">H 118</a>	Department of Lands, Legal Counsel	Rep. Blanksma

**Public Testimony Will Be Taken by Registering Through the Following Link:**  
[Registry to Testify](#)

COMMITTEE MEMBERS

Chairman Gibbs      Rep Gestrin  
Vice Chairman Lickley      Rep Mendive  
Rep Moyle      Rep Kauffman  
Rep Wood      Rep Blanksma  
Rep Boyle      Rep Addis  
Rep Vander Woude      Rep Moon

Rep Manwaring  
Rep Okuniewicz  
Rep Yamamoto  
Rep Rubel  
Rep Davis  
Rep Mathias

COMMITTEE SECRETARY

Tracey McDonnell  
Room: EW62  
Phone: 332-1136  
email: hres@house.idaho.gov

MINUTES  
**HOUSE RESOURCES & CONSERVATION COMMITTEE**

**DATE:** Tuesday, February 23, 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, Mathias

**ABSENT/  
EXCUSED:** Representative(s) Rubel

**GUESTS:** Gary Spackman and Brian Patton, Idaho Department of Water Resources; Jeff Raybould, Idaho Water Resource Board; Paul Kline, Idaho Department of Fish and Game; Darrell Early, Idaho Attorney General; Emily McClure, Riley Stegner; Robert Anderst, Risch Pisca (Potlatch Delta); Benjamin Davenport, Idaho Mining Association; Dustin Miller, Idaho Department of Lands; Jonathan Oppenheimer, Idaho Conservation League; Bruce Smith, self; Britt Madison, Stimson Lumber Company

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

**MOTION:** **Rep. Manwaring** made a motion to approve the minutes of the February 15, 2021 meeting. **Motion carried by voice vote.**

**Jeff Raybould**, Chairman, Idaho Water Resource Board, provided an update of the Board's ongoing projects. These projects include raising the water level up to six inches during dry years at Priest Lake to provide flows in the Priest River while still maintaining lake levels; continuing the partnership with Idaho Power for cloud seeding in the Boise, Wood, and Upper Snake Basins; continued progress on the Eastern Snake Plain Aquifer (ESPA) recharge program; continued work with the Lemhi water users to find solutions to the water needs of the Lemhi Valley and surrounding area, including providing better flows in the lower Lemhi River; and continue ongoing talks with the states of Utah and Wyoming, along with Pacificorp, to determine if more water can be stored in Bear Lake.

**Gary Spackman**, Director, Idaho Department of Water Resources, provided a brief update of ongoing work of the Department. He first commended **Chairman Raybould** for the great work of the Idaho Water Resource Board. Mr. Spackman discussed the snow packs around the state and noted the remarkable improvements due to late season snows bringing up the levels in most areas to 90% or greater. He also discussed the Department's many pending transfers as an indicator of the economic activity in the state and how the Department is expeditiously considering these proposals for changing water rights to address the needs of industry and people across the state.

**Chairman Gibbs** announced the Resources and Conservation committee has been granted privileged status by **Speaker Bedke** for the purpose of introducing RSs today.

**RS 28646C2:** **Senator Siddoway**, District 35, stated this proposed legislation will change the classification of the wolf in some big game management units to a predator in order to authorize different methods of take. He stated this proposed legislation has a threshold of 50 packs consisting of at least 500 wolves before management responsibility will be returned to the Idaho Department of Fish and Game. It also mandates a report be filed with the Department within 14 days of taking a wolf.

- MOTION:** **Rep. Moyle** made a motion to introduce **RS 28646C2. Motion carried by voice vote.**
- RS 28477:** **Benjamin Davenport**, Executive Director, Idaho Mining Association, stated this proposed legislation clarifies the minimum design standards for phosphogypsum stacks at phosphoric acid facilities. He explained these design standards reflect the best standards in the industry to minimize the impacts to human health and the environment, and by establishing a minimum design standard, it eliminates the case by case determinations by state and federal agencies on the design of phosphogypsum stacks.
- MOTION:** **Rep. Blanksma** made a motion to introduce **RS 28477. Motion carried by voice vote.**
- RS 28662:** **Paul Arrington**, Executive Director, Idaho Water Users Association, stated this proposed legislation amends **Idaho Code, Section 42-1760**, which establishes the Idaho Water Resource Board's Water Management Account. Those amendments include 1) replacing the list of potential projects with authority for projects which "conserve or increase water supply, improve drought resiliency, address water sustainability or support flood management;" 2) aquifer recharge above Milner Dam on the list of specific projects for consideration; 3) confirming all water rights, including hydropower water rights, must be protected, and identified water uses must be considered in the approval of projects; and 4) providing additional information as part of the Board's Annual Report.
- MOTION:** **Rep. Addis** made a motion to introduce **RS 28662. Motion carried by voice vote.**
- RS 28455C1:** **Rep. Okuniewicz**, District 2, stated the subject of this RS has been before the committee several times. In summary, he stated this proposed legislation will transition the hunting framework for sage grouse from a sport permit-based model to a tag-based model to better support sustainable hunting opportunities and contains a fee increase for certain nonresident tags.
- MOTION:** **Rep. Wood** made a motion to introduce **RS 28455C1** and recommend it be sent directly to the Second Reading Calendar. **Motion carried by voice vote. Rep. Okuniewicz** will sponsor the bill on the floor.
- RS 28668:** **Rep. Young**, District 31, stated this proposed legislation provides for the establishment of the Sage Grouse Preservation Program for the purpose of showing that sage grouse may be successfully captive raised and as a result populations can be increased. She explained the Department of Fish and Game would oversee the certification of persons or entities wishing to participate and the University of Idaho would establish best practices for the program. In addition, she stated it also provides a mechanism for future funding and a requirement for regular reviews and evaluation.
- MOTION:** **Rep. Moyle** made a motion to introduce **RS 28668. Motion carried by voice vote.**
- H 187:** **Emily McClure**, Lawyer and Lobbyist, Riley Stegner and Associates, stated Idaho's recreational access laws encourage private landowners to grant public access to their property for recreational purposes. While most recreational users behave responsibly, occasionally a member of the public causes substantial damage to gates, fences, crops, or other areas closed to motor vehicles. This bill will clarify when a landowner enters into a recreational access agreement with the Idaho Department of Fish and Game, and both the landowner and the Department agree to certain restrictions on motorized vehicles, the Department will have the authority to enforce those restrictions, as long as recreational users are given notice of those restrictions. Notice includes posting on the property stating there are motor vehicle restrictions as well as posting the details of the restrictions on the Department's website and at the nearest regional office. She concluded by stating this is not an expansion of government; Department officers are already out on these private



lands, but rather this will encourage more consistent application and will maximize efficiencies.

**MOTION:** **Rep. Addis** stated this is a wonderful program and this bill is very appropriate. He then made a motion to send **H 187** to the floor with a **DO PASS** recommendation.

**Paul Kline**, Deputy Director, Idaho Department of Fish and Game, stated the Fish and Game Commission is **in support** of **H 187**.

**Britt Madison**, Stimson Lumber Company, stated they currently have 130,000 acres in the LAP program (Landowner Appreciation Program) and are proud to work with the Department of Fish and Game. They stand **in support** of **H 187**.

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

**VOTE ON MOTION:** **Chairman Gibbs** called for a vote on the motion to send **H 187** to the floor with a **DO PASS** recommendation. **Motion carried by voice vote. Rep. Mendive** will sponsor the bill on the floor.

**H 118:** **Rep. Blanksma**, District 23, stated this legislation removes the responsibility of the Office of the Attorney General (OAG) from providing legal representation to the Idaho Department of Lands. This would be accomplished by removing three dedicated Deputy Attorney Generals (DAGs) from the Department and allowing the Department to hire or contract its own legal counsel as needed. She explained, this will give a layer of separation between the Attorney General, who is a member of the Land Board, and the Department. Rep. Blanksma remarked the costs associated with the three DAGs would be reduced from the OAG budget and those savings could be used to offset the anticipated costs the Department would incur by hiring its own legal counsel. She concluded by stating this creates good policy by separating the Board from the Department when it comes to legal advise and does not preclude the AG from providing advise as a member of the Board.

**Darrell Early**, Division Chief, Natural Resources Division, Office of the Attorney General, spoke **in opposition** to **H 118**. He explained there are three DAGs assigned to the Department who collectively represent over 70 years of specialized experience, provide approximately 7,300 hours of legal support equaling approximately \$400,000 per year of services. He stated in providing legal services, the DAGs assigned to the Department operate as legal advisors; they do not make policy decisions for the Department or the Board, but rather warn of any impending legal risks based upon the laws of the state of Idaho. He clarified, the DAGs at the Department do not represent the AG, they represent the Department and the Board as a whole. Additionally, if there are issues of policy or decisions relating to the Board's role, the Board routinely receives separate legal advice from the Division Chief, Natural Resources Division rather than the DAGs. Mr. Early further clarified there is no conflict of interest between the AG sitting on the Board and the DAGs representing the Department for several reasons. The DAGs represent one client; the Board, not the AG. The AG is one of five members of the Board. The Department is the administrative arm of the Board and the interests of the Department are not in conflict with the interests of the Board. He concluded by stating this bill will take money from the endowment beneficiaries by increasing the costs of legal services exponentially and could potentially cause more litigation at the expense to the endowments.

Committee members spoke with concern over several issues. One concern is the potential loss of approximately 70 years of collective specialized experience from the three DAGs versus hiring or contracting outside legal counsel who may not be as well versed. Another was concern over the potential for much higher costs of hiring outside legal counsel in comparison to the established costs for the three DAGs. The final concern raised was the perceived conflict of interest.

**Jonathan Oppenheimer**, External Relations Director, Idaho Conservation League, stated they are not taking an official position on this legislation but they have concerns about the Fiscal Note and that it doesn't accurately represent what the costs could be when hiring outside legal counsel.

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

**Rep. Blanksma** stood and closed. She addressed several of the concerns raised by committee members. She stated although the OAG uses the rate of \$250 per hour, the actual cost of a DAG, including salary, benefits, and overhead is approximately \$382,000 per year. Those totals could potentially be eliminated from OAG budget. She continued, with the conflict of interest issue and layers of separation, if the AG sits on the Board or if one DAG covers for another DAG, there is no separation between the OAG and the Department and Board. She remarked there should be a distinct line between the AG's opinion as a member on the Board and the legal advice provided to the Department and currently that is not the case.

**MOTION:** **Rep. Vander Woude** made a motion to send **H 118** to the floor with a **DO PASS** recommendation.

Committee members once again spoke with concern over the potential for much higher costs to the Department for hiring outside counsel who may not have the expertise the DAGs could provide.

**SUBSTITUTE MOTION:** **Rep. Lickley** made a substitute motion to **HOLD H 118** in committee, time certain, Wednesday, March 3, 2021.

**ROLL CALL VOTE ON SUBSTITUTE MOTION:** **Chairman Gibbs** called for a roll call vote on the substitute motion to **HOLD H 118** in committee, time certain, Wednesday, March 3, 2021. **Substitute motion failed by a vote of 5 AYE, 12 NAY, and 1 Absent/Excused.** **Voting in favor** of the motion: **Reps. Lickley, Wood, Kauffman, Davis, and Mathias.** **Voting in opposition** to the motion: **Chairman Gibbs, Reps. Moyle, Boyle, Vander Woude, Gestrin, Mendive, Blanksma, Addis, Moon, Manwaring, Okuniewicz, and Yamamoto.** **Rep. Rubel was absent/excused.**

**ROLL CALL VOTE ON ORIGINAL MOTION:** **Rep. Vander Woude** requested a roll call vote on the original motion to send **H 118** to the floor with a **DO PASS** recommendation. **Motion carried by a vote of 15 AYE, 2 NAY, and 1 Absent/Excused.** **Voting in favor** of the motion: **Chairman Gibbs, Reps. Lickley, Moyle, Wood, Boyle, Vander Woude, Gestrin, Mendive, Kauffman, Blanksma, Addis, Moon, Manwaring, Okuniewicz, and Yamamoto.** **Voting in opposition** to the motion: **Reps. Davis and Mathias.** **Rep. Rubel was absent/excused.** **Rep. Blanksma** will sponsor the bill on the floor.

**ADJOURN:** There being no further business to come before the committee, the meeting was adjourned at 3:27pm.

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Representative Gibbs  
Chair

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Tracey McDonnell  
Secretary

AGENDA  
**HOUSE RESOURCES & CONSERVATION COMMITTEE**  
1:30 P.M.  
Room EW40  
Thursday, February 25, 2021

Limited public seating will be available in the committee room. For members of the public to observe the meeting, please click on the following link:

<https://www.idahoptv.org/shows/idahoinsession/>

<b>SUBJECT</b>	<b>DESCRIPTION</b>	<b>PRESENTER</b>
<a href="#">H 182</a>	Irrigation Boundaries	Paul Arrington, Idaho Water Users Association
<a href="#">H 183</a>	Water, Full Beneficial Use	Paul Arrington
<a href="#">H 184</a>	Water Rights, Notification	Paul Arrington
<a href="#">H 185</a>	Flood Control, Land Annexation	Paul Arrington
<a href="#">H 186</a>	Water Rights, Federal Lands	Rep. Lickley
<a href="#">HCR 8</a>	Payment In Lieu Of Taxes (PILT)	Rep. Horman

***Public Testimony Will Be Taken by Registering Through the Following Link:  
[Registry to Testify](#)***

***If you have written testimony, please provide a copy to the committee secretary.***

COMMITTEE MEMBERS

Chairman Gibbs  
Vice Chairman Lickley  
Rep Moyle  
Rep Wood  
Rep Boyle  
Rep Vander Woude

Rep Gestrin  
Rep Mendive  
Rep Kauffman  
Rep Blanksma  
Rep Addis  
Rep Moon

Rep Manwaring  
Rep Okuniewicz  
Rep Yamamoto  
Rep Rubel  
Rep Davis  
Rep Mathias

COMMITTEE SECRETARY

Tracey McDonnell  
Room: EW62  
Phone: 332-1136  
email: [hres@house.idaho.gov](mailto:hres@house.idaho.gov)

MINUTES  
**HOUSE RESOURCES & CONSERVATION COMMITTEE**

**DATE:** Thursday, February 25, 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, Mathias

**ABSENT/  
EXCUSED:** Representative(s) Vander Woude

**GUESTS:** Lynn Tominaga, Idaho Ground Water Appropriators; Andy Waldera, self; Paul Arrington, Idaho Water Users Association; Braden Jensen, Idaho Farm Bureau; Hollie Conde, Conservation Voters for Idaho; Jacob Greenberg, Blaine County; Cindy Riegel, Teton County Commission

**Chairman Gibbs** called the meeting to order at 1:31pm.

**MOTION:** **Rep. Mathias** made a motion to approve the minutes of the February 17, 2021 meeting. **Motion carried by voice vote.**

**Chairman Gibbs** welcomed the committee's new Page, **Lucy Wonacott**, and had her introduce herself.

**H 182:** **Paul Arrington**, Executive Director, Idaho Water Users Association, stated this legislation will add a new section of Code; **Idaho Code, Section 42-222B**. He explained water rights are defined by particular elements including place of use (where water can be used), point of diversion (where water is taken), and diversion rate (how much water can be used). He stated circumstances have arisen across the state where the place of use identified on a canal company's water right does not always match actual on the ground use. This discrepancy can be the result of an oversight during a water right adjudication or the adjustment of water usage within a canal company. Mr. Arrington explained this legislation will provide a streamlined process to adjust canal company boundaries where there is no increased water use and no injury to other water rights, and indicated this is similar to the existing process for irrigation districts.

**Lynn Tominaga**, Executive Director, Idaho Ground Water Appropriators, stood in support of **H 182**.

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

**MOTION:** **Rep. Wood** made a motion to send **H 182** to the floor with a **DO PASS** recommendation. **Motion carried by voice vote.** **Rep. Young** will sponsor the bill on the floor.

**H 183:** **Paul Arrington**, Executive Director, Idaho Water Users Association, stated this legislation amends **Idaho Code, Section 42-204** establishing a general rule that new water rights must be developed within a five year period, with two exceptions. The first exception is within subsection (3)(a) and will only apply if litigation challenges water ownership. It clarifies the litigation exception applies to delays caused by any litigation related to the permit holder's land or water development. The second exception is within subsection (3)(d) where the term "permit" (singular) is written rather than "permits" (plural) proposing the diversion of two or more cubic feet per second (cfs) on 100 or more acres of land. He explained, in these circumstances, the development period for this large permit may be extended to ten years. Currently, this section of Code does not allow the Department of Water Resources to extend the development period unless the development all occurs under one permit, yet development of large water rights is regularly completed in phases including multiple permits such as municipal, industrial, and agricultural projects. This amendment will allow the Department to extend the development period up to ten years in circumstances where there are two or more permits that are part of a common or combined system, owned by the same permit holder, and approved within five years of each other.

**Mr. Arrington** remarked they failed to include a provision to include current permits so an amendment to **H 183** will be written to include that statement and will be brought back before the committee.

**MOTION:** **Rep. Blanksma** made a motion to send **H 183** to the floor with a **DO PASS** recommendation. **Motion carried by voice vote.** **Rep. Blanksma** will sponsor the bill on the floor.

**H 184:** **Paul Arrington**, Executive Director, Idaho Water Users Association, stated this legislation amends **Idaho Code, Section 42-248** which requires a Notice of Change of Water Rights Ownership be filed with the Department of Water Resources whenever a water right is conveyed to a new owner. He explained, in recent years court decisions have revealed the need to clarify the process and effect of these Notices, so this legislation will amend or remove certain provisions, provide a process for notice to landowners in circumstances where the water rights used on the land are owned by a third party, and clarifies that the notice of change of ownership process is not a determination of ownership and is not an administrative action subject to challenge.

**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. Mathias** made a motion to send **H 184** to the floor with a **DO PASS** recommendation. **Motion carried by voice vote.** **Rep. Blanksma** will sponsor the bill on the floor.

**H 185:** **Paul Arrington**, Executive Director, Idaho Water Users Association, stated this legislation amends **Idaho Code, Sections 42-3129 and 42-2133**, which were updated in 2020 allowing landowners to petition to become part of a Flood Control District. He explained this legislation would include express language authorizing noncontiguous land annexation for Flood Control Districts because lands not contiguous to a Flood Control District are frequently impacted by flooding and could benefit from the District's operations.

**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 185** to the floor with a **DO PASS** recommendation. **Motion carried by voice vote.** **Rep. Yamamoto** will sponsor the bill on the floor.

**H 186:** **Rep. Lickley**, District 25, stated this legislation amends **Idaho Code, Sections 42-1409 and 42-1411** further clarifying the ability of permittees to file for stockwater rights on their federal grazing allotments using their first federal authorization with the Department of the Interior, Department of Agriculture, or the Taylor Grazing Act as the priority date for stockwater rights. She explained this will allow the permittees' current base property/permit relate back to the original base property/permit in the first established federal authorizations. It also tightens the legal description of the location of the stockwater rights.

**Braden Jensen**, Idaho Farm Bureau stood **in support** of **H 186**.

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

**MOTION:** **Rep. Moyle** made a motion to send **H 186** to the floor with a **DO PASS** recommendation. **Motion carried by voice vote.** **Rep. Lickley** will sponsor the bill on the floor.

**HCR 8:** **Rep. Horman**, District, 30, stated this resolution calls upon the Federalism Committee to study the impact of the United States government's Payment in Lieu of Taxes (PILT) program in Idaho. She explained, in 1976 the federal government recognized the hardship it caused to states and counties with public lands remaining in federal ownership because of the burden it would create with the withdrawal of those federal lands from property tax payments. As a result, the federal government created the PILT program to make payments on the tax equivalency. **Rep. Horman** indicated federal land ownership in Idaho has increased over the last several years to 63% generating approximately \$32M annually through PILT payments, or \$.95 cents per acre. In comparison, 30% of taxable lands in the state generates over \$2B in property tax revenues, or \$128 per acre and the Idaho Department of Lands generates over \$45M or \$17 per acre annually on the 2.6M acres it manages. She remarked, Idaho receives more in property tax revenues in six days from 30% of the private taxable lands than it receives in a year through PILT payments. She indicated, if the Act that created the PILT program is considered a national policy, then the burden of that policy should be the responsibility of all the states, not just those states with the federal lands. With that in mind, she stated it is critical for the Federalism Committee to look into the new technology available to analyze the land to be able to make informed requests for more equitable PILT payments.

**MOTION:** **Rep. Addis** made a motion to send **HCR 8** to the floor with a **DO PASS** recommendation.

**Hollie Conde**, Conservation Voters for Idaho, spoke **in opposition** to **HCR 8**. She stated she agrees there are legitimate problems with the PILT program, but the study **Rep. Horman** is proposing is an unnecessary expense to taxpayers. PILT needs a national solution, not a state study which would most likely be ignored at the federal level. She stated Idaho should be advocating for reform and looking for collaborators from other western states, and encouraging Idaho's delegation to be part of the solution.

**Jacob Greenberg**, Blaine County, spoke **in opposition** to **HCR 8**. He stated spending approximately \$200M for a five year study is a futile effort and a waste of taxpayer's money. He does not believe any federal sponsor will be willing to carry this study at the federal level and proposes more discussions with Idaho's delegation before spending \$200M for this study.

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

**Rep. Horman** stood and closed. She stated she is working with other legislators across the west, who are also dealing with similar issues in their states, on this effort and believes a state study is a good process towards a national solution. She believes state level data would not be ignored by Idaho's delegation.

**VOTE ON MOTION:**

**Chairman Gibbs** called for a vote on the motion to send **HCR 8** to the floor with a **DO PASS** recommendation. **Motion carried by voice vote.** **Rep. Rubel, Davis, and Mathias** requested to be recorded as voting **NAY.** **Rep. Horman** will sponsor the bill on the floor.

**ADJOURN:**

There being no further business to come before the committee, the meeting was adjourned at 2:34pm.

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Representative Gibbs  
Chair

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Tracey McDonnell  
Secretary

**AMENDED AGENDA #1**  
**HOUSE RESOURCES & CONSERVATION COMMITTEE**  
**1:30 P.M.**  
**Room EW40**  
**Monday, March 01, 2021**

Limited public seating will be available in the committee room. For members of the public to observe the meeting, please click on the following link:

<https://www.idahoptv.org/shows/idahoinsession/>

<b>SUBJECT</b>	<b>DESCRIPTION</b>	<b>PRESENTER</b>
<a href="#">RS28692</a>	Water, Full Beneficial Use, Extensions	Paul Arrington, Idaho Water Users Association
<a href="#">H 236</a>	Water Management	Rep. Gibbs
<a href="#">RS28706</a>	Water Management Account	Rep. Gibbs
<a href="#">RS28717</a>	Cloud Seeding	Rep. Gibbs
<a href="#">H 239</a>	Phosphogypsum Stacks, Construction	Benjamin Davenport, Idaho Mining Association
<a href="#">S 1005</a>	Water District, Fees	Rep. Lickley and Paul Arrington
<a href="#">S 1020</a>	Landowners, Recreation	Paul Arrington

Public Testimony Will Be Taken by Registering Through the Following Link:  
[Registry to Testify](#)

***If you have written testimony, please provide a copy to the committee secretary.***

COMMITTEE MEMBERS

Chairman Gibbs      Rep Gestrin  
Vice Chairman Lickley      Rep Mendive  
Rep Moyle      Rep Kauffman  
Rep Wood      Rep Blanksma  
Rep Boyle      Rep Addis  
Rep Vander Woude      Rep Moon

COMMITTEE SECRETARY

Tracey McDonnell  
Room: EW62  
Phone: 332-1136  
email: [hres@house.idaho.gov](mailto:hres@house.idaho.gov)



MINUTES  
**HOUSE RESOURCES & CONSERVATION COMMITTEE**

**DATE:** Monday, March 01, 2021

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

**PLACE:** Room EW40

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

**ABSENT/  
EXCUSED:** Representative(s) Moyle, Okuniewicz

**GUESTS:** Paul Kline, Idaho Department of Fish and Game; Paul Arrington, Idaho Water Users Association; Alan Hansten, North Side Canal; Jake Cluff, Benn Brocksome & Associates; Brian Patton, Idaho Department of Water Resources; Benjamin Davenport, Idaho Mining Association; David Claiborne, Idaho Recreation Council; Jonathan Oppenheimer, Idaho Conservation League

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

**Chairman Gibbs** announced the Resources and Conservation committee has been granted privileged status by **Speaker Bedke** for the purpose of introducing RSs today.

**RS 28692:** **Paul Arrington**, Executive Director, Idaho Water Users Association, stated **RS 28692** will add language that was inadvertently left out of **H 183**, which was before the committee on February 25, 2021. **RS 28692** adds language to include existing permit holders.

**MOTION:** **Rep. Blanksma** made a motion to introduce **RS 28692** and recommend it be sent directly to the Second Reading Calendar. **Motion carried by voice vote.** **Rep. Blanksma** will sponsor the bill on the floor.

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

**H 236:** **Rep. Gibbs**, District 32, stated this legislation further directs the Idaho Water Resource Board's management and oversight of the Water Management Account with the following amendments to **Idaho Code, Section 42-1760**: 1) replacing the list of potential projects with authority for projects which "conserve or increase water supply, improve drought resiliency, address water sustainability or support flood management;" 2) aquifer recharge above Milner Dam on the list of specific projects for consideration; 3) confirming all water rights, including hydropower water rights, must be protected, and identified water uses must be considered in the approval of projects; and 4) providing additional information as part of the Board's Annual Report.

**Rep. Gibbs** explained it was originally thought the language in **H 236** was broad enough to authorize the Board to conduct studies regarding water supplies with funding from the Water Management Account, but it did not, so the next item on the agenda, **RS 28706**, will address that issue and replace **H 236**.

**RS 28706:** **Rep. Gibbs**, District 32, stated this proposed legislation adds specific language authorizing the Board to conduct studies, that concern or increase water supplies, utilizing funds from the Water Management Account. He then requested the committee **HOLD H 236** and make a motion to introduce **RS 28706** and recommend it be sent directly to the Second Reading Calendar.

**MOTION ON H 236:** **Rep. Yamamoto** made a motion to **HOLD H 236** in committee. **Motion carried by voice vote.**

**MOTION ON RS 28706:** **Rep. Blanksma** made a motion to introduce **RS 28706** and recommend it be sent directly to the Second Reading Calendar. **Motion carried by voice vote.** **Rep. Gibbs** will sponsor the bill on the floor.

**RS 28717:** **Rep. Gibbs**, District 32, stated cloud seeding has been done in various areas of Idaho for several years. This proposed legislation states findings relating to cloud seeding, defines cloud seeding, and provides that the Idaho Water Resource Board is responsible to authorize cloud seeding and may participate in cloud seeding programs. He indicated this proposed legislation recognizes water generated through cloud seeding will be administered in accordance with the prior appropriation doctrine, it limits liability for participation in certain cloud seeding projects, and will not require state or local permits.

**MOTION:** **Rep. Blanksma** made a motion to introduce **RS 28717**. **Motion carried by voice vote.**

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

**H 239:** **Benjamin Davenport**, Executive Director, Idaho Mining Association, stated this legislation addresses minimum design standards for phosphogypsum stacks (gyp stacks). He remarked, Idaho is one of the major sources of phosphate in the United States and phosphate is a critical mineral/key component in a number of products and fertilizers that support the agricultural community throughout the west. He explained phosphogypsum is a solid waste product left behind in the production of phosphoric acid and this waste is disposed of and placed in impoundments, or gyp stacks near the phosphoric acid plants. He further explained, until the passage of **H 367** during the 2020 Session, there were no regulations in place for design and construction of gyp stacks. Although it was thought **H 367** was broad enough to incorporate many of the standards being negotiated with Environmental Protection Agency (EPA), since that time there has been a settlement involving an Idaho company at a facility in Wyoming. **H 239** reflects the standards put forth in that settlement regarding design and construction of gyp stacks. Some of the key points include but are not limited to additional definitions, stormwater control requirements, detailed requirements for the synthetic and non-synthetic components of a composite liner, requirements for perimeter dike design and construction, and fees.

**MOTION:** **Rep. Moon** made a motion to send **H 239** to the floor with a **DO PASS** recommendation.

In response to committee questions regarding concern for removing the opportunity for negotiated rulemaking, found on page 1, Section 1, lines 35-37, **Mr. Davenport** explained there is no longer a need for negotiated rulemaking because statutory changes in this legislation reflect the standards within the EPA settlement, and Department of Environmental Quality (DEQ) will be able to apply the specific standards as they implement minimum design and construction standards in Idaho. He remarked, if changes are needed at some point in the future, DEQ can always modify this statute with new legislation.

**Alan Prouty**, Vice President, Environmental and Regulatory Affairs, J.R. Simplot Company, responded to a committee question regarding the synthetic and non-synthetic component liners. He explained the synthetic part of the liner is a composite layer made of a very thick rubber and the non-synthetic portion of the liner is typically gypsum, but can also be soils, and is intended to be a filler which provides an additional layer of protection to keep phosphogypsum water from going through the liner.

**Jonathan Oppenheimer**, External Relations Director, Idaho Conservation League, spoke **in opposition to H 239**. He stated these rules are too specific and as technology evolves this statute will not keep up. He also stated, by removing the negotiated rulemaking process, it precludes the opportunity for public input. He suggested before any new construction were to begin, ground water monitoring plants should be installed to obtain a water quality baseline reading.

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

**VOTE ON MOTION:**

**Chairman Gibbs** called for a vote on the motion to send **H 239** to the floor with a **DO PASS** recommendation. **Motion carried by voice vote. Rep. Rubel, Davis, and Mathias** requested to be recorded as voting **NAY. Rep. Gibbs** will sponsor the bill on the floor.

**S 1005:**

**Rep. Lickley**, District 25, declared Rule 80. She stated this legislation amends **Idaho Code, Section 42-612(4)** to provide when a water right is administered in priority, and is diverted and assessed in one water district, and then conveyed and re-diverted within a second water district, the second water district may levy a fee instead of an assessment for that re-diverted water. This will eliminate water users from being charged double assessments.

**Paul Arrington**, Executive Director, Idaho Water Users Association, explained since the re-diverted water is not part of the base water supply of the second water district, priority administration is not required; water supply enhancement efforts do not benefit the re-diverted water and many of the expenses associated with water management and delivery are not applicable to the second water district. He stated these amendments authorize the second water district to charge a fee, rather than an assessment, and the second water district's users must adopt a resolution authorizing the fee. He explained, that fee must cover the costs associated with the conveyance of water in the second district, and unlike an assessment, there would be no voting rights that attach to the fee.

**Alan Hansten**, General Manager, North Side Canal Company, stood **in support of S 1005**.

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

**MOTION:**

**Rep. Addis** made a motion to send **S 1005** to the floor with a **DO PASS** recommendation. **Motion carried by voice vote. Rep. Lickley** will sponsor the bill on the floor.

**S 1020:**

**Paul Arrington**, Executive Director, Idaho Water Users Association, stated this legislation will amend **Idaho Code, Section 36-1604**, a recreational trespass statute, which was enacted to encourage landowners to open their land for recreation by providing no cost immunity from liability. First, this legislation amends the definition of "land" to include additional features commonly used for recreation. He explained, this is very important for water users because canals, laterals, drains, ponds, and other water infrastructures crisscross the landscape in southern Idaho and have not been included in the definition of "land." Second, this legislation amends the definition of "owner" to include additional interests commonly associated with land such as ditches, canals, drains, and other infrastructures, which are located on rights of way or easements where the land is owned by other entities. Finally, this legislation amends the definition of "recreational purposes" to address concerns by the recreational community following a recent court decision which found that a landowner was not immune from liability if people are injured while traveling across their property to recreate elsewhere. This amendment will clarify traveling to recreate includes when travel requires crossing an "owners"

"land" - these terms are now defined in the statute as part of the "recreational purposes" for which liability protection applies.

**Paul Kline**, Deputy Director, Idaho Department of Fish and Game, stated the Fish and Game Commission is **in support** of **S 1020**.

**David Claiborne**, Idaho Recreational Council, stood **in support** of **S 1020**.

**Benn Brocksome**, Idaho Sportsmen, stood **in support** of **S 1020**.

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

**MOTION:**

**Rep. Gestrin** made a motion to send **S 1020** to the floor with a **DO PASS** recommendation. **Motion carried by voice vote.** **Rep. Gestrin** will sponsor the bill on the floor.

**ADJOURN:**

There being no further business to come before the committee, the meeting was adjourned at 2:19pm.

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Representative Gibbs  
Chair

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Tracey McDonnell  
Secretary

**AMENDED AGENDA #1**  
**HOUSE RESOURCES & CONSERVATION COMMITTEE**  
**1:30 P.M.**  
**Room EW40**  
**Wednesday, March 03, 2021**

Limited public seating will be available in the committee room. For members of the public to observe the meeting, please click on the following link:

<https://www.idahoptv.org/shows/idahoinsession/>

<b>SUBJECT</b>	<b>DESCRIPTION</b>	<b>PRESENTER</b>
<a href="#">RS28704</a>	Shooting Ranges, Fines	Rep. Troy
<a href="#">SCR 104</a>	Ririe Reservoir	Paul Arrington, Idaho Water Users Association
<a href="#">S 1072</a>	Irrigation Districts, Vacancies	Paul Arrington
<a href="#">S 1073</a>	Real Property, Adverse Possession	Paul Arrington
<a href="#">H 266</a>	Cloud Seeding	Rep. Gibbs

Public Testimony Will Be Taken by Registering Through the Following Link:  
[Registry to Testify](#)

***If you have written testimony, please provide a copy to the committee secretary.***

COMMITTEE MEMBERS

Chairman Gibbs      Rep Gestrin  
Vice Chairman Lickley      Rep Mendive  
Rep Moyle      Rep Kauffman  
Rep Wood      Rep Blanksma  
Rep Boyle      Rep Addis  
Rep Vander Woude      Rep Moon

Rep Manwaring  
Rep Okuniewicz  
Rep Yamamoto  
Rep Rubel  
Rep Davis  
Rep Mathias

COMMITTEE SECRETARY

Tracey McDonnell  
Room: EW62  
Phone: 332-1136  
email: [hres@house.idaho.gov](mailto:hres@house.idaho.gov)

MINUTES  
**HOUSE RESOURCES & CONSERVATION COMMITTEE**

**DATE:** Wednesday, March 03, 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, Mathias

**ABSENT/  
EXCUSED:** Representative(s) Vander Woude

**GUESTS:** Jake Cluff, Benn Brocksome and Associates; Brian Patton, Idaho Department of Water Resources; Paul Arrington, Idaho Water Users Association; Steven Keyser, self

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

**MOTION:** **Rep. Mathias** made a motion to approve the minutes of the February 23, 2021 meeting. **Motion carried by voice vote.**

**Chairman Gibbs** announced the Resources and Conservation committee has been granted privileged status by **Speaker Bedke** for the purpose of introducing RSs today.

**RS 28704:** **Rep. Moyle**, District 14, standing in for **Rep. Troy**, stated this proposed legislation revises the provisions for distribution of funds, designated to the Idaho Department of Fish and Game, from fines and forfeitures to the Public Shooting Range Fund.

**MOTION:** **Rep. Blanksma** made a motion to introduce **RS 28704**. **Motion carried by voice vote.**

**SCR 104:** **Paul Arrington**, Executive Director, Idaho Water Users Association, stated this legislation supports changes in the winter flood control rule curves of the Ririe Reservoir project to more properly balance Ririe Reservoir's water supply and irrigation supplies with adequate flood control.

**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 **SCR 104** to the floor with a **DO PASS** recommendation. **Motion carried by voice vote.** **Rep. Manwaring** will sponsor the bill on the floor.

**S 1072:** **Paul Arrington**, Executive Director, Idaho Water Users Association, stated this legislation amends **Idaho Code, Section 43-209**, which addresses a gap in the water code regarding appointment of individuals to fill Irrigation District board vacancies. He explained, Irrigation Districts are divided into divisions, which are geographical areas within the districts. Generally, an individual is qualified to serve on the board if he/she lives within the division to be represented. In recent years, it has become increasingly difficult to find qualified individuals to serve on the board. As a result, if a district opts into the expanded board member residency rules, this amendment allows for an individual to represent a division if he/she owns land within 15 miles of the irrigation district boundary.

**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 **S 1072** to the floor with a **DO PASS** recommendation. **Motion carried by voice vote.** **Rep. Wood** will sponsor the bill on the floor.

**S 1073:** **Paul Arrington**, Executive Director, Idaho Water Users Association, stated this legislation amends **Idaho Code, Section 42-1208**, which involves limitations on claims of adverse possession against water infrastructure such as canals, laterals, ditches, drains, and headgates. He explained, adverse possession is the occupation of land to which another person has title with the intent of taking possession. He stated, currently this section provides that easements and rights of way of Irrigation Districts, Canal Companies, Ditch Associations, and Drainage Districts are not subject to adverse possession, but this section is silent as to the property owned by these entities. Because this section only protects easements, not real property from adverse possession, this amendment will add "real property" to the list of water user property interests protected from adverse possession.

**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. Wood** made a motion to send **S 1073** to the floor with a **DO PASS** recommendation. **Motion carried by voice vote.** **Rep. Wood** will sponsor the bill on the floor.

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

**H 266:** **Rep. Gibbs**, District 32, stated cloud seeding has been done in various areas of Idaho for many years. This legislation establishes a new Chapter; **Idaho Code, Title 42, Chapter 43**, to provide for cloud seeding in Idaho, it defines cloud seeding, and provides that the Idaho Water Resources Board is responsible to authorize cloud seeding and may participate in the cloud seeding program. **Rep. Gibbs** explained after many years of negotiating with stakeholders over who would benefit from "developed water," this legislation defines water generated through cloud seeding will be administered in accordance with the prior appropriation doctrine and limits liability for participation in certain cloud seeding projects. He indicated this legislation is only the start and more legislation will follow in the coming years as technology is developed to assist in determining how future water distribution will take place. He stated currently there are three airplanes and 57 ground generators used in cloud seeding projects to augment low water levels in the Wood, Payette, and upper Snake River Basins.

In response to committee questions regarding the use of silver iodide and what other elements are being used in cloud seeding, **Brian Patton**, Idaho Department of Water Resources, stated silver iodide is the most common method being used although dry ice and propane have also been used. He explained the Department of Environmental Quality (DEQ) did a study on the effects of putting silver iodide into the atmosphere and if it would negatively impact the environment. That study found silver iodide levels fall well below the threshold that would require air or water quality permits.

**Paul Arrington**, Executive Director, Idaho Water Users Association, stated there has been quite a lot of discussion on cloud seeding to get the ball rolling with still more studies and work to be done. He remarked the Association has not yet taken a position but are supportive of cloud seeding efforts and are interested in seeing the program expanded.

**Steven Keyser**, self, spoke **in opposition** to **H 266** indicating he believes it is too soon to send this legislation forward because there are still too many unanswered questions. He spoke with concern that cloud seeding could be harmful to people and the environment.

**Monica McKinley**, self, stood in opposition to **H 266** due to concerns of the expense of the program and how that might impact people living in the areas where cloud seeding would occur.

**Eva Selleck**, self, stood in opposition to **H 266** due to concerns over the chemicals used in the cloud seeding process.

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

**Rep. Gibbs** stood and closed. He stated cloud seeding efforts take place high up in the water drainages, not over populated areas and is only being done to enhance the water supply. He indicated the state water supply impacts each and every one of us; we are all water users. Cloud seeding is only being done in areas where there isn't an adequate supply of water to meet the needs of the population. Any large scale water projects, such as the Mountain Home Air Force Base project and Ririe Reservoir dam project, are all designed to increase the water supply. Cloud seeding is just another tool to increase the water supply in specific areas. He remarked all water projects, both to conserve water and to generate water, have a cost that is spread out in many ways; from farmers idling lands to reduce the use of irrigated water to help develop the aquifer recharge program to the state and its partners for large scale projects.

In response to committee questions regarding the Idaho Water Resource Board's role in cloud seeding, **Brian Patton** clarified the Board does not authorize cloud seeding, but rather an entity must register through the Idaho Department of Agriculture and provide a report to the Director of the Idaho Department of Water Resources. He continued, currently all cloud seeding is done in partnership with the Board, and as long as the Board is a partner, no permits or authorizations would need to be issued. He stated it is highly unlikely an entity would not be a partner with the Board due to the complexities and expense involved with cloud seeding.

**MOTION:** **Rep. Wood** made a motion to send **H 266** to the floor with a **DO PASS** recommendation. **Motion carried by voice vote.** **Rep. Gibbs** will sponsor the bill on the floor.

**ADJOURN:** There being no further business to come before the committee, the meeting was adjourned at 2:28pm.

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Representative Gibbs  
Chair

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Tracey McDonnell  
Secretary



AGENDA  
**HOUSE RESOURCES & CONSERVATION COMMITTEE**  
1:30 P.M.  
Room EW40  
Tuesday, March 09, 2021

Limited public seating will be available in the committee room. For members of the public to observe the meeting, please click on the following link:

<https://www.idahoptv.org/shows/idahoinsession/>

SUBJECT	DESCRIPTION	PRESENTER
<a href="#">H 286</a>	Shooting Ranges, Fines	Rep. Troy
<a href="#">H 307</a>	Irrigation, Right of Way	Paul Arrington, Idaho Water Users Association

Public Testimony Will Be Taken by Registering Through the Following Link:  
[Registry to Testify](#)

***If you have written testimony, please provide a copy to the committee secretary.***

COMMITTEE MEMBERS

Chairman Gibbs      Rep Gestrin  
Vice Chairman Lickley      Rep Mendive  
Rep Moyle      Rep Kauffman  
Rep Wood      Rep Blanksma  
Rep Boyle      Rep Addis  
Rep Vander Woude      Rep Moon

Rep Manwaring  
Rep Okuniewicz  
Rep Yamamoto  
Rep Rubel  
Rep Davis  
Rep Mathias

COMMITTEE SECRETARY

Tracey McDonnell  
Room: EW62  
Phone: 332-1136  
email: [hres@house.idaho.gov](mailto:hres@house.idaho.gov)

MINUTES  
**HOUSE RESOURCES & CONSERVATION COMMITTEE**

**DATE:** Tuesday, March 09, 2021

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

**PLACE:** Room EW40

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

**ABSENT/  
EXCUSED:** Representative(s) Moyle, Gestrin, Davis

**GUESTS:** Paul Kline, Idaho Department of Fish and Game; Paul Poorman, self; Lynn Tominaga, Idaho Ground Water Appropriators

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

**MOTION:** **Rep. Mathias** made a motion to approve the minutes of the February 25, 2021 and March 1, 2021 meetings. **Motion carried by voice vote.**

**H 286:** **Rep. Troy**, District 5, stated this legislation amends **Idaho Code, Section 19-4705**, to revise the provisions of the distribution of the fines and forfeiture funds, currently designated for the Department of Fish and Game, to the Public Shooting Range Fund.

**Paul Kline**, Deputy Director, Idaho Department of Fish and Game, stated the Fish and Game Commission's review of this legislation is still pending but wanted to speak about the merits of **H 286**. He remarked the amendments and technical corrections provide the needed clean-up and clarification of **H 396**, which established the Public Shooting Range Fund, passed in the 2020 Legislative Session. **H 286** clarifies that 65% of the fines and forfeiture proceeds remitted for violations of fish and game laws will be directed to the Public Shooting Range Fund rather than the Department's General Fund.

In response to a committee question regarding how much money is collected from fines and forfeitures annually, **Paul Kline** indicated approximately \$90K is collected annually, which would mean approximately \$58K (or 65%) would be transferred to the Public Shooting Range Fund annually.

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

**MOTION:** **Rep. Wood** made a motion to send **H 286** to the floor with a **DO PASS** recommendation. **Motion carried by voice vote.** **Rep. Troy** will sponsor the bill on the floor.

**H 307:** **Paul Arrington**, Executive Director, Idaho Water Users Association, stated this legislation replaces **S 1074**. It repeals **Idaho Code, Section 42-1101**, which recognizes the Riparian Rights Doctrine in Idaho, a doctrine that Idaho courts have long recognized does not apply in Idaho. This legislation also amends **Idaho Code, Sections 42-1102 and 42-1204**, changing existing statutes in response to an increase in legal disputes regarding the nature and scope of rights-of-way and easements for irrigation ditches, canals, and conduits. In **Section 42-1102**, the amendments include confirming the right to access the right-of-way and to occupy space on the banks of the ditch, canal, conduit, or embankments; confirming the right to remove spoils from a ditch and to leave them on the banks, to remove them, or to use them for maintenance needs; and confirms the right to access the

rights-of-way year-round. He explained, the term "embankment" has been added to both **Sections 42-1102 and 42-1204** to clarify the rights and duties extend to all portions of the ditches, canals, or conduits - including the embankments.

**Mr. Arrington** remarked there is over a century of case law identifying the standards regarding ditch management and the exercise of a ditch easement. He explained, for example, an irrigation easement and a right-of-way are not exclusive, meaning as long as they are not interfering with the operation of the ditch, the landowner cannot be excluded from the ditch that runs across their property. **H 307** does not expand the rights of ditch owners, but rather the rights of the ditch owner are limited by the rule of reasonableness, a legal term, meaning a ditch owner cannot do things on the property that are unreasonable or would expand their rights. They can, however, maintain, repair, or protect their ditches at any time of year but only when necessary in a reasonable manner to not increase the burden on the landowner. In closing, Mr. Arrington indicated this is a one-size-fits-all statute that covers the "mom and pop" ditch owners up to the large canal companies, and although some of the language may be overly broad for the smaller operations, it was necessary to be written this way. He also stated nothing in this legislation negates the ability for ditch owners and landowners to enter into local written agreements to identify windows of time for ditch owners to maintain their ditches.

In response to a committee question regarding local agreements and legal documents, **Mr. Arrington** explained local written agreements between ditch owners and landowners are acceptable, but if ownership of the land or ditch changes, an unrecorded agreement would most likely not be binding.

**Paul Poorman**, self, stated he had concerns with this legislation when it was **S 1074**, but with the rewrites in **H 307** and the reasonableness language, he is **in support** of **H 307**. He thanked **Mr. Arrington** for listening to his concerns and for his work to modify the language.

**Lynn Tominaga**, Executive Director, Idaho Ground Water Appropriators, spoke **in support** of **H 307** and stated it was long overdo for the fixes to the concerns regarding the issue of reasonableness.

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

**MOTION:** **Rep. Lickley** made a motion to send **H 307** to the floor with a **DO PASS** recommendation. **Motion carried by voice vote.** **Rep. Kauffman** will sponsor the bill on the floor.

**ADJOURN:** There being no further business to come before the committee, the meeting was adjourned at 2:00pm.

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Representative Gibbs  
Chair

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Tracey McDonnell  
Secretary

AGENDA  
**HOUSE RESOURCES & CONSERVATION COMMITTEE**  
**1:30 P.M.**  
**Room EW40**  
**Thursday, March 11, 2021**

Limited public seating will be available in the committee room. For members of the public to observe the meeting, please click on the following link:

<https://www.idahoptv.org/shows/idahoinsession/>

<b>SUBJECT</b>	<b>DESCRIPTION</b>	<b>PRESENTER</b>
<a href="#">S 1123</a>	Lava Hot Springs	Rep. Andrus
<a href="#">SJM 103</a>	Columbia and Snake Rivers, Dams	Senator Bayer

Public Testimony Will Be Taken by Registering Through the Following Link:  
[Registry to Testify](#)

***If you have written testimony, please provide a copy to the committee secretary.***

COMMITTEE MEMBERS

Chairman Gibbs

Vice Chairman Lickley

Rep Moyle

Rep Wood

Rep Boyle

Rep Vander Woude

Rep Gestrin

Rep Mendive

Rep Kauffman

Rep Blanksma

Rep Addis

Rep Moon

Rep Manwaring

Rep Okuniewicz

Rep Yamamoto

Rep Rubel

Rep Davis

Rep Mathias

COMMITTEE SECRETARY

Tracey McDonnell

Room: EW62

Phone: 332-1136

email: [hres@house.idaho.gov](mailto:hres@house.idaho.gov)

MINUTES  
**HOUSE RESOURCES & CONSERVATION COMMITTEE**

**DATE:** Thursday, March 11, 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, Mathias

**ABSENT/  
EXCUSED:** None

**GUESTS:** Richard Durant, Idaho Farm Bureau; Paul Arrington, Idaho Water Users Association; Nicholas Nelson, Idaho Rivers United; Colby Cameron and Matt Reiber, Division of Financial Management; Braden Jensen, Idaho Farm Bureau; Jon Kittell, self; Kelsey Helfrich, Helfrich River Outfitters; Aaron Lieberman, Idaho Outfitters and Guides Association; Brian Brooks, Idaho Wildlife Federation; Jerry Meyers, self; Jonathan Oppenheimer, Idaho Conservation League; Colby Blair, The Last Resort; Terry Meyers, self; Jonas Seiler, self

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

**MOTION:** **Rep. Mathias** made a motion to approve the minutes of the March 3, 2021 and March 9, 2021 meetings. **Motion carried by voice vote.**

**S 1123:** **Rep. Andrus**, District 28, explained in the late 1800's the federal government purchased what is now known as Lava Hot Springs including over 170 acres of surrounding lands, then in 1902, granted the lands and hot springs to the state of Idaho for the purpose of public use. Later, all rights to the operation, management, control, maintenance, and improvements were vested in the Lava Hot Springs Foundation, an agency within the Idaho Department of Parks and Recreation. He stated this legislation would convert the Lava Hot Springs Foundation to a continuously appropriated account. This action would treat the Foundation like other similarly situated organizations and would benefit the Foundation by allowing it to more quickly respond to needs using its dedicated funds while still retaining Legislative oversight.

In response to a committee question regarding how this legislation would impact bonds, **Matthew Reiber**, Budget Analyst, Division of Financial Management, stated there would not be any bonding restrictions and this legislation would not impact any current bonds. He stated in order for any state agency to bond out a project, they need to go through the Building Authority and the Legislature for approval.

In response to a committee question asking if there are other agencies that have continuously appropriated accounts, **Colby Cameron**, Bureau Chief, Regulatory and Legislative Affairs, Division of Financial Management, stated there are approximately 47 other programs within other agencies that have continuously appropriated authority. For example, the Potato Commission and the Barley Commission are similar to the Foundation in that they are appointed by the Governor, meet publicly, and adopt their own budget. He concluded by explaining, there is statutory language stating if the Legislature gives continuous appropriated authority, it doesn't preclude the Legislature from appropriating budgets for them in the future if the situation changes.

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

**MOTION:** **Rep. Wood** made a motion to send **S 1123** to the floor with a **DO PASS** recommendation. **Motion carried by voice vote.** **Rep. Andrus** will sponsor the bill on the floor.

**SJM 103:** **Senator Bayer**, District 21, stated, recently Idaho Congressman **Mike Simpson** announced a \$33B plan to breach the four lower Snake River dams for the benefit of salmon and steelhead recovery. She stated **SJM 103** opposes the removal or breaching of the dams on the Columbia-Snake River System and its tributaries. She explained, the system of dams was constructed to control flooding, generate hydroelectricity, store municipal and irrigation water supplies, and enable vessels to travel from the mouth of the Columbia River to Lewiston, Idaho, the most inland port in the nation. These dams also provide recreational opportunities and fish and wildlife conservation benefits. The U.S. Army Corps of Engineer (COE) owns and operates the dams on the river system and the Bonneville Power Administration markets and transmits the electricity generated by the hydroelectric dams. She remarked, this system of dams created a marine highway, which is the most environmentally friendly way to move cargo, moving over one billion tons of goods annually, from Lewiston, Idaho to Astoria, Oregon. Wheat, Idaho's number two crop, is grown in 42 out of the 44 counties with half of the wheat being exported, almost all through the Columbia-Snake River System.

To further provide an understanding of the importance of this system of dams, **Senator Bayer** explained, a tug can push a barge with a ton of wheat 575 miles on a single gallon of fuel. As a comparison, it would take approximately 150,000 trucks and approximately 39,000 railcars, using nearly five million gallons of diesel, to move that same amount of wheat. Utilizing this system of dams makes it possible for fuel efficient, low carbon, safe, and reliable barge transportation. She continued, this river system is also a top west coast system for forest product exports, mineral exports, second in the nation for soy exports, and a major gateway for auto imports. Senator Bayer explained this system of dams provide enough clean energy to power 1.87 million homes and removing the dams could destabilize the power grid, increase overall greenhouse emissions, and more than double the risk of regional power outages. She concluded in 2008, 2014, and 2020 the National Oceanic and Atmospheric Administration (NOAA) produced opinions stating breaching the four lower dams was not a necessary action for salmon recovery and the Pacific Northwest Waterways Association (PNWA) suggested ocean conditions and salmon predators, not the dams, are contributing to the declining salmon and steelhead runs, and this includes those in undammed rivers.

**Richard Durant** and **Braden Jensen**, Idaho Farm Bureau, both spoke **in support** of **SJM 103** stating agriculture is the backbone of the state economy and the barge system is the most economical mode to transport those products.

**Paul Arrington**, Idaho Water Users Association, spoke **in support** of **SJM 103** stating this memorial recognizes the sovereignty of Idaho in managing its water resources.

**Jon Kittell**, self; **Kelsey Helfrich**, Helfrich River Outfitters; **Aaron Lieberman**, Idaho Outfitters and Guides Association; **Nicholas Nelson**, Idaho Rivers United; **Brian Brooks**, Idaho Wildlife Federation; **Jonas Seiler**, self; **Jerry Meyers**, self; **Jonathan Oppenheimer**, Idaho Conservation League; **Colby Blair**, The Last Resort; and **Casey Baker**, self, all spoke **in opposition** to **SJM 103**. They were of the opinion by keeping the dams in place, it continues to create a negative impact on the small town businesses that depend on the fishing industry in regard to the economic benefits fishermen/women and tourists bring to lodging, restaurants, stores, and outfitters and guides. Additionally, those in opposition opined science is being ignored, the memorial is a flawed one-sided document, and that fish are vital to the ecological health and people of Idaho.

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

**Senator Bayer** stood and closed. She stated science has determined destroying the four lower Snake River dams would have a high environmental and economic impact and very likely would not accomplish the intention of saving salmon and steelhead. She reiterated, barging is the safest, lowest cost, and most environmentally friendly mode of transportation for trade. By transporting goods up and down the river system, hundreds of thousands of trucks are kept off of the highways. She concluded by stating the four lower Snake River dams are important to the Northwest's power needs, provide important support for the transmission systems, and help keep the power system low in carbon emissions.

**MOTION:** **Rep. Wood** made a motion to send **SJM 103** to the floor with a **DO PASS** recommendation.

**ROLL CALL VOTE:** **Rep. Moon** requested a roll call vote on **SJM 103**. **Motion carried by a vote of 14 AYE, 3 NAY, and 1 Absent/Excused.** **Voting in favor** of the motion: **Chairman Gibbs, Reps. Lickley, Moyle, Wood, Boyle, Vander Woude, Gestrin, Mendive, Kauffman, Addis, Moon, Manwaring, Okuniewicz, and Yamamoto.** **Voting in opposition** to the motion: **Reps. Rubel, Davis, and Mathias.** **Rep. Blanksma was absent/excused.** **Rep. Troy** will sponsor the bill on the floor.

**ADJOURN:** There being no further business to come before the committee, the meeting was adjourned at 2:45pm.

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Representative Gibbs  
Chair

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Tracey McDonnell  
Secretary

AGENDA  
**HOUSE RESOURCES & CONSERVATION COMMITTEE**  
**1:30 P.M.**  
**Room EW40**  
**Thursday, April 15, 2021**

Limited public seating will be available in the committee room. For members of the public to observe the meeting, please click on the following link:

<https://www.idahoptv.org/shows/idahoinsession/>

<b>SUBJECT</b>	<b>DESCRIPTION</b>	<b>PRESENTER</b>
<a href="#"><u>HCR 21</u></a>	Lemhi River Basin, Comprehensive Settlement	Rep. Moon

***If you have written testimony, please provide a copy to the committee secretary.***

COMMITTEE MEMBERS

Chairman Gibbs

Vice Chairman Lickley

Rep Moyle

Rep Wood

Rep Boyle

Rep Vander Woude

Rep Gestrin

Rep Mendive

Rep Kauffman

Rep Blanksma

Rep Addis

Rep Moon

Rep Manwaring

Rep Okuniewicz

Rep Yamamoto

Rep Rubel

Rep Davis

Rep Mathias

COMMITTEE SECRETARY

Tracey McDonnell

Room: EW62

Phone: 332-1136

email: [hres@house.idaho.gov](mailto:hres@house.idaho.gov)



MINUTES  
**HOUSE RESOURCES & CONSERVATION COMMITTEE**

**DATE:** Thursday, April 15, 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:** Representative(s) Wood, Vander Woude, Blanksma, Davis (Burns)

**GUESTS:** Norm Semanko, Parsons Behle and Latimer; Mat Weaver, Idaho Department of Water Resources; Eva Selleck, self

**Chairman Gibbs** called the meeting to order at 2:31pm.

**MOTION:** **Rep. Mathias** made a motion to approve the minutes of the March 11, 2021 meeting. **Motion carried by voice vote.**

**Chairman Gibbs** recognized **Lucy Wonacott**, the committee's Page, for her excellent work during the second half of the Legislative Session.

**HCR 21:** **Rep. Moon**, District 8, stated the purpose of **HCR 21** is to support the efforts of the Idaho Water Resource Board and the local water users to resolve issues related to the use of high flows in the Lemhi River Basin, consistent with past and current practices and Idaho Code and as previously directed in 2020 by **SCR 137**. She continued, the parties involved have made significant progress in developing a comprehensive solution to the Lemhi River high flow issues and **HCR 21** directs the Board to continue its efforts with the local water users. She indicated **HCR 21** also directs the Board to report on the status of the continued effort to the Legislature in 2022, including any settlement agreement reached by the participating parties and any legislation needed to implement any such settlement.

**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. Gestrin** made a motion to send **HCR 21** to the floor with a **DO PASS** recommendation. **Motion carried by voice vote.** **Rep. Moon** will sponsor the bill on the floor.

**Chairman Gibbs** announced he will be absent for the next two weeks and **Vice Chair Lickley** will be Chairman during that time. He thanked the committee members for their attention and participation in committee and for their support of him as Chairman. He also thanked **Tracey McDonnell**, Committee Secretary, for her excellent work this Session.

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

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Representative Gibbs  
Chair

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Tracey McDonnell  
Secretary

AGENDA  
**HOUSE RESOURCES & CONSERVATION COMMITTEE**  
1:30 P.M.  
Room EW40  
Thursday, April 22, 2021

Limited public seating will be available in the committee room. For members of the public to observe the meeting, please click on the following link:

<https://www.idahoptv.org/shows/idahoinsession/>

SUBJECT	DESCRIPTION	PRESENTER
<a href="#">S 1211</a>	Wolves	Senator Burtenshaw

Public Testimony Will Be Taken by Registering Through the Following Link:  
[Registry to Testify](#)

***If you have written testimony, please provide a copy to the committee secretary.***

COMMITTEE MEMBERS

Chairman Gibbs  
Vice Chairman Lickley  
Rep Moyle  
Rep Wood  
Rep Boyle  
Rep Vander Woude

Rep Gestrin  
Rep Mendive  
Rep Kauffman  
Rep Blanksma  
Rep Addis  
Rep Moon

Rep Manwaring  
Rep Okuniewicz  
Rep Yamamoto  
Rep Rubel  
Rep Davis(Burns)  
Rep Mathias

COMMITTEE SECRETARY

Tracey McDonnell  
Room: EW62  
Phone: 332-1136  
email: [hres@house.idaho.gov](mailto:hres@house.idaho.gov)

MINUTES  
**HOUSE RESOURCES & CONSERVATION COMMITTEE**

**DATE:** Thursday, April 22, 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:** Chairman Gibbs

**GUESTS:** Ed Schriever and Paul Kline, Idaho Department of Fish and Game; Doris Ann Asmus-Jones, self; Naomi LeGere-Gordon, Idaho Wool Growers Association; Zak Miller and Chyla Wilson, Idaho Farm Bureau; Jay Smith, Cameron Mulrony, and Wyatt Prescott, Idaho Cattle Association; Ron Ford, self; Jonathan Oppenheimer, Idaho Conservation League; Zoey Hanley, Defenders of Wildlife; Brody Harshbarger, Harshbarger Farms; Steve Miller, self; Rusty Kramer, Idaho Trappers Association; Chase Whittaker, Whittaker Commercial Cattle; Royce Schwenkfelder, Weiser River Cattle Association; Aaron Lieberman, Idaho Outfitters and Guides Association; Clayton Mecham, self

**Chairman Lickley** called the meeting to order at 1:31pm.

**MOTION:** **Rep. Mathias** made a motion to approve the minutes of the April 15, 2021 meeting.  
**Motion carried by voice vote.**

**S 1211:** **Senator Burtenshaw**, District 35, stated he is here today representing the cattlemen, wool growers, outfitters, trappers, and sportsmen. He explained, work began on a wolf bill in February after the Idaho Department of Fish and Game released the latest state-wide wolf count. Many versions of wolf bills were drafted by several legislators, but during the two-week recess of the Session in late March, the cattlemen, wool growers, outfitters, trappers, and with limited input, the Department drafted **S 1211**. Senator Burtenshaw clarified the purpose of **S 1211** is to expand the options and opportunities to control the wolf population in Idaho, not to wipe out 90% of the population.

**Senator Burtenshaw** provided an overview of the amendments to **Idaho Code, Section 22-5304** as outlined in **S 1211**. The amendments will allow the addition of private contractors that can be hired by the Wolf Control Board to take wolves; the annual amount transferred from the Idaho Fish and Game Fund to the Wolf Control Fund will increase from \$110K to \$300K; wolf trapping season will be open year-round on all private property as long as individuals are in compliance with the permission requirements; any method utilized for the take of any wild canine in Idaho will be available for the taking of wolves, and all wolf tags will be valid for hunting, trapping, and snaring in any unit when seasons are open at the time of take. Additionally, there will be no limit to the number of wolf tags an individual can purchase, all appropriate fish and game education requirements must be met, and the reporting requirement for wolves taken without a permit as a result of livestock and domestic animal depredation is increased from 10 to 30 days. With a permit from the Director, wolves may be disposed of by any federal or state agency, private contractor, political subdivision of the state of Idaho, or agency of another state, when the population has exceeded the recovery goal of 150 wolves as stated in the Idaho Wolf Conservation and Management Plan, in an effort to maintain a balance

of all wildlife populations. Any take must be reported within 30 days. The Board will be authorized to renew or transfer these permits to a different contracting party.

**Ed Schriever**, Director, Idaho Department of Fish and Game, stated he is before the committee today representing the Fish and Game Commission. He stated the Commission shares the bill sponsors' stated objectives to reduce Idaho's wolf population, to reduce wolf predation on livestock and domestic animals, and reduce negative impacts on Idaho's game populations. He indicated the amendments to **Idaho Code, Section 36-201** on page 3, lines 30-33, is counter to the stated intent. The amendments significantly affect the Commission's authority and discretion to adapt seasons for foothold traps and snares on private lands as well as methods of take statewide. He stated it is also inconvenient and impractical for the Legislature to administer Idaho's wildlife policy, but rather should rely on the Commission to adapt to changing conditions when managing Idaho's wildlife, hunting, fishing, and trapping (**Idaho Code, Section 36-103(b)**). He concluded, the proposed amendments to **Idaho Code, Section 36-201** interfere with the Commission's ability to manage wildlife responsibly, so therefore the Commission is **in opposition** to **S 1211**.

In response to committee questions regarding his statement of consequences detrimental to shared objectives, **Director Schriever** provided the following example. Wolf hunting is already open to all units in the state either 11 or 12 months of the year. In some units the trapping season, which includes both foothold traps and snares, is shorter than year-round. Recently, the Commission added a month to the front end of the foothold trapping season, opening it in October rather than November, which doubled the harvest of wolves taken by foothold trapping. The snaring season generally starts mid-November once hound hunters have finished bear hunting. If the Commission were to open the trapping season to all methods available for the taking of coyotes as legal methods of take, it removes the Commission's ability to differentiate a snaring season from a foothold trapping season. As a result, the Commission may have to consider shortening the trapping season in order not to inadvertently kill hounds in snares while under the control of a bear hunter. As written, the language in **S 1211** interferes with the Commission's ability to manage wildlife, impacts hunter/hound safety, and could result in the reduction of the number of wolves taken utilizing foothold traps.

In response to a committee question regarding methods of take of wild canines, **Director Schriever** stated with a permit from the Director, hunting at night with the aid of lights is a legal method of take as is using night vision devices.

**Terry Jones**, a dairy farmer from Emmett Idaho, **Steve Miller**, a rancher in Blaine County, **Zak Miller**, a rancher from Fremont County, **Chase Whittaker**, a rancher from Lemhi County, and **Royce Schwenkfelder**, a rancher from Cambridge Idaho all spoke **in support** of **S 1211**, indicating they are concerned with the growing number of wolves in Idaho. It was noted that trying to obtain assistance and reimbursement from Fish and Game for loss of livestock was a difficult process with little compensation, if at all. It was also stated since their reintroduction, wolves have caused \$1.6M in losses to cattle, sheep, and guard dogs, a senseless slaughter, and the wolf numbers need to come down.

**Naomi LeGere-Gordon**, Idaho Wool Growers, spoke **in support** of **S 1211**, stating this bill will make tools available and untie the hands of the wool producers who want to defend their livelihoods from brutal wolf attacks.

**Zoey Hanley**, Defenders of Wildlife, spoke **in opposition** to **S 1211**, stating this is an assault on Idaho's wolf population on two levels. The first is by opening it to private contractors to hunt and trap wolves with no limit on the number or season to near impunity, and the second is at an institutional level where more financial resources are being made available to the Wolf Depredation Control Board for lethal control measures. She stated important decisions about wildlife management and policy should be based on science, not politics. She indicated, **S 1211** politicizes wolf management in Idaho by stripping the Fish and Game Commission's authority to scientifically manage the wolf and placing the fate of the wolf in the hands of the Legislature, an action the Commission opposed.

**Rusty Kramer**, Idaho Trappers Association, spoke **in support** of **S 1211**, stating he agrees with **Ms. Hanley** that decisions need to be made based on science, not emotions. He indicated wolves in Idaho are ten times over their carrying capacity and this bill is an attempt to keep conflicts as minor as possible between humans and wolves by providing more tools to manage wolves.

**Chyla Wilson**, Idaho Farm Bureau, spoke **in support** of **S 1211**, stating all methods of wolf control and management are supported within the Bureau's policies. **S 1211** adds more tools to manage the increasing wolf population in the state.

**Jay Smith and Wyatt Prescott**, Idaho Cattle Association, spoke **in support** of **S 1211** and the collaborative nature of how this legislation was written. Remarks included noting the wolf population in Idaho is ten times the number necessary and that wolves cost ranchers money when they kill livestock. This lost revenue takes away opportunities to help support local communities, schools, and businesses.

**Senator Burtenshaw** stood and closed. He stated this is not an attempt to wipe out the wolf population, but rather an attempt to try and gain control of the depredation problem. He clarified, nobody wants to reduce wolf numbers below 150 as stated in the Wolf Conservation and Management Plan or turn wolf management back to the federal government, but rather provide additional tools available to manage wolf populations. He remarked, wolves are apex predators and have successfully increased their numbers and are holding steady at approximately 1,500 wolves statewide. He stated the industry is asking for help and took the lead in drafting **S 1211** to address the wolf problem on private property, not federal or state lands, to be able to take wolves when they see them. He remarked, the status quo is no longer enough.

**MOTION:** **Rep. Wood** made a motion to send **S 1211** to the floor with a **DO PASS** recommendation. He spoke to his motion recognizing there is a wolf problem and although nobody would recommend poisoning, believes until that method is utilized, it will be hard to make a dent in the wolf population with the more traditional methods of hunting and trapping. He indicated there are areas within **S 1211** that need to be fixed regarding protecting guard dogs from wolf attacks and hounds being accidentally killed in snares, so encourages more work on this bill next Session.

**VOTE ON MOTION:** **Chairman Lickley** called for a vote on the motion to send **S 1211** to the floor with a **DO PASS** recommendation. **Motion carried by voice vote. Reps. Rubel, Mathias, and Burns** requested to be recorded as voting **NAY. Rep. Moyle** will sponsor the bill on the floor.

**ADJOURN:** There being no further business to come before the committee, the meeting was adjourned at 2:56pm.

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Representative Lickley  
Chair

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Tracey McDonnell  
Secretary

AGENDA  
**HOUSE RESOURCES & CONSERVATION COMMITTEE**  
1:30pm or Upon Adjournment/Recess  
Room EW40  
Monday, May 03, 2021

Limited public seating will be available in the committee room. For members of the public to observe the meeting, please click on the following link:

<https://www.idahoptv.org/shows/idahoinsession/>

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SUBJECT	DESCRIPTION	PRESENTER
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Approval of Minutes

***If you have written testimony, please provide a copy to the committee secretary.***

COMMITTEE MEMBERS

Chairman Gibbs

Vice Chairman Lickley

Rep Moyle

Rep Wood

Rep Boyle

Rep Vander Woude

Rep Gestrin

Rep Mendive

Rep Kauffman

Rep Blanksma

Rep Addis

Rep Moon

Rep Manwaring

Rep Okuniewicz

Rep Yamamoto

Rep Rubel(Dittrich)

Rep Davis(Burns)

Rep Mathias

COMMITTEE SECRETARY

Tracey McDonnell

Room: EW62

Phone: 332-1136

email: [hres@house.idaho.gov](mailto:hres@house.idaho.gov)

MINUTES  
**HOUSE RESOURCES & CONSERVATION COMMITTEE**

**DATE:** Monday, May 03, 2021  
**TIME:** 1:30pm or Upon Adjournment/Recess  
**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 (Dittrich), Davis, Mathias  
**ABSENT/  
EXCUSED:** Chairman Gibbs, Representative(s) Boyle, Blanksma, Mathias  
**GUESTS:** None  
**MOTION:** **Chairman Lickley** called the meeting to order at 2:47pm.  
**Rep. Manwaring** made a motion to approve the minutes of the April 22, 2021 meeting. **Motion carried by voice vote.**  
**Chairman Lickley** thanked the committee for their good work this Session.  
**ADJOURN:** There being no further business to come before the committee, the meeting was adjourned at 2:49pm.

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Representative Lickley  
Chair

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Tracey McDonnell  
Secretary