

MINUTES
HOUSE RESOURCES & CONSERVATION COMMITTEE

DATE: Thursday, February 29, 2024

TIME: 1:30 pm or upon adjournment

PLACE: Room EW40

MEMBERS: Chairman Mendive, Vice Chairman Shepherd, Representative(s) Boyle, Vander Woude, Blanksma, Manwaring, Yamamoto, Raybould, Durrant, Hill, Mickelsen, Nelsen, Pickett, Raymond, Tanner, Burns, Necochea, Galaviz

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

GUESTS: The sign-in sheet will be retained in the committee secretary's office; following the end of session the sign-in sheet will be filed with the minutes in the Legislative Library.

Chairman Mendive called the meeting to order at 2:50 p.m.

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

DOCKET NO. 26-0120-2301: **Susan Buxton**, Director of Idaho Dept. of Parks and Recreation (IDPR) presented **Docket No. 26-0120-2301** saying, among other things, it includes an increase in camping fees. She reminded the committee that IDPR is a dedicated fund agency so fees exist to cover the agency's actual costs and to sustain the agency. The changes before the committee have undergone the formal rule making process and the response received during the public hearing phase was minimal. She also compared Idaho's fees to surrounding states.

MOTION: **Chairman Mendive** made a motion to **approve Docket No. 26-0120-2301 in part**, rejecting the proposed changes to Section 225.07, and Sections 245, 247, 250, 254, 256, and 276. This motion concurs with the Senate Resources & Environment Committee and the rationale for the rejection is the changes involve a potentially unreasonable increase in charges to Idaho residents under 67-4223(7), Idaho Code. Based on the intent of **H 93** passed in 2021, the Dept. of Parks and Recreation (IDPR) should raise non-resident fees before increasing fees for Idaho residents.

Susan Buxton, IDPR Director, answered committee questions about how the fees were assessed and there was committee discussion about what would happen if the committee did not concur with the Senate's action. An independent study is anticipated to determine if the fee increases are appropriate. **Rep. Yamamoto** spoke **in opposition** to the Senate's action, but agreed to concur with the committee for now and await the results of the independent study. Some clarification was offered by the Chairman, saying because concurrence is necessary, should the committee choose to reject the Senate's action all the Chapter 26 docket changes would be rejected as well.

**VOTE ON
MOTION:** **Motion carried by voice vote.**

DOCKET NO. 26-0134-2201: **Susan Buxton**, IDPR Director presented **Docket No. 26-0134-2201** saying this issue has been addressed in another area in statute and that change made this Administrative Rule unnecessary.

MOTION: **Rep. Raybould** made a motion to **approve Docket No. 26-0134-2201. Motion carried by voice vote.**

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

S 1341: **Rep. Nelson**, District 26 presented **S 1341** saying its purpose is the clarification and expansion of common ground water supply in the eastern Snake River Plain. He elaborated on the history of this issue that goes back 30 years to the 1990's when the Idaho Dept. of Water Resources adapted a set of rules for the conjunctive management of ground and surface water. He defined conjunctive, described the areas of management, reviewed some of the specific changes in the legislation, and elaborated on the existing contentions. He yielded, and introduced **Paul Arrington** with Idaho Water Users to explain further.

MOTION: **Rep. Blanksma** made a motion to send **S 1341** to the floor with a **DO PASS** recommendation.

Paul Arrington with Idaho Water Users addressed any lingering concerns the committee might have and offered to answer any questions.

TJ Budge representing Idaho Ground Water Appropriators spoke **in support of S 1341**.

August Christensen, Mayor of Driggs, spoke **in opposition to S 1341** saying the City of Driggs and the Teton Water District only recently learned of this legislation and they have not been included in any discussions or planning. They are alarmed and concerned because they have junior water rights and they count on their aquifer. She requests that the ESPA (Eastern Snake Plain Aquifer) boundary stay at the foothills and not include the tributaries.

Braden Jensen representing the Idaho Farm Bureau Federation (IFBF) spoke **in support of S 1341** saying the matters addressed in the legislation have received much review, and the IFBF supports **S 1341**. It speaks in support of ground water users and strives to address ground water challenges.

Committee members spoke **in support of S 1341** saying it improves the situation and is intended to help with problems like overlapping management, the difficulty of regulated and deregulated users existing across the street from each other, and it increases users participation in water use decisions. To answer some committee questions **Mathew Weaver**, Director of the Dept. of Water Resources (IDWR) was called to the podium. A committee question involved predicting the endurance of water resources and Director Weaver explained that it is not known, however, a decline of water resources has been recorded since the 1950's.

VOTE ON MOTION: **Motion carried by voice vote. Rep. Blanksma** will sponsor the bill on the floor.

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

DOCKET NO. 20-0301-2301: **Chairman Mendive** introduced **Docket No. 20-0301-2301** saying this docket was before the committee once already and no formal action was taken, it needs to be moved forward.

MOTION: **Rep. Blanksma** made a motion to **approve Docket No. 20-0301-2301 with the exception of Section 051, sub section 1** because the changes do not reflect statutory requirements set forth in Idaho Code 47-1317.

Speaking to the motion **Rep. Blanksma** explained that Idaho Code 47-1317 states "the cost and expense of making such inspections shall be borne by the permittee" and this rule change attempts to implement a flat fee in place of specific reimbursement of costs, which appears to conflict with code.

Idaho Dept. of Lands Director **Dustin Miller** was called to the podium to answer some committee questions. He explained that the agency's time expended on these types of inspections varies widely from a few hours to long driving distances with over night stays.

Rep. Necochea spoke in **opposition** to the motion saying among other things there are already flat fees included in the agency's Rules. Other committee members spoke about the need in this case to change statute first.

**VOTE ON
MOTION:**

Motion carried by voice vote. Rep. Necochea requested to be recorded as voting NAY.

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

ADJOURN:

There being no further business to come before the committee the meeting adjourned at 2:37 p.m.

Representative Mendive
Chair

Andrea Blades
Secretary