

MINUTES
SENATE RESOURCES & ENVIRONMENT COMMITTEE

DATE: Monday, February 08, 2016

TIME: 1:30 P.M.

PLACE: Room WW55

MEMBERS PRESENT: Chairman Bair, Vice Chairman Vick, Senators Siddoway, Heider, Nuxoll, Bayer, Hagedorn, Stennett and Lacey

**ABSENT/
EXCUSED:** None

NOTE: The sign-in sheet, testimonies and other related materials will be retained with the minutes in the committee's office until the end of the session and will then be located on file with the minutes in the Legislative Services Library.

CONVENED: **Chairman Bair** called the meeting of the Senate Resources and Environment Committee (Committee) to order at 1:30 p.m. He said it was nice to see such a large turnout for the meeting.

Chairman Bair called on Senator Nuxoll to present **RS 24253**.

RS 24253 **Senator Nuxoll** said the purpose of this legislation is to allow counties in Idaho to declare a catastrophic public nuisance and request abatement from public land management agencies when the condition of publicly managed land presents a danger of catastrophic wildfire and threatens the health, safety and welfare of the citizens.

MOTION: **Senator Siddoway** moved to print **RS 24253**. **Senator Hagedorn** seconded the motion. During the discussion, **Senator Lacey** said the wording on page 2, line 41, is not consistent and needs to be corrected.

MOTION AND SECOND WITHDRAWN: **Senator Nuxoll** agreed that Senator Lacey had indeed found an error and she asked that **RS 24253** be withdrawn from consideration. **Senator Siddoway** withdrew his motion and **Senator Hagedorn** withdrew his second. **Chairman Bair** honored their requests.

RS 24398 **Norm Semanko**, Executive Director, Idaho Water Users Association, asked that **RS 24398** also be withdrawn for consideration as it had been brought to his attention that more work needed to be done. **Chairman Bair** honored his request.

RS 24399 **Mr. Semanko** said **RS 24399** clarifies that an entity operating a canal or conduit for irrigation or other beneficial use is not required to obtain an additional water right to generate hydropower in the same canal or conduit, using the same water, under certain conditions. He indicated that there will be no significant fiscal impact, but there could be a small reduction in application fees that might otherwise be paid to the Idaho Department of Water Resources.

MOTION: **Senator Heider** moved to print **RS 24399**. **Vice Chairman Vick** seconded the motion. The motion carried by **voice vote**.

PRESENTATION: **Chairman Bair** welcomed **Mark Woods**, Chief Fire Warden, Southern Idaho Timber Protective Association (SITPA), who presented a program on protecting Idaho's timber. **Mr. Woods** said that for more than a century, SITPA's firefighters have been protecting private, state and federal lands in west-central Idaho from wildfires.

SITPA was originally formed informally in 1904 as a cooperative effort of the Boise Lumber Company, Barber Lumber Company, A. W. Cook Timber Company and Payette Lumber Company. These companies pooled their workers to provide fire protection for their timberlands. In 1908, these landowners expanded their idea of cooperative forest protection to include the State of Idaho and the predecessors of the Boise and Payette National Forests under a "gentlemen's agreement." By 1911, the Southern Idaho Cooperative Fire Protective Association had been formally organized.

SITPA's mission is committed to the preservation, perpetuation and protection of the forest lands of west-central Idaho. They employ five full-time and 18 to 20 seasonal employees annually and contribute directly to the economies of Adam and Valley Counties. **Mr. Woods** stated that membership is open to any forest landowner within their boundary. Their membership today comprises more than 70 large and small forest landowners, including the state of Idaho and the Potlatch Corporation.

Idaho's timber protective associations are reviewed annually by the Idaho Department of Lands and approved by the State Board of Land Commissioners. Assessment rates are established in Idaho Code and current rates are set by the State Board of Land Commissioners.

Mr. Woods provided a 25-year fire history from 1989 to 2013. In that period, the total number of fires was 1,199, with an average of 48 fires per year. Total acres that were burned amounted to 8,665.

Len Young, Chief Fire Warden, Clearwater-Potlatch Timber Protective Association (C-PTPA), spoke briefly. He said C-PTPA is much like SITPA. The Clearwater Timber Protective Association and the Potlatch Timber Protective Association were separately organized in the early 1900s. In 1966, these two entities merged to form the C-PTPA, a non-corporate entity. Subsequently, on July 16, 1982, the C-PTPA incorporated. The C-PTPA is controlled by forest landowners belonging to its membership and subject to the provisions of the Idaho Forestry Act. The C-PTPA is primarily responsible for the conservation and protection of the forests and forestland within the State of Idaho, specifically the Palouse, Potlatch and North Fork of the Clearwater River drainages.

Mr. Young said they have 19 full-time employees and 30 to 40 seasonal personnel. Over the last 20 years, the C-PTPA had a total of 1,450 fires that burned 1,568 acres.

Chairman Bair thanked Jane Wittmeyer of Wittmeyer Associates for arranging the presentation. He also thanked Mr. Woods and Mr. Young for the information they presented.

SCR 135

Chairman Bair asked Tim Deeg, President, Idaho Ground Water Appropriators, to present **SCR 135**. **Mr. Deeg** said they worked hard and the resolution defines where they are today. The purpose of the resolution is to express legislative support for the June 30, 2015, settlement agreement.

Brian Olmstead, General Manager, Twin Falls Canal Company, also spoke in support of **SCR 135**. He thanked Chairman Bair and Speaker Bedke for their many hours spent on negotiations.

Mr. Deeg brought to the attention of the Committee that the North Side Ground Water District was omitted in the printing of the resolution.

MOTION:

Senator Heider moved that **SCR 135** be referred to the 14th Order for amendment. **Senator Siddoway** seconded the motion. The motion carried by **voice vote**. Chairman Bair will be the floor sponsor.

[Chairman Bair's note: Senate rules do not allow for amendment to Senate Concurrent Resolutions. (see Senate Rule 36 (c), Non-amendable Measure). Therefore the motion could not be sent to the 14th Order of Business. On the ensuing day, Majority Leader Davis intercepted the Committee Report in the 6th Order of Business, Reports of Standing Committees, and referred it via unanimous consent request, back to the Senate Resource Committee. Chairman Bair then held the SCR135 in committee indefinitely. A new RS, with corrected language was introduced for printing at a later meeting. It eventually became SCR138.]

SCR 136 **Jeff Raybould**, member of the Idaho Water Resource Board, said the purpose of **SCR 136** is: 1.) to establish an Eastern Snake Plain Aquifer (ESPA) managed recharge goal of 250,000 acre-feet on an average annual basis; 2.) to direct the development of the capacity necessary to achieve the ESPA recharge goal on or before December 31, 2024; and 3.) to provide legislative approval to increase the ESPA CAMP Phase I managed recharge from 100,000 acre-feet to 250,000 acre-feet average annual managed recharge.

Mat Weaver, Deputy Director, Idaho Department of Water Resources (IDWR), also testified in support of **SCR 136**.

MOTION: **Senator Stennett** moved that **SCR 136** be sent to the floor with a **do pass** recommendation. **Senator Nuxoll** seconded the motion. The motion carried by **voice vote**. Senator Stennett will be the floor sponsor.

SCR 137 **Roger Chase**, Chairman of the Idaho Water Resource Board (IWRB), said that **SCR 137** requests the IWRB identify and implement stabilization and sustainability projects to stabilize and enhance ground water supplies throughout Idaho. This resolution encourages the IWRB to take a proactive approach to reverse the declines in ground water levels in aquifers throughout the State and calls for specific actions in the Treasure Valley, Mountain Home, Big and Little Wood River Basins and the Palouse Basin.

Senator Winder added his support for **SCR 137**.

MOTION: **Senator Stennett** moved that **SCR 137** be sent to the floor with a **do pass** recommendation. **Senator Heider** seconded the motion. The motion carried by **voice vote**. Chairman Bair will be the floor sponsor.

ADJOURNED: **Chairman Bair** thanked the participants who presented the resolutions and the Committee for their support. **Chairman Bair** adjourned the meeting at 2:45 p.m.

Senator Bair
Chair

Juanita Budell
Secretary