

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of the Rules for Conjunctive Management of Surface and Ground Water Resources (IDAPA 37.03.11), these Sections will be repealed.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 **Idaho Code, Section 42-238b** will be repealed because the Department has not had any pending applications since the early 1950's. **Section 42-247** will be repealed because the Department complied with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.

Representative Gibbs
Chair

Tracey McDonnell
Secretary