AGENDA

HOUSE RESOURCES & CONSERVATION COMMITTEE

Upon Adjournment of the House
Room EW40
Monday, January 09, 2012

SUBJECT	DESCRIPTION	PRESENTER
	Organizational Meeting	

If you have written testimony, please provide a copy of it to the committee secretary to ensure accuracy of records.

COMMITTEE MEMBERS

Chairman Stevenson
Vice Chairman Shepherd
Rep Wood(35)
Rep Barrett
Rep Moyle
Rep Eskridge
Rep Raybould
Rep Bedke
Rep Andrus
Rep Wood(27)
Rep Boyle
Rep Hagedorn
Rep Harwood
Rep Vander Woude
Rep Gibbs
Rep Pence
Rep Higgins
Rep Lacey

COMMITTEE SECRETARY

Susan Werlinger
Room: EW62
Phone: (208) 332-1137
email: swerlinger@house.idaho.gov

MINUTES

HOUSE RESOURCES & CONSERVATION COMMITTEE

DATE: Monday, January 09, 2012

TIME: Upon Adjournment of the House

PLACE: Room EW40

MEMBERS: Chairman Stevenson, Vice Chairman Shepherd, Representative(s) Wood(35), Barrett, Moyle, Eskridge, Raybould, Bedke, Andrus, Wood(27), Boyle, Hagedorn, Harwood, Vander Woude, Gibbs, Pence, Higgins, Lacey

ABSENT/ EXCUSED: Representative Moyle and Bedke

GUESTS: None

Chairman Stevenson called the meeting to order at 1:59 p.m.

Chairman Stevenson explained that the Committee will not meet on Wednesday and Friday of this week. Chairman Stevenson said there will be a meeting of the Natural Resources Interim Committee on Wednesday at 1:00 p.m. and the Committee members are invited to attend.

Chairman Stevenson explained there will be one Subcommittee for the Department of Fish and Game rules review. These Subcommittee members are: **Rep. Gibbs, Chairman, Rep. Wood(35), Rep. Moyle, Rep. Wood(27), Rep. Hagedorn, Rep. Harwood and Rep. Pence**. He said there are extensive rule changes for the Department of Lands on gas and oil so the full Committee will review those rules. He also said there are a limited number of rules for the Department of Parks and Recreation and Department of Water Resources so those rules will be reviewed by the full Committee when those Departments come before the Committee for their annual presentation.

Chairman Stevenson introduced the Committee secretary, **Susan Werlinger** and said she will also be the secretary for the Agricultural Affairs Committee this Session. Chairman Stevenson introduced the page for the first half of the Session, **Susie McHan**. She attends Minico High School and lives south of Rupert.

Chairman Stevenson called for volunteers as proofreaders of the minutes for the Committee. **Rep. Boyle and Lacey** volunteered to proofread the minutes for the Session.

Chairman Stevenson reviewed the deadlines for rules review and for introduction of bills.

ADJOURN: There being no further business to come before the Committee the meeting adjourned at 2:09 p.m.

Representative Stevenson
Chairman

Susan Werlinger
Secretary

AGENDA

HOUSE RESOURCES & CONSERVATION COMMITTEE

1:30 P.M.
Room EW40
Tuesday, January 17, 2012

SUBJECT	DESCRIPTION	PRESENTER
20-0702-1102	Rules Governing Oil & Gas Conservation in the State of Idaho	Eric Wilson, Bob Brammer, Tom Schultz, Idaho Dept. of Lands
RS20856	Oil/gas wells, permits	Bob Brammer, Idaho Dept. of Lands
RS20860	Oil/gas conservation commission	Bob Brammer
RS20861	Oil & gas exploration	Bob Brammer

If you have written testimony, please provide a copy of it to the committee secretary to ensure accuracy of records.

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MINUTES

HOUSE RESOURCES & CONSERVATION COMMITTEE

DATE: Tuesday, January 17, 2012

TIME: 1:30 P.M.

PLACE: Room EW40

MEMBERS: Chairman Stevenson, Vice Chairman Shepherd, Representative(s) Wood(35), Barrett, Moyle, Eskridge, Raybould, Bedke, Andrus, Wood(27), Boyle, Hagedorn, Harwood, Vander Woude, Gibbs, Pence, Higgins, Lacey

ABSENT/ EXCUSED: Vice Chairman Shepherd, Representative Bedke

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

Chairman Stevenson called the meeting to order at 1:33 p.m.

MOTION: **Rep. Lacey** made a motion to approve the minutes of Monday, January 9, 2012. **Motion carried by voice vote**.

Chairman Stevenson reviewed direction from leadership regarding the secretary taking a silent or verbal roll call at each meeting, explaining that we will continue to take a silent roll call. He reviewed other issues regarding sending agenda items to facebook and twitter during the meeting, saying we will not be doing this.

DOCKET NO. 20-0702-1102: **Eric Wilson**, Minerals Resource Manager, Idaho Department of Lands, said last year the Department entered into rule making to revise the rules governing the drilling, completing and plugging of oil and gas wells. He said the rules have not been change since 1989, but the technology used by the oil and gas industry has advanced and expectations for ground water protection and regulatory oversight have increased. Mr. Wilson gave a summary of the proposed changes to the rules. He said the Department had several negotiated rule making sessions throughout 2011. Mr. Wilson explained the need for the changes to the rules. He said regulations in other states have continued to evolve and Idaho has not kept pace with the industry. Mr. Wilson said with the first discovery of a commercial gas field in Idaho it is now Idaho's turn to modernize oil and gas rules. He said the proposed changes provide better protection for Idaho's fresh water resources.

In response to questions from the Committee, **Mr. Wilson** said the items incorporated by reference in the rule were suggested by agencies and others in the industry. He said the industry had input in the processes and it is his understanding they are not opposed to these changes.

Chairman Stevenson reviewed the rules section by section. **Mr. Wilson** responded to Committee questions regarding drilling permits and notification of those in close proximity to a proposed well. He said there are several different materials used depending on the geology and drilling plan, he explained the process for opening sub-fractures.

Mr. Wilson answered questions regarding bonding, saying several rule making participants, including the industry, were satisfied with the size and types of bonds. The conservationists were not as satisfied. He said the bond amounts are similar to other states and the industry has no objections to the bond rules.

Mr. Wilson responded to questions regarding surface owner protection, explaining the mineral estate owner has the dominate estate and there are basic things the surface owner has a right to be compensated for. Mr. Wilson said a significant change to the prior rules is there are no longer unlined pits allowed, he explained the rule regarding lost radioactive tools. He also explained the process of a well that produces water instead of gas, saying the Department of Water Resources will determine if the well meets their standards then the Department of Lands will release the gas well permit to Water Resources. Mr. Wilson reviewed the spacing requirements between wells.

Justin Hayes, Idaho Conservation League, said he participated in the rule making process over four months this summer. He thanked the Department of Lands for their solid work. He said some things in the rules are good, but he is asking the Committee to oppose the rules because some things in the rules are not perfected yet. He thought the state should spend more time perfecting the rules. Mr. Hayes said the provision for lined pits and regulating fluids on the surface and how the wells are drilled and handled are good. He said the individual bond section amount is appropriate, but he feels the blanket bonding provisions did not go far enough. He gave examples of blanket bonds and the amounts of bonds per wells. Mr. Hayes expressed additional concerns with the issue of fracking and the cancer causing fluids used in the fracking process.

Mr. Hayes answered questions from the Committee regarding blanket bonding and alternatives to using cancer causing chemicals used in fracking. **Mr. Wilson** said there was considerable discussion regarding the use of carcinogenic compounds used to dissolve the buildup of paraffin.

Larry Lundin, Midvale, ID, said there is always risks in everything and there has been some misinformation given in Washington County. He said gas exploration in the County is important and will bring jobs and economic growth.

Ron Blendu, representing himself, said he looks forward to where this industry is going in the country but has some concern about overregulation. He said a fair amount of thought has gone into this and he is pleased the Department has included industry members. Mr. Blendu said he has listened to misinformation about fracking, but the gas and oil industry is something this country has experience in. He said he liked that the staff at the Department has looked at what other states have done and has put Idaho more in the middle of the road. Mr. Blendu said he didn't think gas and oil should be regulated at the county level but should be regulated at the state level.

Jay Langer, representing himself, said he would like to see the regulatory body be the state on this issue. He said we have the proper professional people in the Department of Lands and this shouldn't be regulated through the County.

Michael Christian, attorney, Snake River Oil & Gas, said he participated in the rule making process. He said the Department has worked hard on the rules and he commended Mr. Wilson for a job well done. He said his client and the industry in whole is supportive of rule in the current form.

Jim Williams, Midvale, said he is concerned with misinformation given locally. He said we need natural resources jobs. He said we need these jobs to stay in Idaho because the young people are leaving the area to go to other states to work. He said the surface rights and mineral rights can be negotiated. Mr. Williams said the state of Idaho will have the means of knowing which chemicals are being used and he likes the plan and wants to keep the jobs in Idaho.

Alma Hassie, Payette County, business and farm owner, Executive Director, ICARE, said she personally didn't feel the rules were adequate enough and should be reopened to public comment so the County people can have their voices heard. She didn't think the process should be rushed. She said there are other things at stake, such as the rivers, ponds, and sports fishermen. She said they know there is going to be fracking, they were told at first that they weren't going to do fracking and they also said there wouldn't be wells closer than 640 acres, but now well spacing could be reduced. She said there are other things the rules don't cover such as loss of livestock and the deterioration of concrete when the wells are capped. She said other areas of concern are earthquakes caused by injection wells, the water usage and pipeline maintenance. She said there needs to be a good handle on what we are going to do with radio active waste and methane migration is a huge issue. Ms. Hassie said the rules haven't been discussed enough and there is only one chance to get it right.

MOTION: **Rep. Hagedorn** made a motion to **approve Docket No. 20-0702-1102** as written.

Rep. Harwood said he would oppose the rules because this is a new industry and he felt the rules were overreaching. He said if they want the industry to thrive they should not put too many rules and regulations on it. **Rep. Barrett** said she would support the rules because the industry was involved in the rule making process and is comfortable with the rules. She said time is of the essence and they must develop the resources and provide jobs. Rep. Raybould said the industry was involved in the process and the rules are not more stringent than in other states that are developing.

VOTE ON MOTION: **Motion carried by voice vote** with **Rep. Harwood** being recorded as voting **NAY**.

RS 20856: **Tom Schultz**, Director, Idaho Department of Lands, said the proposed legislation will increase the drill permit application fee up to a maximum of $2,500. He said the current fee is not sufficient to cover the costs of reviewing and administering the permits.

Mr. Schultz answered questions from the Committee regarding the substantial increase in the fee saying this would cover the estimated cost of starting and running the program and is comparable to other states. He said this would fund the creation and the administration of the program. He explained the industry did show some concern but agrees that they want the program.

MOTION: **Rep. Gibbs** made a motion to introduce **RS 20856**.

Rep. Wood(35) said they don't want to discourage the industry with a high fee for the permit and she would oppose the motion. Other Committee members expressed the need for more information on the projected costs of administering the program.

VOTE ON MOTION: **Motion carried by voice vote** with **Reps. Barrett, Wood(35), and Harwood** being recorded as voting **NAY**.

RS 20860: **Tom Schultz**, said this proposed legislation updates and reorganizes definitions and provides a one-year limit on confidentiality of drill logs. He said this legislation also updates the enforcement provisions available to the Oil and Gas Conservation Commission.

MOTION: **Rep. Gibbs** made a motion to introduce **RS 20860**. **Motion carried by voice vote.**

RS 20861: **Tom Schultz**, said this proposed legislation will allow the State Tax Commission to collect, distribute, and audit all portions of the oil and gas severance tax. He said this will also allow the general fund portion of this tax to be redirected to the Oil and Gas Conservation Commission.

MOTION: **Rep. Raybould** made a motion to introduce **RS 20861**. **Motion carried by voice vote.**

ADJOURN: There being no further business to come before the Committee the meeting adjourned at 3:58 p.m.

Representative Stevenson
Chairman

Susan Werlinger
Secretary

AGENDA

HOUSE RESOURCES & CONSERVATION COMMITTEE

1:30 P.M.
Room EW40
Thursday, January 19, 2012

SUBJECT	DESCRIPTION	PRESENTER
	Successes of the Department of Water Resources	Gary Spackman, Interim Director, Dept. of Water Resources
37-0302-1101	Beneficial Use Examination Rules	Shelley Keen, Water Rights Section Manager, Dept. of Water Resources
RS20890	Comprehensive Aquifer Management Plan	Brian Patton, Dept. of Water Resources
RS20937	Irrigation Districts Elections	Norm Semanko, Idaho Water Users Assoc.
RS20938	Ditch repair & maintenance	Norm Semanko
RS20939	Applications to appropriate water	Norm Semanko
RS20940	Alteration of stream channels	Norm Semanko
RS20956	Irrigation Districts	Norm Semanko

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Room: EW62
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MINUTES

HOUSE RESOURCES & CONSERVATION COMMITTEE

DATE: Thursday, January 19, 2012

TIME: 1:30 P.M.

PLACE: Room EW40

MEMBERS: Chairman Stevenson, Vice Chairman Shepherd, Representative(s) Wood(35), Barrett, Moyle, Eskridge, Raybould, Bedke, Andrus, Wood(27), Boyle, Hagedorn, Harwood, Vander Woude, Gibbs, Pence, Higgins, Lacey

ABSENT/ EXCUSED: None.

GUESTS: John Simpson, self; Jeff Peyoech, Brian Patton, Shelley Keen, IDWR; Max Greenlee, Risch Pisca; Mane Callaway Kellner, Idaho Conservation League; Daren Coon, Nampa/Meridian Irrigation Dist.; Jason Kreizenbeck, Lobby Idaho; Tom Barry, Dave Miles, City of Meridian; Shelley Davis, Barker Resholt; Teresa Moulitor, Great Feeder Canals, Hecla Mining; Brenda Tominaga, IGWA; Gary Spackman, IDWR; Norm Semanko, IWUA; Neil Colwell, Avista Corp.; Kent Lauer, Id. Farm Bureau; Zach Hage, Capitol West; Beth Markley, ICIE.

Chairman Stevenson called the meeting to order at 1:31 p.m.

MOTION: **Rep. Lacey** made a motion to approve the minutes of Tuesday, January 17, 2012. **Motion carried by voice vote.**

Chairman Stevenson announced that the Committee's last day to introduce legislation is Monday, February 13, 2012

Gary Spackman, Interim Director, Idaho Department of Water Resources, said he was asked to highlight the successes of the Department. He reviewed the directive of the Department and how the Department and the Idaho Water Resources Board have accomplished these broad directives. Mr. Spackman reviewed the issues with the Swan Falls Dam litigation, saying it caused tremendous turmoil and uncertainty in the water user community. He said the decisions issued by the courts did not assure any of the parties of absolute success. He said rather than litigation, an agreement was signed between the State of Idaho and Idaho Power, called the Swan Falls Agreement. Mr. Spackman reviewed the major components of the agreement.

Mr. Spackman said the Snake River Basin Adjudication is one of the largest water adjudications initiated in the United States and the accomplishment is unprecedented in the Western United States. As a result of the litigation before the Swan Falls Agreement, the Director created water districts for the administration of water rights. Through time consuming efforts, the Department, has issued orders that are being challenged and the rights of the parties are being defined, and certainty of right and obligation is being established.

Mr. Spackman reviewed the progress of the Eastern Snake River Comprehensive Management Plan. He said to adequately administer water they had to improve technical competency and efficiently understand the complex relationships with ground water and surface water users. He said the statewide monitoring program has significantly expanded since 2007. He said the Department has automated many of the measurement sites so measurements are recorded remotely without an onsite visit every time a measurement is needed.

Mr. Spackman noted the Department's agreement with the Shoshone-Bannock Tribe to coordinate water measurement and other monitoring. He also noted the Department and the University of Idaho jointly received a national efficiency in government award for their technical ability to evaluate water use by crops by evaluating infrared reflective intensity of crop images taken by satellites.

Mr. Spackman addressed the issue of backlogs of applications that were preventing the needed immediate response for a temporary water supply. He said in the last year, the backlog in both leases to the bank and the backlog in rentals from the bank have been reduced to essentially zero. He said they are now trying to address another backlog in issuing water right licenses.

Mr. Spackman said through limited resources the Department is maintaining its safety of dams, stream channel alteration, and well construction programs. Mr. Spackman reviewed two other efforts by the Department, the study for the Galloway dam site and the Mountain Home area ground water issue. Mr. Spackman answered questions from the Committee.

DOCKET NO. 37-0302-1101: **Shelley Keen**, Water Rights Section Manager, Department of Water Resources, gave a background of the Rule and reviewed some changes. He said the water rights program focus has been on the backlog of water right transfers with good success. But the transfer focus came at the expense of the licensing program which created a backlog. He said the Department would like to address this backlog as it did the other backlog and these rule changes will address this issue. Mr. Keen reviewed the key changes to the Rule.

Mr. Keen answered questions from the Committee saying if the Department issues a license it would be regulated by stream rate only. He clarified other points in the Rule and reviewed several ways an examiner fee could be paid.

MOTION: **Rep. Wood(35)** made a motion to approve **Docket No. 37-0302-1101**. **Motion carried by voice vote.**

RS 20890: **Brian Patton**, Dept. of Water Resources, said the purpose of this proposed legislation is to approve the Comprehensive Aquifer Management Plan. He said the plan establishes long term strategies and reviewed the major strategies established in the plan.

MOTION: **Rep. Wood(27)** made a motion to introduce **RS 20890**. **Motion carried by voice vote.**

RS 20937: **Norm Semanko**, Idaho Water Users Assoc., said this proposed legislation will allow the declaration of an unopposed irrigation district director candidate to be declared at the next regularly scheduled meeting of the board of directors instead of five days from the election.

MOTION: **Rep. Raybould** made a motion to introduce **RS 20937**. **Motion carried by voice vote.**

RS 20938: **Mr. Semanko** said this proposed legislation clarifies that the owner of a ditch, canal, conduit or other aqueduct is not liable for wasting water or damage to others that is caused by the acts of a third party or acts of God. Mr. Semanko gave examples of when this is an issue.

MOTION: **Rep. Gibbs** made a motion to introduce **RS 20938**. **Motion carried by voice vote.**

RS 20839: **Mr. Semanko** said this proposed legislation will clear up an inconsistency in the law, and will require permission from the canal company or irrigation district when there is a proposed appropriation of water. He said the Department of Water Resources will also be required to notify the canal company or irrigation district.

MOTION: **Rep. Wood(35)** made a motion to introduce **RS 20839**. **Motion carried by voice vote.**

RS 20940: **Mr. Semanko** said this is another inconsistency in law and the proposed legislation will establish a statute of limitations of two years for stream channel alteration violations. He said this is identical to the existing limitation for environmental quality violations already in Idaho Code.

MOTION: **Rep. Higgins** made a motion to introduce **RS 20940**. **Motion carried by voice vote.**

RS 20956: **Mr. Semanko** said this issue was identified a couple years ago when neighboring irrigation districts decides one is better equipped to serve the other district, this proposed legislation will provide a process for the transfer of lands between districts through exclusion from one district and annexation into the other district.

MOTION: **Rep. Pence** made a motion to introduce **RS 20956**. **Motion carried by voice vote.**

ADJOURN: There being no further business to come before the Committee the meeting adjourned at 2:54 p.m.

Representative Stevenson
Chairman

Susan Werlinger
Secretary

AGENDA

HOUSE RESOURCES & CONSERVATION COMMITTEE

1:30 P.M.
Room EW40
Monday, January 23, 2012

SUBJECT	DESCRIPTION	PRESENTER
20-0315-1102	Rules Governing the Issuance of Geothermal Leases (Fee Rule)	Eric Wilson, Bob Brammer, Tom Schultz, Dept. of Lands

If you have written testimony, please provide a copy of it to the committee secretary to ensure accuracy of records.

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MINUTES

HOUSE RESOURCES & CONSERVATION COMMITTEE

DATE: Monday, January 23, 2012

TIME: 1:30 P.M.

PLACE: Room EW40

MEMBERS: Chairman Stevenson, Vice Chairman Shepherd, Representative(s) Wood(35), Barrett, Moyle, Eskridge, Raybould, Bedke, Andrus, Wood(27), Boyle, Hagedorn (Tucker), Harwood, Vander Woude, Gibbs, Pence, Higgins, Lacey

ABSENT/ EXCUSED: None.

GUESTS: Bob Brammer, Eric Wilson, Bob Pietras, Neil Crescenti, Idaho Dept. of Lands; Phil Hardy, representing Rep. Labrador; John Chatburn, OER; Scott Nichols, US Geothermal; Lora Rozzell, ICL; John Williams, BPA; Dennis Stevenson, Rules Coordinator; Courtney Washburn, Idaho Conservation League

Chairman Stevenson called the meeting to order at 1:36 p.m.

MOTION: **Rep. Wood(35)** made a motion to approve the minutes of Thursday, January 19, 2012. **Motion carried by voice vote**.

DOCKET NO. 20-0315-1102: **Bob Brammer**, Assistant Director for Land, Minerals and Range Division, Department of Lands, said this is a Pending Fee Rule regarding geothermal leasing. Mr. Brammer stated these Rules govern the leasing of all state lands for the exploration, development and use of geothermal resources. He said the majority of these lands are Endowment Trust Lands and are managed for the expressed purpose of maximizing revenues for the trust beneficiaries with public schools being the largest beneficiary. Mr. Brammer reviewed the rule changes.

Mr. Brammer said these are additional rule changes needed for the alignment with last years changes to the Geothermal Leasing Act, creating improvements to the geothermal leasing program. He reviewed the substantive changes in the Rules, which include, allowing lease terms of up to 49 years and lease acreage is no longer restricted. He said rent and royalty rates are to be established by the Land Board through various means to achieve fair market returns. He said the rule provides a range of royalty rates based on the type of use that the lessee makes of the geothermal resource. Mr. Brammer said other changes include specific bond amounts being removed from the rule and determined by the Department, leases will be auctioned in most circumstances to capture additional revenue through competition. He also said a requirement for timely performance for exploration and a timely performance for development has been added. He said reinjection is required to ensure the resource is not depleted and the confidentiality of drill data is limited to one year. Mr. Brammer said lease application and assignment fees were increased to provide for processing cost recovery.

In answers to questions from the Committee, **Mr. Brammer** said the bond requirement amount is to be determined by the Department, depending on the amount of development, and there may be some cross of multiple ownerships and activities. The bond amounts are based on actual costs associated with the liabilities of reclaiming those sites. He said the application fee amounts were set in the rules in 1991 and haven't changed since then, these were raised to reflect the current cost to process an application. Mr. Brammer said the bond amount can be raised by the Department and it is reasonable for the costs to change during a lease of 49 years. He said the change in terms from 10 years to 49 years was done last year in statute, which created a conflict in the Rules. He said they believed the term up to 49 years is a more workable term.

Mr. Brammer answered more questions from the Committee saying, the lessee signs over the renewable credits to the Department for the purpose of calculating the royalties. He said the Department would take a percentage of the gross receipts, the percentage would be between 2 and 5 percent and be associated with the production of power. Mr. Brammer said based on an evaluation of what other states are doing and what they could find with private lease rates, they believe they are competitive.

Eric Wilson, Idaho Department of Lands, answered questions from the Committee saying, there are three different schedules for determining rent and royalties, there are different types of geothermal energy which could have different types of uses and can lend to a different royalty structure. He said many other states have similar structures for their royalties and they have made some changes specifically to address these issues. Mr. Wilson said in response to the geothermal industry having objection to the Rules that the Department has made several changes to the rules in response to the objections. He said when a lease is signed they would work through any issues in the lease and they can negotiate a lease document that both parties can agree on. Mr. Wilson said they want to treat all lessees equally and protect the Endowment Land beneficiaries.

Rep. Bedke welcomed many Oakley and Raft River FFA students to the Committee hearing.

In response to further questions from the Committee, **Mr. Wilson** said the royalty rate and rental are fixed in the lease. He said they can predict those costs in the lease and the Department is trying to capture the market value. He said if there is an escalated value over the years it is spelled out in the terms of the lease, so they can be projected out during the term of the lease. Mr. Wilson said the Department negotiates with the applicant the terms of the lease and they have a document they agree on, they then take the document and have an open public auction on the document and go forward with the high bidder. Mr. Wilson gave an example of how the auction is conducted.

Mr. Brammer said in his closing comments that this is a complicated process and they tried to model it after other states that seem to have systems that work.

Scott Nichols, Lands Permitting Manager for US Geothermal, Inc., said they work with local, state and federal staff on these types of issues in other states. He said their recommendation was to not move forward with these Rules. He reviewed their specific points of concern. He said it is not spelled out in the rules that the lease will be negotiated by the lessee and the Department. He said there have been some changes to the Rule after their concerns were expressed. Mr. Nichols briefly answered questions from the Committee.

Laura Rozzell Idaho Conservation League, said they support the development of renewable energy in Idaho, but do not support the Rule changes. She said the final results of the changes do not create what was intended and the Rule does not protect Idaho's water resource because it allows drilling in creek beds. She suggested the Rule be sent back to Department to be revised and they will be happy to do more work on the Rules.

In response to Committee questions, **Mr. Brammer** said they have made compromises with the industry and they understand the concerns and have tried to accommodate those concerns. He said the issues would be resolved in the lease document and worked out on a case by case basis. He said if the rules were rejected they would still continue to do geothermal leasing, but the existing rules would be in effect and it would not be the best situation for either the industry or the state. Mr. Brammer said the Department is trying to maximize revenue, but not trying to squeeze the industry. He said they are trying to get market value by using a variable rate. The lessees are not going to get financing until they have the lease, then they will know what the rates are going to be. He said it is difficult to determine the rate through a 49 year lease, but these could be negotiated on a case by case basis and give the industry more certainties.

MOTION: **Rep. Raybould** made a motion to hold **Docket No. 20-0315-1102** for time certain until Wednesday, January 25, 2012. **Motion carried by voice vote**.

ADJOURN: There being no further business to come before the Committee the meeting adjourned at 3:30 p.m.

Representative Stevenson
Chairman

Susan Werlinger
Secretary

AGENDA

HOUSE RESOURCES & CONSERVATION COMMITTEE
GIBBS SUBCOMMITTEE

Department of Fish and Game Rules

Upon Adjournment of the Full Committee

Room EW40

Monday, January 23, 2012

DOCKET NO.	DESCRIPTION	PRESENTER
13-0102-1101	Rules Governing Public Safety	Dallas Burkhalter, Sharon Kiefer, Dept. of Fish and Game
13-0104-1101	Rules Governing Licensing	
13-0104-1102	Rules Governing Licensing	
13-0105-1101	Rules Governing Fishing Contests	
13-0106-1101	Rules Governing Classification and Protection of Wildlife	
13-0108-1101	Rules Governing the Taking of Big Game Animals in the State of Idaho	
13-0109-1101	Rules Governing the Taking of Game Birds in the State of Idaho	
13-0110-1101	Rules Governing the Importation, Possession, Release, Sale, or Salvage of Wildlife	
13-0111-1101	Rules Governing Fish	
13-0112-1101	Rules Governing Commercial Fishing	
13-0116-1101	The Trapping of Predatory and Unprotected Wildlife and the Taking of Furbearing Animals	

If you have written testimony, please provide a copy of it to the committee secretary to ensure accuracy of records.

COMMITTEE MEMBERS

Chairman Gibbs
Rep.Wood(35)
Rep.Moyle
Rep.Wood(27)
Rep.Hagedorn
Rep.Harwood
Rep.Pence

COMMITTEE SECRETARY

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Phone: (208) 332-1136
email: swerlinger@house.idaho.gov

MINUTES

HOUSE RESOURCES & CONSERVATION COMMITTEE
GIBBS SUBCOMMITTEE

Department of Fish and Game Rules

DATE:	Monday, January 23, 2012
TIME:	Upon Adjournment of the Full Committee
PLACE:	Room EW40
MEMBERS:	Chairman Gibbs, Representatives Wood(35), Moyle, Wood(27), Hagedorn(Tucker), Harwood, Pence
ABSENT/ EXCUSED:	Representative(s) Moyle
GUESTS:	Dallas Burkhalter, Deputy AG, Sharon Kiefer, Deputy Director, Idaho Dept. of Fish and Game

Subcommittee Chairman Gibbs called the meeting to order at 3:39 p.m.

DOCKET NO. 13-0102-1101: **Sharon Kiefer**, Deputy Director, Dept. of Fish and Game, said this Rule change came through legislative inquiry, and it is relative to the large number of military personnel interested in hunting. She said this change would not exemption them from the overall hunting education, but would exemption them from the live fire exercise since they have already been trained in firearms. She said they would still need an affidavit from the individual saying they have been trained.

MOTION: **Rep. Wood(35)** made a motion to recommend approval of **Docket No. 13-0102-1101** to the full committee. **Motion carried by voice vote**.

DOCKET NO. 13-0104-1101: **Ms. Kiefer** said this Rule change is designed to implement **H 143** which allows non-resident disable hunters to receive reduced fees on licenses and tags. She said this reduction in fees would be the same as what is currently provided to resident disabled hunters in an association with a qualified organization.

In answers to questions from the Committee, **Ms. Kiefer** said this rule will also provide specific rules for bighorn sheep auction tags to accommodate proxy bidders, but prevent tag resale.

MOTION: **Rep. Pence** made a motion to recommend approval of **Docket No. 13-0104-1101** to the full committee. **Motion carried by voice vote.**

DOCKET NO. 13-0104-1102: **Ms. Kiefer** said last year the Committee approved substantial changes to the conduct of the Landowner Appreciation Program. She said these changes will provide for consistency in tag allocation and also will provide for incentives to landowners who provide benefits for wildlife, wildlife habitat and sportsmen.

Ms. Kiefer said in answers to Committee questions that a landowner could still barter or market trespass rights onto his land.

MOTION: **Rep. Wood(27)** made a motion to recommend approval of **Docket No. 13-0104-1102** to the full committee. **Motion carried by voice vote.**

DOCKET NO. 13-0105-1101: **Ms. Kiefer** said these Rule changes will clarify the definition of a fishing contest. Ms. Kiefer responded to questions from the Committee saying this gives direction to large fishing contests and relaxes requirements for smaller tournaments. She said they are trying to set the threshold of who needs a contest permit and the oversight for that.

MOTION: **Rep. Wood(27)** made a motion to recommend approval of **Docket No. 13-0105-1101** to the full committee. **Motion carried by voice vote**.

DOCKET NO 13-0106-1101: **Ms. Kiefer** said this Rule change defines certain protected and classified animals, it changes the name of a fish species, and adds Bluehead sucker to the nongame protected species list.

MOTION: **Rep. Harwood** made a motion to recommend approval of **Docket No. 13-0106-1101** to the full committee. **Motion carried by voice vote**.

DOCKET NO 13-0108-1101: **Ms. Kiefer** explained there were Rules passed last Session governing the taking of big game animals in expectation of a wolf trapping season. She said they believe these Rules are necessary for a productive and ethical wolf trapping season. She said this allows for a wolf trapping class at the recommendation of wolf trappers and she outlined the requirements for the class, the license and tags. Ms. Kiefer said there are also several housekeeping changes in this Rule.

MOTION: **Rep. Wood(35)** made a motion to recommend approval of **Docket No. 13-0108-1101** to the full committee. **Motion carried by voice vote**.

DOCKET NO. 13-0109-1101: **Ms. Kiefer** said this change will move references to season limits, bag limits and possession limits into Commission proclamation. She said there is another change in the clarification of turkey tags.

MOTION: **Rep. Wood(27)** made a motion to recommend approval of **Docket No. 13-0109-1101** to the full committee. **Motion carried by voice vote**.

DOCKET NO. 13-0110-1101: **Ms. Kiefer** explained this issue was brought to the Department and prompted research with other states regarding the salvage of animals that are not naturally dead (killed by vehicle). She said they found the didn't actually have anything in the rules or in statute regarding the salvage of animals killed by vehicle collision. She said they created a definition for this salvage rule and added new sections to deal more specifically to animals that died of accidental death. She also said that the Commission has no authority to govern over public safety rules and those rules still apply when salvaging these types of animals.

MOTION: **Rep. Harwood** made a motion to recommend approval of **Docket No. 13-0110-1101** to the full committee. **Motion carried by voice vote**.

DOCKET NO. 13-0111-1101: **Ms. Kiefer** said they have made significant progress with the biannual fishing rule to make them easier to understand. She said the first part of the Rule is definitions, she gave a review of the definitions. She said they created a new rule relating to the collection and process of steelhead and salmon to make it easier for anglers to care for the fish and transport them home. Ms. Kiefer also said this Rule will prohibit the marking and releasing of fish without a collecting permit.

MOTION: **Rep. Wood(27)** made a motion to recommend approval of **Docket No. 13-0111-1101** to the full committee. **Motion carried by voice vote**.

DOCKET NO. 13-0112-1101: **Ms. Kiefer** said this Rule change removes the mountain sucker from the commercial fish list.

MOTION: **Rep. Harwood** made a motion to recommend approval of **Docket No. 13-0112-1101** to the full committee. **Motion carried by voice vote**.

DOCKET NO. 13-0116-1101: **Ms. Kiefer** said the Legislature upheld the wolf trapping rules, but there was still concerns from the Trapping Association. She said this Rule makes equipment modifications for wolf trapping in the Furbearer Chapter. Ms. Kiefer said these changes explain the types of traps, the requirements for ground set snares, the requirements for break away devices and sets jaw spread requirements for foot hold traps. She said trappers are generally comfortable with these changes and they did not receive any letters of concerns.

MOTION: **Rep. Wood(35)** made a motion to recommend approval of **Docket No. 13-0116-1101** to the full committee. **Motion carried by voice vote**.

ADJOURN: There being no further business to come before the Subcommittee, the meeting adjourned at 4:40 p.m.

Representative Marc Gibbs
Chairman

Susan Werlinger
Secretary

AGENDA

HOUSE RESOURCES & CONSERVATION COMMITTEE

1:30 P.M.
Room EW40
Wednesday, January 25, 2012

SUBJECT	DESCRIPTION	PRESENTER
20-0315-1102	Rules Governing the Issuance of Geothermal Leases (Fee Rule)	Bob Brammer, Idaho Dept. of Lands
	Idaho Department of Fish and Game Update - Fish and Game Commissioners - Director Virgil Moore	

If you have written testimony, please provide a copy of it to the committee secretary to ensure accuracy of records.

COMMITTEE MEMBERS

Chairman Stevenson
Vice Chairman Shepherd
Rep Wood(35)
Rep Barrett
Rep Moyle
Rep Eskridge
Rep Raybould
Rep Bedke
Rep Andrus
Rep Wood(27)
Rep Boyle
Rep Hagedorn(Tucker)
Rep Harwood
Rep Vander Woude
Rep Gibbs
Rep Pence
Rep Higgins
Rep Lacey

COMMITTEE SECRETARY

Susan Werlinger
Room: EW62
Phone: (208) 332-1136
email: swerlinger@house.idaho.gov

MINUTES

HOUSE RESOURCES & CONSERVATION COMMITTEE

DATE: Wednesday, January 25, 2012

TIME: 1:30 P.M.

PLACE: Room EW40

MEMBERS: Chairman Stevenson, Vice Chairman Shepherd, Representative(s) Wood(35), Barrett, Moyle, Eskridge, Raybould, Bedke, Andrus, Wood(27), Boyle, Hagedorn (Tucker), Harwood, Vander Woude, Gibbs, Pence, Higgins, Lacey

ABSENT/ EXCUSED: None.

GUESTS: Jim Unsworth, Virgil Moore, Tony McDermott, Ken Anderson, Fred Trevey, Wayne Wright, Gary Power, Randy Budge, Bob Borowsky, Sharon Kiefer, Idaho Dept. of Fish and Game; Courtney Washburn, ICL; John Williams, BPA; John Robinson, ICL; Brad Hunt, O.A.R.C.; Martin Banes, US Forest Service; Andy Brunelle, US Forest Service; Kent Lauer, Idaho Farm Bureau; Bonnie Butler, Governor's Office; Max Greenlee, Risch Pisca; Jack Oyler, SFW

Chairman Stevenson called the meeting to order at 1:33 p.m.

MOTION: **Rep. Harwood** made a motion to approve the minutes of Monday, January 23, 2012. **Motion carried by voice vote**.

DOCKET NO. 20-0315-1102: Rules Governing the Issuance of Geothermal Leases (Fee Rule).

UNANIMOUS CONSENT REQUEST: **Chairman Stevenson** made a unanimous consent request to **HOLD Docket No. 20-0315-1101**. There being no objection the request was granted.

MOTION: **Rep. Wood(35)** made a motion to approve the minutes of the Gibbs Subcommittee for Monday, January 23, 2012. **Motion carried by voice vote**.

Tony McDermott, Chairman, Fish and Game Commission introduced a new Commissioner, **Ken Anderson**, Idaho Falls, Commissioner for Region 6.

Commissioner McDermott said they have always had a positive relationship with the legislators and this comes from transparency, honesty and good relationships. He said they will briefly cover two subjects of interest and then open up the Commission to questions.

Commissioner McDermott covered the wolf issue and gave a brief history of delisting. He said after the most resent delisting the Commission expanded the wolf management program and he explained the four legs of the program. He said the total year-to-date mortality for wolves is 310 and gave an estimate of 1,200 wolves in Idaho. He said they need 22% mortality to stabilized the population and given the current program, they will be able to keep the population stabilized.

Virgil Moore, Director, Idaho Department of Fish and Game, said it was an honor to be here and reviewed the history of how he became director. He said he would speak briefly on the status of the Fish and Game budget. He said they have had an increase of 5% in revenue due to an increase in fishing licenses and wolf tag sales. He said they have also been able to market and sell Super Hunt tags electronically over the internet. He said as a resulted there has been a 30% increase in revenue for the sale of the Super Hunt tags. Director Moore also said non resident license and tag sales have had a decline. He said this was due to the economy, wolves and a reduction in elk herds because of wolves. He said on a positive note,

the Department is fiscally sound. He said they have replenished their rainy day account and are in good shape, even though they have seen a decline in the number of resident and non resident tag sales. Director Moore said they have seen an increase in the lower cost tags, which are the disabled tags and senior resident tags. Director Moore also said they have called for a Wildlife Summit, August 24, 2012 at the Riverside Hotel. He said they would like to work with sportsmen groups and others, and put together a steering group for discussion on wildlife issues in the state.

Director Moore responded to questions from the Committee regarding legislation in the Senate establishing a constitutional amendment for the right to hunt and fish, saying this legislation will need to be reviewed by the Commission. He also answered questions regarding concern from sportsmen over the Wildlife Summit, saying the sportsmen are concerned that some environmental groups are trying to get control of the summit to change the mission of the Department. He said this is not the intent of the summit and the summit's focus would be on the foundation of hunters, anglers and trappers in Idaho. He said the Department's mission statement cannot be changed and is still relevant today.

In response to further Committee questions, **Director Moore** explained some details of the Department's land acquisition policies and explained where operating cost money comes from for various types of land acquisition. Director Moore was also asked about a new line item in their budget for wolf control.

Randy Budge, Commissioner, Fish and Game Commission, gave a brief update on the motorized hunting rule. He said they have worked closely with the task force and they have done some revisions which will come before the Committee in the Rules review next year.

There being no further business to come before the Committee the meeting adjourned at 2:27 p.m.

Representative Stevenson Chairman	Susan Werlinger Secretary

AGENDA

HOUSE RESOURCES & CONSERVATION COMMITTEE

1:30 P.M.
Room EW40
Tuesday, January 31, 2012

SUBJECT	DESCRIPTION	PRESENTER
	Idaho Department of Parks & Recreation Annual Report	Director Nancy Merrill
26-0136-1101	Rules Governing the Winter Recreational Parking Permit Program (Temporary Rule)	Director Merrill
RS20849	State parks passport program	Director Merrill
20-0315-1102	Rules Governing the Issuance of Geothermal Leases (Fee Rule)	Tom, Schultz, Bob Brammer, Eric Wilson, Idaho Dept. of Lands

If you have written testimony, please provide a copy of it to the committee secretary to ensure accuracy of records.

COMMITTEE MEMBERS

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Vice Chairman Shepherd
Rep Wood(35)
Rep Barrett
Rep Moyle
Rep Eskridge
Rep Raybould
Rep Bedke
Rep Andrus
Rep Wood(27)
Rep Boyle
Rep Hagedorn
Rep Harwood
Rep Vander Woude
Rep Gibbs
Rep Pence
Rep Higgins
Rep Lacey

COMMITTEE SECRETARY

Susan Werlinger
Room: EW62
Phone: (208) 332-1136
email: swerlinger@house.idaho.gov

MINUTES

HOUSE RESOURCES & CONSERVATION COMMITTEE

DATE: Tuesday, January 31, 2012

TIME: 1:30 P.M.

PLACE: Room EW40

MEMBERS: Chairman Stevenson, Vice Chairman Shepherd, Representative(s) Wood(35), Barrett, Moyle, Eskridge, Raybould, Bedke, Andrus, Wood(27), Boyle, Hagedorn, Harwood, Vander Woude, Gibbs, Pence, Higgins, Lacey

ABSENT/ EXCUSED: None.

GUESTS: Jennifer Werney, Dave Ricks, Charles Correll, Jean McDevitt, Nancy Merrill, Tammy Kolsky, David White, Tamara Humiston, Ernest Lombard, Thomas Crimmins, Randy Doman, Idaho Dept. of Parks and Recreation; Lara Rozzell, Courtney Washburn, Idaho Conservation League; Bob Brammer, Robert Pietnos, Eric Wilson, Idaho Dept. of Lands; Scott Nichols, US Geothermal; Brad Hunt, O.A.R.C.; Norm Semanko, IWUA

Chairman Stevenson called the meeting to order at 1:32 p.m.

MOTION: **Rep. Lacey** made a motion to approve the minutes of Thursday, January 25, 2012. **Motion carried by voice vote**.

Nancy Merrill, Director, Idaho Department of Parks and Recreation, introduced the members of the Board of Directors that were present. She said their mission is to improve the quality of life through outdoor recreation and resource stewardship. She said they have 30 state parks, they manage over 60,000 acres, they have 5.2 million park visitors and have increased their overnight camping. She said on average they register 300,000 boats, ATV's, motorbikes and snowmobiles annually. Ms. Merrill said they have five advisory committees and receive $7 million disseminated in grant funding each year. She said they are memory makers, but due to the economy they have been forced to move into another era. She said they have chosen to move forward. Ms. Merrill said there has been a steady increase in visitors and decrease in full time employees. She gave a comparison of the amount of park visitors per employee and said their improvements are heading in the right direction. She said they had to construct a temporary financial bridge and have need of a long term funding solution. She said they have a mandate to implement business like practices and are moving forward with this implementation.

Ms. Merrill reviewed their 2011 successes, saying all 30 parks remain open and volunteers have contributed many hours of service. She said customer satisfaction has increased and revenues and visitation is up. She said they have established better communication with state and community leaders. She said they are updating their visitor centers, they've built more training sites and a standard of quality is being established. Ms. Merrill said the staff is receiving national recognition and they have reached a turning point in management of the state parks. She said they are creating a sustainable dedicated funding source for the agency and they are doing their best to incorporate business practices.

Ms. Merrill reviewed the State Parks Passport proposal and gave a conservative estimate of vehicle owners who will choose to purchase the Passport. She said the end result will be that Idahoans will have a choice when they register their cars to purchase access to all 30 parks for a tremendous discount. She said this is a movement towards a long term sustainable funding source to assist in keeping Idaho's state parks open and accessible.

In response to questions from the Committee, **Ms. Merrill** explained the Passport would be a sticker similar to the one provided now and would be given at the time the registration stickers were give whether it was in person or mailed. She said they will work on repairs of roads and bridges in the parks and replace rest rooms with the money raised from these passports. Ms. Merrill said they currently have an MOU with the Department of Transportation on reimbursement of costs to the Transportation Department.

RS 20849: **Rep. Roberts** said this proposed legislation will provide an opportunity for Idaho citizens to support the Idaho State Parks Passport Program when they register their vehicle.

In response to questions, **Rep. Roberts** said this passport will be a sticker placed on the vehicle's windshield on the lower left hand side and it is similar to what they currently have. He said the details of the costs and money collected will be carried out in the MOU with the Department of Transportation.

In response to questions from the Committee, **Ms. Merrill** said the money will be deposited into the Controller's Office as they currently are now. After fees are taken out, the remainder will be deposited into the Parks and Recreation account.

MOTION: **Rep. Gibbs** made a motion to introduce **RS 20849**. **Motion carried by voice vote.**

DOCKET NO. 26-0136-1101: **Dave Ricks**, Deputy Director, Idaho Department of Parks and Recreation, said these are the Rules governing the Winter Parking Permit Program. He said currently there are two ways to obtain a parking permit. He said they have added another way to purchase the permit; this is to buy the permit online and print out the temporary permit. He said they are running a rule to allow the online printed permit to be put on the dashboard so the purchaser won't get a ticket for not having an official printed permit.

MOTION: **Rep. Wood(35)** made a motion to approve **Docket No. 26-0136-1101**. **Motion carried by voice vote.**

DOCKET NO. 20-0315-1102: **Chairman Stevenson** said he had met with the parties involved and it had been decided that rejecting the Rules and returning to the previous Rule wouldn't solve any problems.

Bob Brammer, Assistant Director, Idaho Department of Lands, said the consequence of the discussions is they agreed it would be better moving forward and approve the Rules, with the commitment from the Department to come back next year with improved geothermal rules addressing the issues of concern. He said the Department is committed to reenter negotiated rulemaking to make clarifications in the Rule. He said from the Department's standpoint, it is their recommendation to approval the Rule.

Scott Nichols, US Geothermal, said he did talk with the industry people and they agreed it was best at this point to go ahead and recommend approval of the Rules with the Department's commitment to go back and renegotiate next year.

Lara Rozzell, Idaho Conservation League, said she is happy to see the state moving forward in creating geothermal on state lands. She said they agree with approval of the Rules to create a path for the industry to move forward.

MOTION: **Rep. Wood(35)** made a motion to approve **Docket No. 20-0315-1102**. **Motion carried by voice vote**.

ADJOURN: There being no further business to come before the Committee the meeting adjourned at 2:23 p.m.

Representative Stevenson
Chairman

Susan Werlinger
Secretary

AGENDA

HOUSE RESOURCES & CONSERVATION COMMITTEE

1:30 P.M.
Room EW40
Wednesday, February 01, 2012

SUBJECT	DESCRIPTION	PRESENTER
RS21116	Oil and gas, explore/production	Suzi Budge, Idaho Petroleum Council
RS21066	Oil and gas wells	Bob Brammer, Idaho Dept. of Lands
RS21112	Oil/gas conservation commission	Bob Brammer
RS21098C1	Public utility regulation	Paul Kjellander, Public Utility Commission
	Report from Gibbs Subcommittee on Fish and Game Rules	Rep. Gibbs
Docket Nos.	13-0102-1101, 13-0104-1101, 13-0104-1102, 13-0105-1101, 13-0106-1101, 13-0108-1101, 13-0109-1101, 13-0110-1101, 13-0111-1101, 13-0112-1101, 13-0116-1101	
RS20756	Fish and Game, hunting/firearms/children	Sharon Kiefer, Idaho Dept. of Fish and Game
RS20763	Fish and Game, controlled hunt tags/permits	Sharon Kiefer
RS20787	Fish and Game, wolf tags, licenses	Sharon Kiefer
RS20815	Fish and Game, nonresident hunt, fishing license	Sharon Kiefer
RS21094	Fish and Game, disabled military vet permit	Rep. Patrick

If you have written testimony, please provide a copy of it to the committee secretary to ensure accuracy of records.

COMMITTEE MEMBERS

Chairman Stevenson
Vice Chairman Shepherd
Rep Wood(35)
Rep Barrett
Rep Moyle
Rep Eskridge
Rep Raybould
Rep Bedke
Rep Andrus
Rep Wood(27)
Rep Boyle
Rep Hagedorn
Rep Harwood
Rep Vander Woude
Rep Gibbs
Rep Pence
Rep Higgins
Rep Lacey

COMMITTEE SECRETARY

Susan Werlinger
Room: EW62
Phone: (208) 332-1136
email: swerlinger@house.idaho.gov

MINUTES

HOUSE RESOURCES & CONSERVATION COMMITTEE

DATE: Wednesday, February 01, 2012

TIME: 1:30 P.M.

PLACE: Room EW40

MEMBERS: Chairman Stevenson, Vice Chairman Shepherd, Representative(s) Wood(35), Barrett, Moyle, Eskridge, Raybould, Bedke, Andrus, Wood(27), Boyle, Hagedorn, Harwood, Vander Woude, Gibbs, Pence, Higgins, Lacey

ABSENT/ EXCUSED: Representative Vander Woude

GUESTS: John Chatburn, OER, Ashley Henderson; Tom Schultz, IDL; Joie McGarvin, Russell Westerburg, ICOA; Sharon Kiefer, IDFG; Courtney Washburn, Idaho Conservation League; Kent Lauer, Idaho Farm Bureau; Michael Christian, Snake River Oil & Gas; Suzanne Budge, SBS Associates; Pat Barclay, ICIE; John Williams, BPA; Max Greenlee, Risch Pisca; Kerry Ellen Elliott, IAC; Norm Semanko, IWUA

Chairman Stevenson called the meeting to order at 1:30 p.m.

Chairman Stevenson introduced students from Sage International Charter School.

RS 21116: **Suzi Budge**, Idaho Petroleum Council, said this is the first of several pieces of legislation that are part of a package for gas and oil exploration. She said they had the model language in statute before, but the statutes needed to be updated. She said this legislation helps weave together the regulations for the oil and gas industry. It is a gap filler for the other pieces of legislation and the Rules. Ms. Budge reviewed the changes in the legislation. She said this legislation is a common agreement of some of the parties impacted.

MOTION: **Rep. Wood(35)** made a motion to introduce **RS 21116. Motion carried by voice vote.**

RS 21066: **Tom Schultz**, Director, Idaho Department of Lands, said this proposed legislation for oil and gas conservation was previously introduced as **H 377**. He said it allows for the application fee to increase from $100 up to $2,500. He said the Committee had concerns with the fee amount and a way to address those concerns was to add a sunset clause to the bill. Mr. Schultz explained how they arrived at the fee amount, saying they are trying to pay for the cost of the program.

MOTION: **Rep. Gibbs** made a motion to introduce **RS 21066**. **Motion carried by voice vote** with **Rep. Harwood** being recorded as voting **NAY**.

RS 21112: **Tom Schultz**, said this legislation was previously introduced as **H 378** and updates definitions and enforcement provisions. He said in this proposed legislation they have added an emergency clause.

MOTION: **Rep. Wood(27)** made a motion to introduce **RS 21112**. **Motion carried by voice vote.**

RS 21098C1: **Paul Kjellander**, Idaho Public Utilities Commission, said this proposed legislation looks at oversight in the safety jurisdiction of gathering lines. He explained the legislation defines gathering lines and bring them under the same safety criteria within the PUC. Mr. Kjellander explained that the PUC is the only agency in the state that has the ability to do pipeline inspection. He said they will be using the same staff and equipment they already use and any fees assessed will be based on actual work done.

MOTION: **Rep. Raybould** made a motion to introduce **RS 21098C1**. **Motion carried by voice vote.**

MOTION: **Rep. Wood(35)** made a motion to accept the recommendation of the Subcommittee and approve the Rules of the Department of Fish and Game. **Motion carried by voice vote.**

RS 20756: **Sharon Kiefer**, Deputy Director, Idaho Department of Fish and Game, said last year the Legislature approved **H 85**, giving the Department authority to enter into negotiated rule making to create a mentored hunt program. She said they realized there is a statute that would preclude a child under 12 from possessing a firearm. She said this proposed legislation would allow children under 12 to possess a firearm for hunting when participating in this program.

MOTION: **Rep. Gibbs** made a motion to introduce **RS 20756. Motion carried by voice vote**.

RS 20763: **Ms. Kiefer** said this proposed legislation will allow a parent or grandparent to designate a control hunt tag to their minor child or grandchild. She explained that it would be an adult tag that would be designated to a youth and they thought this could be a good recruiting mechanism.

MOTION: **Rep. Wood(27)** made a motion to introduce **RS 20763**. **Motion carried by voice vote**.

RS 20787: **Ms. Kiefer** said this proposal will add a wolf tag to the Sportsman's Pak License. She said this is a customer service measure and will create a single license package for customer who currently purchase the Sportsman's Pak License and a separate wolf tag.

MOTION: **Rep. Harwood** made a motion to introduce **RS 20787**. **Motion carried by voice vote.**

RS 20815: **Ms. Kiefer** stated this proposed legislation will incorporate a nonresident three day fishing license into the current adult nonresident hunting license. She said they thought this would be desirable and from a marketing standpoint for those out-of state hunters who might also want to fish while they were in Idaho.

In response to questions from the Committee, **Ms. Kiefer** said they were thinking of a nonresident that would come into the state to hunt for a short period of time. She said the significance of three days, rather than a week or season is there would be less of an impact on the product that is provided.

MOTION: **Rep. Gibbs** made a motion to introduce **RS 20815**. **Motion carried by voice vote.**

RS 21094: **Rep. Patrick** said this proposed legislation defines veteran organizations in code.

MOTION: **Rep. Raybould** made a motion to introduce **RS 21094**. **Motion carried by voice vote.**

ADJOURN: There being no further business to come before the Committee the meeting adjourned at 2:18 p.m.

Representative Stevenson
Chairman

Susan Werlinger
Secretary

AGENDA

HOUSE RESOURCES & CONSERVATION COMMITTEE

1:30 P.M.
Room EW40
Tuesday, February 07, 2012

SUBJECT	DESCRIPTION	PRESENTER
RS20947	Scaling practices board, members	Rep. Bedke
RS21110C1	State Endowment Lands	Rep. Vander Woude
RS21136	Hunter Education	Rep. Luker
H 446	State parks passport program	Nancy Merrill, Director, Dept. of Parks & Recreation

If you have written testimony, please provide a copy of it to the committee secretary to ensure accuracy of records.

COMMITTEE MEMBERS

Chairman Stevenson
Vice Chairman Shepherd
Rep Wood(35)
Rep Barrett
Rep Moyle
Rep Eskridge
Rep Raybould
Rep Bedke
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Rep Lacey

COMMITTEE SECRETARY

Susan Werlinger
Room: EW62
Phone: (208) 332-1136
email: swerlinger@house.idaho.gov

MINUTES

HOUSE RESOURCES & CONSERVATION COMMITTEE

DATE: Tuesday, February 07, 2012

TIME: 1:30 P.M.

PLACE: Room EW40

MEMBERS: Chairman Stevenson, Vice Chairman Shepherd, Representative(s) Wood(35), Barrett, Moyle, Eskridge, Raybould, Bedke, Andrus, Wood(27), Boyle, Hagedorn, Harwood, Vander Woude, Gibbs, Pence, Higgins, Lacey

ABSENT/ EXCUSED: Chairman Stevenson

GUESTS: Sharon Kiefer, IDFG; Ron Harriman, TAC Committee; Benjamin Davenport, Risch Pisca; Jennifer Okerlund, Tammy Kolsky, Rick Just, Dave Ricks, Nancy Merrill, IDPR; Amy Smith, ITD; Zach Llay, Capitol West; Phil Homer, IASA; Harold Ott, IRSA; Bonnie Butler, Governors Office; Bert Marley, IEA; Laurie Boackel, Idaho PTA; Joie McGarvin, Russell Westerburg, Westerburg & Associates

Vice Chairman Shepherd called the meeting to order at 1:30 p.m.

MOTION: **Rep. Boyle** made a motion to approve the minutes of Tuesday, January 31, 2012. **Motion carried by voice vote**.

MOTION: **Rep. Lacey** made a motion to approve the minutes of Wednesday, February 1, 2012. **Motion carried by voice vote**.

RS 20947: **Rep. Bedke** said this legislation regarding the Scaling Practices Board will change the requirement for members appointed by the Governor. He said this legislation will change the number of members on the Board from five to 6. He explained the new member nominees would come from a broad spectrum of the timber community and the terms of Board members would still be three years. Rep. Bedke said an emergency clause has been added to allow the Governor to appoint the new member before the budget and assessment setting meeting of the Board for FY 2013.

MOTION: **Rep. Hagedorn** made a motion to introduce **RS 20947**. **Motion carried by voice vote.**

RS 21110C1: **Rep. Vander Woude** said there were informational hearings held last year in this Committee and in the Interim Committee and this legislation is the result of those meetings. He said this proposed legislation is similar to **H 188** from last year but there are slight changes in the disposal of property. He said this legislation prohibits the Land Board from owning businesses. Rep. Vander Woude said this will also change the provision for the money going into the endowment land bank, it can only be held there for six months rather than 5 years.

MOTION : **Rep. Raybould** made a motion to introduce **RS 21110C1**, with a recommendation from the Committee to the Chairman that he get a legal opinion of the constitutionality of the amendments to this statute.

Rep. Vander Woude answered questions from the Committee saying the state endowment would still own the land but this will prevent the Land Board from operating the business on the land. Committee members suggested there be more information regarding the change in the length of time the money can be in the endowment land bank and an estimation to the fiscal impact on the endowment funds which could effect the General Fund.

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

H 446: **Nancy Merrill**, Director, Department of Parks and Recreation, said this bill will provide people with a choice at the same time they register their car to purchase a state parks passport. She said the program allows the entrance into all of Idaho's state parks. Ms. Merrill said the funds collected will be deposited with the State Treasurer and then transferred to the parks and recreation fund.

In response to Committee questions, **Ms. Merrill** said when a person receives their registration renewal notice, the notice will show a choice to participate in the passport program. She also said they are working with the Department of Transportation on an MOU similar to the one they use for the registration of boats, etc. in regards to reimbursement of fees for their collection of the fees at the time of registration.

MOTION: **Rep. Harwood** made a motion to send **H 446** to the floor with a **DO PASS** recommendation. **Motion carried by voice vote. Rep. Roberts** will sponsor the bill on the floor.

RS 21136: **Rep. Luker** said this proposed legislation will exempt military and veterans of the military from the hunter education requirements.

MOTION: **Rep. Wood(35)** made a motion to introduce **RS 21136. Motion carried by voice vote.**

ADJOURN: There being no further business to come before the Committee the meeting adjourned at 1:53 p.m.

Representative Shepherd
Chairman

Susan Werlinger
Secretary

AGENDA

HOUSE RESOURCES & CONSERVATION COMMITTEE

1:30 P.M.
Room EW40
Thursday, February 09, 2012

SUBJECT	DESCRIPTION	PRESENTER
RS21134	Fish and Game, disabled hunters, tag exception	Rep. Eskridge
H 462	Public utility regulation	Paul Kjellander, Public Utilities Commission
H 460	Oil & gas wells	Tom Schultz, Idaho Dept. of Lands
H 463	Gas/oil Conservation Commission	Tom Schultz
RS21204	Oil and Gas	Steve Thomas, Moffatt, Thomas
H 379	Gas and Oil Exploration	Tom Schultz
H 464	Oil & gas, explore/production	Suzi Budge, Idaho Petroleum Council

If you have written testimony, please provide a copy of it to the committee secretary to ensure accuracy of records.

COMMITTEE MEMBERS

Chairman Stevenson
Vice Chairman Shepherd
Rep Wood(35)
Rep Barrett
Rep Moyle
Rep Eskridge
Rep Raybould
Rep Bedke
Rep Andrus
Rep Wood(27)
Rep Boyle
Rep Hagedorn
Rep Harwood
Rep Vander Woude
Rep Gibbs
Rep Pence
Rep Higgins
Rep Lacey

COMMITTEE SECRETARY

Susan Werlinger
Room: EW62
Phone: (208) 332-1136
email: swerlinger@house.idaho.gov

MINUTES

HOUSE RESOURCES & CONSERVATION COMMITTEE

DATE: Thursday, February 09, 2012

TIME: 1:30 P.M.

PLACE: Room EW40

MEMBERS: Chairman Stevenson, Vice Chairman Shepherd, Representative(s) Wood(35), Barrett, Moyle, Eskridge, Raybould, Bedke, Andrus, Wood(27), Boyle, Hagedorn, Harwood, Vander Woude, Gibbs, Pence, Higgins, Lacey

ABSENT/ EXCUSED: None.

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

Chairman Stevenson called the meeting to order at 1:30 p.m.

MOTION: **Rep. Raybould** made a motion to approve the minutes of Tuesday, February 7, 2012. **Motion carried by voice vote.**

RS 21134: **Rep. Eskridge** said based on an example in his district he wanted to bring this proposed legislation. He said this will allow a disabled hunter companion, holding the appropriate license and tag, to be able to finish an animal if it is wounded by the disabled hunter and the disabled hunter is unable to get to the animal due to their disability.

MOTION: **Rep. Shepherd** made a motion to introduce **RS 21134. Motion carried by voice vote.**

H 462: **Paul Kjellander**, Public Utilities Commission, said this legislation refers to gathering lines for pipelines. He said it specifically relates to safety inspections for gathering lines. He said the legislation puts safety inspections in place. He said these safety inspections are the same types of inspections they do now, they already have the trained staff and inspectors to do the inspections instead of trying to create a new entity to do them.

MOTION: **Rep. Eskridge** made a motion to send **H 462** to the floor with a **DO PASS** recommendation. **Motion carried by voice vote. Rep. Eskridge** will sponsor the bill on the floor.

H 460: **Tom Schultz**, Director, Idaho Department of Lands, said this bill would amend the Code regarding permit fees. He said it is a permanent application fee but there is a sunset clause in the bill for the fee to only be carried through June of 2017. He said they felt the fee increase is necessary and appropriate and will reduce the burden on the General Fund.

MOTION: **Rep. Gibbs** made a motion to send **H 460** to the floor with a **DO PASS** recommendation. **Motion carried by voice vote** with **Rep. Harwood** being recorded as voting **NAY. Rep. Gibbs** will sponsor the bill on the floor.

H 463: **Tom Schultz** said the changes to the bill will reorganize definitions in Code and will bring standards more current. He said this will update provisions to protect oil and gas and prevent the pollution of fresh water supplies. He also said it adds penalty amounts for violations.

RS 21204: **Steve Thomas**, on behalf of his client, Chevron, said this proposed legislation is a trailer bill to **H 463** dealing with penalties. He said there was a concern with the civil penalties in **H 463** and the $10,000 civil fine. He said this legislation will clarify when the civil penalty starts. He said there was also concern with the criminal penalty and this bill will make clarifications to that penalty. Mr. Thomas answered questions from the Committee regarding when the penalties start.

MOTION: **Rep. Hagedorn** made a motion to send **H 463** to the floor with a **DO PASS** recommendation. **Motion carried by voice vote. Rep. Hagedorn** will sponsor the bill on the floor.

MOTION: **Rep. Raybould** made a motion to introduce **RS 21204** and send it directly to the Second Reading Calendar. **Motion carried by voice vote. Rep. Harwood** will sponsor the bill on the floor.

H 379: **Tom Schultz**, Director, Idaho Department of Lands, said this legislation will allow the State Tax Commission to collect tax for the oil and gas program and will redirect the General Fund portion of the severance tax to the Oil and Gas Commission. He said almost all other states have a higher tax rate for oil and gas than Idaho. He said no two states are the same which makes it difficult to have a comparison with other states around us. Mr. Schultz said this doesn't increase the tax, it only redirects the tax. He said the intent is to be able to fund the oil and gas program from these fees being collected.

Mr. Schultz answered questions from the Committee regarding the different ways of valuing the price for oil and gas, types of hardships due to oil and gas production that could occur and who manages the fund and how the determination is made for a hardship.

MOTION **Rep. Boyle** made a motion to send **H 379** to the floor with a **DO PASS** recommendation. **Motion carried by voice vote. Rep. Boyle** will sponsor the bill on the floor.

H 464: **Suzanne Budge**, Idaho Petroleum Council, said the Council is a new organization which was formed hoping to see development in the oil and gas industry. She said these various rules and bills are the product of many people and agencies doing extensive rule making and changes to Idaho Code. She said the industry, local government and public have been involved. She said this bill is largely based on what other states do and is a matter of historical perspective. Ms. Budge said there is oil and gas statute currently in Code under the mining statute. She said there are five pieces of legislation with components that update the statute as well as the Rules. She said this legislation is the piece that fills in the gaps of the other pieces of legislation. Ms. Budge gave a brief over view of the changes the bill will make to update existing statute. She said there are also changes relating to geothermal wells. She reviewed these changes and said this brings consistency in oil and gas which will be regulated from the state level. She said it clarifies local government's role in the oversight of oil and gas, clarifies the drilling of wells and adds definitions that exist in the Federal Code. Ms. Budge thanked the parties that were involved in this process and said it is good to have energy resources in the state and to add natural gas and oil to those resources, as well.

Mike Christian, Snake River Oil and Gas LLC., said he worked with the Petroleum Council in drafting **H 464**. He said they engaged in a number of meetings with various agencies and other groups. He said the bill does four things, it clarifies the statement of public interest to provide for uniformity and consistency. He said it clarifies the scope of local regulation in drilling and post drilling. It adds the definition of injection in injection wells, which is consistent with federal rules and it recognizes that water produced with oil and gas wells is a waste product and not subject to other uses. Mr. Christian explained the bill in detail and said this is good for the state and hopefully the Committee will move it forward and send the legislation to the floor with a do pass recommendation.

In response to Committee questions, **Mr. Christian** explained what happens to geothermal waste water and the temperatures for low and high geothermal water. He also reviewed the role of local government. Mr. Christian explained the provision in rules regarding mineral and surface right agreements. In further response to questions, Mr. Christian explained the specific requirements for disposing of waste water and the permit process for drilling wells.

In response to Committee questions regarding the concern with allowing injection wells that may pollute the state's water system, **Ms. Budge** said the language in the bill complies with the Federal Drinking Water Act and the bill refers to the line between local and state authority.

Kerry Ellen Elliott, Idaho Association of Counties, said she participated in the drafting of the compromise language and she is in support of bill. She said the rules will provide a background that the local government doesn't want to recreate. She said permitting will go through the land use process. She said this bill will provide the counties with a framework to use as a base for their own ordinances.

Alex LaBeau, President, Idaho Association of Commerce and Industry, spoke in support of the legislation. He said the bill brings Idaho up to speed with other states and it is an appropriate measure for the state to have oversight of natural gas, since it's the state's roll to manage the resources of the state.

Bob Barber, self, spoke in support of using the state's resources and said he is aware of the effects for local industry. He said he is concerned about taking away the permitting process from local government and concerned with limiting their authority. He said the language is not in the best interest of the counties. He asked the Committee to not take away the counties ability to determine what is best for their citizens.

Tony Edmunson, self, said the legislation is troubling because the language is vague. He questioned what the language means for counties and it was unclear in the language what is an acceptable distance for a well from a home.

Larry Church, Payette County Commissioner, spoke in support of the legislation and gave some history. He said the counties don't have the money or the expertise to regulate this. He felt gas production would improve the county and a substantial majority want to proceed with gas production in the county. He said he didn't think this was precedent setting because the state regulates this process now and the counties couldn't accept the liability.

Marc Shigeia, Payette County, said he participated in the rule making and he appreciates the Committee's action on the Rule. He said he is in support of the bill, but has some concern with the word prohibit. He said there is a difference between that and regulate. He also said there might be some mitigating concerns.

Gayle Poorman, self, spoke in opposition to **H 464**. She said the legislation creates doubt and confusion and will lead to litigation. She said she believes the bill would clear the way for hazardous material to make its way into ground water. She said the health risk is not worth the benefit of natural gas.

Mary Susan Roach, self, said she is not in favor of the legislation. Her main concern is with local cities and counties setting ordinances that will greatly impact the citizens. She said she is not opposed to the industry being here, she just wants to have some say as to what the industry does in the county.

Robert Patrick, self, said he is not a member of a green environmental group, he is a standard republican and has concern with issues that effect him and his property. He said he believes in the right to be included in the process to ensure land, air, and water are protected.

Jon Norstog, American Planning Association, spoke in opposition to the bill saying it gives the Oil and Gas Commission unlimited authority to regulate and approve the sighting, development and operation of oil and gas wells. He said this exempts land users from local regulation.

Amanda Buchanan, self, spoke in opposition to the bill saying citizens have concerns over the loss of local control. She said the way the language in the bill reads, a person doesn't have to go through the local government until the well goes through the permit stage.

Alma Hasse, self, spoke in opposition to the bill saying there are concerns with counties being able to develop the perfect ordinance to regulate wells and there is no regulation for the proximity of wells to homes and schools.

Tina Fisher, self, spoke in opposition to the bill saying in 20 years she has never seen the state allow one industry to have free reign on changing the law. She said the industry makes good claims, but the outcome will not be good.

Reed Mulkey, self, spoke in opposition to the bill saying within the bill there are protection concerns for the health and safety of citizens. He said there is a fear of loss of local control.

Kirk Chandler, Chandler Valley Ranch, spoke in support of the bill saying that drilling for natural gas is not new in the state. He said it may be a good thing to have come into the counties to fix some of the problems we have now. He said he thought it would be good for the state and the industry has come a long way.

Anna Owsiak, self, said she believed in accountable and responsible gas and oil development, but thought this bill limited local control and she urged the Committee not to support the bill.

Justin Hayes, Idaho Conservation League, spoke in opposition to the bill saying the bill diminishes certain aspects of local control and the section addressing injection well activity is a dramatic departure from the rules and statute currently in place.

Carol Bogue, self, spoke in opposition to the bill saying the language in the bill as she sees it will take away the ability of local government to decide what the future of the citizens will be.

Gaetha Pace, self, spoke in opposition to the legislation saying as a resident they should be allowed to have some say in their community and people have legitimate concerns with this bill.

Jeri Soulier, Washington County Planning and Zoning, spoke in opposition to the bill saying the majority of the testimony has been in favor of industry and in favor of local control. He said there is a need for the public to be involved in the process.

Mike Larkin, self, said he is concerned about the tone of the language in the bill and the legislation needs to be clarified and rewritten.

Liz Amason, self, spoke in opposition to the bill saying she participated in the rulemaking process and this is an important issue. She said the state is not competent enough to oversee the local community. She said there is proof of missteps in natural gas activities.

Pattie Young, self, spoke in opposition to the bill saying that other counties, states and countries have been compelled to impose moratoriums on fracking and the counties don't want the responsibility. She encouraged the Committee not to limit local control.

Gary Chapman, self, spoke in support of the bill saying he has five wells and everything the industry has told him has been accurate. He said he believed the state, cities and counties need this resource.

Lynn Tominaga, Idaho Ground Water Users Assoc., said he would speak to the water right issues, there is a protection for ground water users and less than 2% of wells would interfere with water rights. He said the gas and oil industry have to prove there is an issue.

Roy Eiguren, Idaho Petroleum Council, said he has worked on this issue in the state and a number of issues were discussed during the rule making process. He said they have drafted this legislation with the understanding that if necessary they can come back and make changes.

MOTION: **Rep. Hagedorn** made a motion to send **H 464** to the floor with a **DO PASS** recommendation. **Rep. Barrett** requested a roll call vote. **Motion carried by a vote of 16 AYE, 0 NAY, 2 Absent/Excused. Voting in favor** of the motion: **Reps. Shepherd, Wood(35), Barrett, Moyle, Eskridge, Raybould, Bedke, Andrus, Wood(27), Boyle, Hagedorn, Vander Woude, Pence, Higgins, Lacey and Stevenson. Reps. Harwood** and **Gibbs** were **Absent/Excused. Rep. Stevenson** will sponsor the bill on the floor.

ADJOURN: There being no further business to come before the Committee the meeting adjourned at 4:43 p.m.

Representative Stevenson
Chairman

Susan Werlinger
Secretary

JOINT

HOUSE RESOURCES & CONSERVATION COMMITTEE
AND
SENATE RESOURCES & ENVIRONMENT COMMITTEE

1:30 P.M.
WW02 Auditorium
Monday, February 13, 2012

SUBJECT	DESCRIPTION	PRESENTER
	State and Federal Sage Grouse Oversight Hearing	
	Virgil Moore, Director, Idaho Department of Fish and Game	
	Bill Myers, Partner, Holland & Hart	
	Nate Fisher, Administrator, Governor's Office of Species Conservation	

If you have written testimony, please provide a copy of it to the committee secretary to ensure accuracy of records.

COMMITTEE MEMBERS

Chairman Stevenson
Vice Chairman Shepherd
Rep Wood(35)
Rep Barrett
Rep Moyle
Rep Eskridge
Rep Raybould
Rep Bedke
Rep Andrus
Rep Wood(27)
Rep Boyle
Rep Hagedorn
Rep Harwood
Rep Vander Woude
Rep Gibbs
Rep Pence
Rep Higgins
Rep Lacey

COMMITTEE SECRETARY

Susan Werlinger
Room: EW62
Phone: (208) 332-1136
email: swerlinger@house.idaho.gov

MINUTES
JOINT MEETING

HOUSE RESOURCES & CONSERVATION COMMITTEE
SENATE RESOURCES & ENVIRONMENT COMMITTEE

DATE: Monday, February 13, 2012

TIME: 1:30 P.M.

PLACE: WW02 Auditorium

MEMBERS: Chairman Stevenson, Vice Chairman Shepherd, Representative(s) Wood(35), Barrett, Moyle, Eskridge, Raybould, Bedke, Andrus, Wood(27), Boyle, Hagedorn, Harwood, Vander Woude, Gibbs, Pence, Higgins, Lacey

MEMBERS: Chairman Pearce, Vice Chairman Bair, Senator(s) Cameron, Siddoway, Brackett, Heider, Tippets, Werk, Stennett

ABSENT/ EXCUSED: None

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

Chairman Stevenson called the meeting to order at 1:31 p.m.

Chairman Stevenson introduced the presenters. **Rep. Bedke** introduced **Jeff Foss**, Deputy State Director for BLM, **Brian Kelly**, US Fish and Wildlife Office, and **Steve Dorrety**, Office of the Secretary to the Interior. **Sen. Brackett** introduced **John Carpenter, Pete Oakachia**, and **Grant Gerber**, from Nevada and **Smoky the Bear**.

Virgil Moore, Director, Dept. of Fish and Game, said he will be speaking about sage grouse biology and said sage grouse are unique in Idaho. He said they are a low productive rate animal, but live a long time and have high survival rates. He said they can survive harsh winters and our harsh Idaho environments. He said many populations are migratory and there is large movement between seasonal ranges and huge home ranges. Director Moore said sage grouse have 15 million acres of habitat, of which 10 million acres is priority habitat. He reviewed the percentage of habitat that is federal, state, tribal and private land.

Director Moore said they don't know the total number of sage grouse in Idaho. He said hens camouflage very well. He said the primary way they try to determine the number is from the male lek counts. This count gives an average number of male sage grouse per lek and they use this as an indicator to count females and chicks.

Director Moore said the Department of Fish and Game manage hunting seasons for sage grouse. He said the seasons are highly restricted, but they have been able to maintain hunting seasons in the state. He said they adjust the seasons within 14 zones and limited hunting is sustainable. He said they only have hunts in areas which can withstand harvest.

Chairman Stevenson introduced **Bill Myers** and gave a brief bio.

Bill Myers, Partner, Holland & Hart, said he will be reviewing the issues dealing with the legal framework of the sage grouse issue. He gave a brief history of the legal issues. He said a decision was made by Judge Winmill and challenged by Western Watershed Project. He said it was determined sage grouse are warranted for listing but are precluded from listing. He said they have a moderate danger of extinction and each year there is a review of the bird's status. He said this was challenged again by environmental groups. Mr. Myers gave a brief overview of the legal issue saying there are two very large cases regarding sage grouse and Western Watershed Project.

Mr. Myers said the US Forest Service and BLM's response to the cases is to not approve a project until they see a state management plan for sage grouse from Idaho. He said the state is very involved in this process. Mr. Myers reviewed the map for priority and general habitat for sage grouse. He reviewed the short and long term management and listed the areas effected. He explained the comment period for this proposal ends on March 23 of this year. He said the state of Idaho needs to submit their opinion to Judge Winmill and talk to the Idaho delegation about this issue. He said the state needs to expedite the plan process and decide their roll in management of land and wildlife. He said the state also needs to coordinate with their western sister states who are also dealing with this issue.

Nate Fisher, Administrator, Office of Species Conservation(OSC), said this is an important issue with three major components, biological, legal, and policy. He said he will review the policy perspective of the issue. He said the sage grouse population issue goes back to the 1960's. Mr. Fisher said there has been a great deal of litigation on the issue over the last several years. He said through collaborative efforts they have helped to keep sage grouse off the Endangered Species List for many years. He said key component to this collaborative effort have been local working groups which cover most of the key habitat in the state.

Mr. Fisher said unfortunately the reality is that all efforts have been voluntary and don't meet the adequate regulatory mechanism standard under the Endangered Species Act(ESA). He listed the five factors for analysis under the ESA for the listing of a species. He said there are primary and secondary inadequacies of regulatory mechanisms in place across the sage grouse range. He said they have been addressing the inadequacies of the regulatory mechanisms on federal land. He said the BLM and Forest Service recently incorporated more stringent sage grouse conservation measures into the management plans. He reviewed the Resource Management Plan revisions. He said with these new measures there is great concern on how the plan will be accomplished and it is a staggering project. He said there are many areas where the bird is, but many areas where the bird isn't and they believe the restrictions will be on all the areas listed. There is concern they will not meet the birds needs if restrictions are broadly swept across the range.

Mr. Fisher explained Wyoming’s core area approach, which was given the full force and effect of the law by the Governor’s executive order. This approach has been supported by US Fish and Wildlife Services and meets the standard of an adequate regulatory mechanism. He said Idaho’s Governor wants to accomplish several regulatory goals. He listed the goals and explained how they plan to accomplish them. He said to accomplish these goals a Task Force was created. He reviewed the objectives for the Task Force, saying the main objective is to develop a conservation plan.

In answers to Committee questions, **Director Moore** said there are places where the habitat and productivity of the bird are enough for a hunting season but there is not a sufficient number of birds over the entire range. He said the sufficient number is determined by a technical team over the range and the Fish and Game decide over the areas for hunting if there is a sufficient number to hunt.

In answers to Committee questions, **Mr. Fisher** gave examples of what has been done with money that was earmarked for this issue. He said that money has been removed and they are working with the Congressional Delegation to have that language reinserted. He said local people are the best source of information on sage grouse and we need to utilize them in portions of the sage grouse plan. He also said a main concern is the protection of private property rights in Idaho, as well as doing good for sage grouse on state, federal and private land. Mr. Fisher explained the Legislatures role in the issue saying the Legislature has a very valid role to play in what may be needed as we proceed ahead. He said one role is to provide legislative oversight in the process and give ideas on where they may be going wrong and give suggestions.

Mr. Myers answered questions from the Committee regarding the 3% man made disturbance impacts saying the 3% limit does include current disturbances. He said BLM and the Forest Service have no impact on private land, but if there is federal land in the middle of private land, the 3% disturbance restriction will impact that land.

Steve Dorrety, Department of Interior, said during this period of time the federal and state governments, private land and tribal land owners have an interest in this issue. He said now is the window of opportunity and it is in everyone's best interest to accomplish the things we need to accomplish now.

ADJOURN: There being no further business to come before the Joint Committee, the meeting adjourned at 2:56 p.m.

Representative Stevenson
Chair

Susan Werlinger
Secretary

AMENDED #1 AGENDA
HOUSE RESOURCES & CONSERVATION COMMITTEE
Upon Adjournment of the Joint Committee Meeting
WW02 Auditorium
Monday, February 13, 2012

SUBJECT	DESCRIPTION	PRESENTER
RS21170	Fish and Game, firearms, hunting	Rep. Gibbs
RS21140	Motorized vehicles/hunting from	Rep. Boyle
RS21238	Wolves	Rep. Boyle
RS21268	Grey wolf tag fees	Rep. Gibbs
RS21269	Grey wolf tag fees	Rep. Gibbs

If you have written testimony, please provide a copy of it to the committee secretary to ensure accuracy of records.

COMMITTEE MEMBERS

Chairman Stevenson
Vice Chairman Shepherd
Rep Wood(35)
Rep Barrett
Rep Moyle
Rep Eskridge
Rep Raybould
Rep Bedke
Rep Andrus
Rep Wood(27)
Rep Boyle
Rep Hagedorn
Rep Harwood
Rep Vander Woude
Rep Gibbs
Rep Pence
Rep Higgins
Rep Lacey

COMMITTEE SECRETARY

Susan Werlinger
Room: EW62
Phone: (208) 332-1136
email: swerlinger@house.idaho.gov

MINUTES

HOUSE RESOURCES & CONSERVATION COMMITTEE

DATE: Monday, February 13, 2012

TIME: Upon Adjournmnet of the Joint Committee Meeting

PLACE: WW02 Auditorium

MEMBERS: Chairman Stevenson, Vice Chairman Shepherd, Representative(s) Wood(35), Barrett, Moyle, Eskridge, Raybould, Bedke, Andrus, Wood(27), Boyle, Hagedorn, Harwood, Vander Woude, Gibbs, Pence, Higgins, Lacey

ABSENT/ EXCUSED: None.

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

Chairman Stevenson called the meeting to order at 2:57 p.m.

RS 21170: **Rep. Gibbs** said this proposed legislation is the same as **H 456** but the RS will change the age from 12 years in **H 456** to the age of 10 years to possess a firearm for hunting.

MOTION: **Rep. Raybould** made a motion to introduce **RS 21170**. **Motion carried by voice vote.**

RS 21140: **Rep. Boyle** said the proposed legislation comes from the Attorney General's opinion stemmed from the Task Force meetings that a clarification of legislative intent for the authority of the Department of Fish and Game regarding trail and road closures on federal land.

MOTION: **Rep. Wood(35)** made a motion to introduce **RS 21140**.

In answers to questions from the Committee, **Rep. Boyle** said this legislation will make it very clear that motor vehicles are not considered a tool for hunting.

Motion carried by voice vote, with **Rep. Gibbs** being recorded as voting **NAY**.

RS 21238: **Rep. Boyle** said this proposed legislation will provide for a wolf depredation account. She explained how the money would be distributed in the account and what the money would be used for.

MOTION: **Rep. Barrett** made a motion to introduce **RS 21238. Motion carried by voice vote.**

RS 21268: **Rep. Gibbs** said this proposed legislation relates to the previously introduced legislation. He said that legislation removes some funding from the Fish and Game account for wolf tags. He said this legislation will raise the wolf tag fee for residents and out-of-state hunters to replenish the funds to Fish and Game. He said the previous legislation had an emergency clause and this one also has an emergency clause.

MOTION: **Rep. Higgins** made a motion to introduce **RS 21268. Motion carried by voice vote** with **Reps. Barrett, Wood(35) and Harwood** being recorded as voting **NAY**.

ADJOURN: There being no further business to come before the Committee the meeting adjourned at 3:09 p.m.

Representative Stevenson
Chairman

Susan Werlinger
Secretary

AGENDA

HOUSE RESOURCES & CONSERVATION COMMITTEE

1:30 P.M.
Room EW40
Wednesday, February 15, 2012

SUBJECT	DESCRIPTION	PRESENTER
H 396	Comprehensive Aquifer Management Plan/Rathdrum Prairie	Brian Patton, Dept. of Water Resources
H 397	Irrigation district elections	Norm Semanko, Idaho Water Users Assoc.
H 398	Ditch repair and maintenance	Norm Semanko
H 399	Applications to appropriate water	Norm Semanko
H 400	Alteration of stream channels	Norm Semanko
H 401	Irrigation districts	Norm Semanko

If you have written testimony, please provide a copy of it to the committee secretary to ensure accuracy of records.

COMMITTEE MEMBERS

Chairman Stevenson
Vice Chairman Shepherd
Rep Wood(35)
Rep Barrett
Rep Moyle
Rep Eskridge
Rep Raybould
Rep Bedke
Rep Andrus
Rep Wood(27)
Rep Boyle
Rep Hagedorn
Rep Harwood
Rep Vander Woude
Rep Gibbs
Rep Pence
Rep Higgins
Rep Lacey

COMMITTEE SECRETARY

Susan Werlinger
Room: EW62
Phone: (208) 332-1136
email: swerlinger@house.idaho.gov

MINUTES

HOUSE RESOURCES & CONSERVATION COMMITTEE

DATE: Wednesday, February 15, 2012

TIME: 1:30 P.M.

PLACE: Room EW40

MEMBERS: Chairman Stevenson, Vice Chairman Shepherd, Representative(s) Wood(35), Barrett, Moyle, Eskridge, Raybould, Bedke, Andrus, Wood(27), Boyle, Hagedorn, Harwood, Vander Woude, Gibbs, Pence, Higgins, Lacey

ABSENT/ EXCUSED: None.

GUESTS: Sarah Wiltz, Self; Scott Campbell, Self; Russ Johnson, ITLA; Chris Doyle, Self; Dan Steenson, NMID; Amanda Wheelwright, Self; Daren Coon, Greg Curtis, Nampa & Meridian Irrigation District; Sally Kurdy, Self; Norm Semanko, IWUA; Shelley Davis, BPBOC; Neil Colwell, Avista Corp; Kent Lauer, Idaho Farm Bureau; Tony Wheelwright, Self; Jack Carpenter, Self; Jane Hochberg, Self; Teresa Molitor, Hecla Mining; Lynn Tominaga, IGWA; Dave Goins, Idaho News Service; Brenda Tominaga, IWPA; Tom Barry, Dave Miller, City of Meridian; Pam Lemley, Self; Roger Seiber, Capitol West; Benjamin Kelly, Idaho Food Producers

Chairman Stevenson called the meeting to order at 1:30 p.m.

MOTION: **Rep. Lacey** made a motion to approve the minutes of Thursday, February 9, 2012. **Motion carried by voice vote.**

H 396: **Brian Patton**, Idaho Dept. of Water Resources, said the purpose of this bill is to approve the Rathdrum Comprehensive Aquifer Management Plan (Rathdrum CAMP). The Plan establishes long term strategies to ensure Idaho's ability to manage its water resource needs within the aquifer system.

Helen Harrington, Idaho Dept. of Water Resources, said in 2008 the Idaho Legislature established the aquifer planning and management plan. She said the Rathdrum Prairie Aquifer lies in Kootenai and Bonner Counties. She said it also lies under Washington beyond Spokane but the plan only covers the area in Idaho. Ms. Harrington said the aquifer provides drinking water to over 500,000 people in the area. She explained the aquifer and Spokane River are interconnected although in Idaho the aquifer lies well below the river. She said the relationship between the river and the aquifer creates a potential for conflict in the management and development of the water resource. Ms. Harrington said the plan before the Committee is the result of an advisory committee and the Water Resource Board's efforts. She said the plan is also on time, under budget and has support of local, regional and state interest groups. She said the plan addresses objectives of future demand for water, it prevents and resolves potential water conflicts and protects the aquifer. The plan is directed at water quality to ensure there is no negative impact to water quality. She said no funds are being requested from the Legislature to implement this management plan, but the Board may use money from their own resources for implementation activities on a case-by-case basis.

In response to Committee questions, **Ms. Harrington** said the purpose of the plan is to be proactive and develop a framework for discussion with Washington. She said with the connection between the aquifer and river there is a strong likelihood of conflict over the water with Washington and the Coeur d'Alene Tribe. She said the plan is a two prong plan, first to manage our water needs, second it provides a foundation of knowledge and the tools to have discussions with those entities over water.

Bob Graham, Water Resource Board, said one thing that differs with Rathdrum Prairie CAMP is the plan says there is enough water for the whole area for the next 50 years. He said the 20 member advisory committee members were able to participated in all the meetings. He said it was a good group and a highly selective group.

Mr. Graham answered Committee questions saying when the Water Resources Board approves a plan it is required they submit it to the Legislature for approval.

Ms. Harrington answered questions from the Committee, explaining who will manage the plan once it is approved. She reviewed other plans that hired moderators for plan management. She said this plan will be managed by internal staff support. She also explained other management plan funding.

MOTION: **Rep. Raybould** made a motion to send **H 396** to the floor with a **DO PASS** recommendation.

Rep. Moyle spoke in opposition to the motion, saying he was concerned with codifying the plan.

VOTE ON MOTION: **Motion carried by voice vote** with **Reps. Moyle, Boyle, Harwood, Barrett and Wood(35)** being recorded as voting **NAY**. **Rep. Stevenson** will sponsor the bill on the floor.

H 397: **Norm Semanko**, Idaho Water Users Assoc., said this bill is simple legislation. He said under current statute when one person runs unopposed for director of an irrigation district it is necessary to have a special meeting within five days to declare that person the winner. He said they are asking to delete the five day requirement and declare the winner of the election at the next regular meeting.

MOTION: **Rep. Raybould** made a motion to send **H 397** to the floor with a **DO PASS** recommendation. **Motion carried by voice vote. Rep. Raybould** will sponsor the bill on the floor.

H 398: **Norm Semanko** said this bill clarifies current law. He said it does not provide immunity to irrigation districts, it reaffirms the responsibilities of applications and makes clear that the wasting of water and damage not done by an act of the irrigation district but by a third party or act of God is not the liability of the irrigation district. This will make things more clear for water delivery, courts and judges. He said it is the duty of the irrigation district to maintain facilities and keep them in good repair in order to prevent the wasting of water. He said the Code does not change, if it is the result in an act of God it is not the responsibility of the canal company. He said there is still a reasonable duty of care to the public. Mr. Semanko explained the other changes to the bill.

In response to Committee questions, **Mr. Semanko** gave examples of the reasonable care standards, saying reasonable duty of care still apply and will be done.

MOTION: **Rep. Wood(35)** made a motion to send **H 398** to the floor with a **DO PASS** recommendation.

Sarah Wiltz, Self, spoke in opposition to the bill and relayed a story that relates to this legislation. She explained how a canal overflowed its banks and came into their yard and flooded their basement. She also reviewed the costs to be able to get the house livable and said their only action now is litigation. She said this legislation will make this more difficult and is unfair.

Russ Johnson, Idaho Trial Lawyers Assoc., spoke in opposition to the bill. He explained several reasons for their opposition saying it is hard to define a true act of God. He said these are man-made systems and it isn't fair to blame God if something goes wrong with the system by the irrigation district. He said it is fair to take responsibility and there should be some responsibility. He said he was confused with the third party liability case and is not sure why it needs to be in the bill. He urge the Committee to vote no on the legislation.

Amanda Wheelright, Self, spoke in opposition to the bill and reviewed her story of discovering their crawl space being flooded with water. She said many of her neighbors were also affected. She said the Boise Canal Company denied it could be the canal but the water levels were reduced and stopped when the canal was lowered and shut off. She said they are headed into litigation because their home has been damaged greatly. She said she didn't see it as an act of God she saw it as a lack of maintenance.

Daren Coon, Secretary, Nampa Meridian Irrigation Dist., clarified some points of testimony. He said the facilities are man-made but are designed to carry only a specific amount of water. He said there are many claims filed against the canal company, but claims are rarely filed against the third party. He requested support of **H 398**.

Mr. Coon answered questions from the Committee saying hypothetically, the canal company could file a claim against the third party but it is a costly process. It would be more fair for the claimant to file against the third party that caused problem. He also said the number of claims vary from year to year depending on the circumstances and there are many false torte claims.

Sally Kurdy, Self, spoke in opposition to the bill saying when adding the third party it may be difficult to know who to file a claim against. She said she opposed the bill because it will make it more difficult to find out who is responsible.

Jane Hochburg, Self, said she is opposed to the changes in **H 398**. She said many canals have not been maintained in years and are very old systems. She reviewed her specific concerns about the proposal and said the law has been in place for over 100 years with out need of clarification. She said the reasonable care standard is a concern. She said this legislation is viewed from the canal company's perspective, not from the homeowners perspective. She said this doesn't just clarify the law it changes the law. She said there is concern that the canal company will not have to maintain a canal that has been breached by an act of God. She thought the changes were way over broad and detriment to property owners. She said the proposal makes it more difficult for there to be damages claimed from the canal company.

Greg Curtis, Nampa Meridian Irrigation Dist., said the ditches can't handle the influxes of water and they take care of maintenance as best as they can. He gave an example of flooding on a lateral and said he hoped the Committee would consider this from the irrigation standpoint. He said the last thing they want is flooding and they are doing their best to not have that happen.

Scott Campbell, Self, said the current statute was adopted in 1881 and this doesn't apply to what is going on in 2012. He said they are dealing with major structures and changes being forced upon the irrigation districts. He gave an example, saying they are facing these situations day in and day out. He said the legislation is trying to address this.

Benjamin Kelly, Food Producers of Idaho, said Food Producers support the legislation.

Tom Barry, Director of Public Works, City of Meridian, said he had several concerns with the legislation. He said there is a potential shift of liability to the public and there is a good amount of drainage located on private and public property and contain easements. He said he is concerned with making private property owners liable. He is concerned with acts of God being liability exempt. He said there is a concern about the motivation of irrigation entities if they are immune. He said he believes the bill lessens the maintenance standard and has concerns the bill may limit municipalities to discharge to conduits. He said he has concern with rights being taken away for due process and where liability actually lies.

Dan Steenson, Nampa Meridian Irrigation Dist., said testimony has given a good explanation of the bill and good questions. He explained the definition of act of God in Idaho Code. He said it is defined by Idaho courts and this bill would not alter that definition. He said with respect to the standard of care, the addition of this phrase does not modify the standard it only clarifies it. He explained the third party scope of authority by the irrigation district saying it requires permission by the owner. Mr. Steenson reviewed other changes to the bill.

Norm Semanko said there is no shift of liability and an act of God is defined as being natural. He said the third party issue has been discussed and this legislation doesn't change or lower the standard of care. He said this doesn't change municipal discharge. He said this is only clarifying the Code and he asked for support of the legislation.

VOTE ON MOTION: **Motion carried by voice vote. Rep. Wood(35)** will sponsor the bill on the floor.

H 399: **Norm Semanko** said this bill relates to the appropriation of water when seeking to transfer water and utilizing the irrigation district to do that. The irrigation district needs to get permission from the Department of Water Resources. This allows for the same type of consent be given with a transfer as it does with a new water right.

MOTION: **Rep. Raybould** made a motion to send **H 399** to the floor with a **DO PASS** recommendation. **Motion carried by voice vote. Rep. Raybould** will sponsor the bill on the floor.

H 400: **Norm Semanko** said this bill establishes a statute of limitation for a stream alteration violation. He said it will apply to stream alteration violations the same as other violations.

MOTION: **Rep. Higgins** made a motion to send **H 400** to the floor with a **DO PASS** recommendation. **Motion carried by voice vote. Rep. Higgins** will sponsor the bill on the floor.

H 401: **Norm Semanko** said this legislation will allow neighboring irrigation districts to swap lands if all parties agree. He said one district would exclude the land and the other district would annex the land. He said this legislation provides the process and the ability to do this in a uniform manner.

MOTION: **Rep. Pence** made a motion to send **H 401** to the floor with a **DO PASS** recommendation. **Motion carried by voice vote. Rep. Pence** will sponsor the bill on the floor.

Chairman Stevenson thanked the Page, **Susie McHan**, for the work she has done the first half of the Session.

ADJOURN: There being no further business to come before the Committee the meeting adjourned at 4:05 p.m.

Representative Stevenson
Chairman

Susan Werlinger
Secretary

AMENDED #2 AGENDA
HOUSE RESOURCES & CONSERVATION COMMITTEE
1:30 p.m. or Upon Adjournment
Room EW40
Tuesday, February 21, 2012

SUBJECT	DESCRIPTION	PRESENTER
H 457	Fish and Game, controlled hunt tags/permits	Sharon Kiefer, Dept. of Fish and Game
H 459	Fish and Game, nonresid hunt, fishing license	Sharon Kiefer
H 543	Fish and Game, firearms, hunting	Rep. Gibbs
H 461	Fish and Game, disabled military vet permit	Rep. Patrick
H 525	Fish and Game, disabled hunters, tag exception	Rep. Eskridge

If you have written testimony, please provide a copy of it to the committee secretary to ensure accuracy of records.

COMMITTEE MEMBERS

Chairman Stevenson
Vice Chairman Shepherd
Rep Wood(35)
Rep Barrett
Rep Moyle
Rep Eskridge
Rep Raybould
Rep Bedke
Rep Andrus
Rep Wood(27)
Rep Boyle
Rep Hagedorn
Rep Harwood
Rep Vander Woude
Rep Gibbs
Rep Pence
Rep Higgins
Rep Lacey

COMMITTEE SECRETARY

Susan Werlinger
Room: EW62
Phone: (208) 332-1136
email: swerlinger@house.idaho.gov

MINUTES

HOUSE RESOURCES & CONSERVATION COMMITTEE

DATE: Tuesday, February 21, 2012

TIME: 1:30 p.m. or Upon Adjournment

PLACE: Room EW40

MEMBERS: Chairman Stevenson, Vice Chairman Shepherd, Representative(s) Wood(35), Barrett, Moyle, Eskridge, Raybould, Bedke, Andrus, Wood(27), Boyle, Hagedorn, Harwood, Vander Woude, Gibbs, Pence, Higgins, Lacey

ABSENT/ EXCUSED: Chairman Stevenson, Representatives Barrett, Moyle, Bedke and Higgins.

GUESTS: Sharon Kiefer, Dept. of Fish and Game

Vice Chairman Shepherd called the meeting to order at 2:51 p.m.

MOTION: **Rep. Boyle** made a motion to approve the minutes of Monday, February 13, 2012. **Motion carried by voice vote**.

MOTION: **Rep. Raybould** made a motion to approve the minutes of Monday, February 13, 2012, Joint Meeting. **Motion carried by voice vote.**

Vice Chairman Shepherd introduced the new page for the second half of the Session, **Aubrianne Christensen** from Bancroft. **Rep. Gibbs** said he is Aubrianne's sponsor and she comes highly recommended by her school and parents.

Rep. Wood(35) introduce the Montessori School students from her district, and their teacher and director of the school.

H 457: **Sharon Kiefer**, Deputy Director, Idaho Department of Fish and Game, said this bill would implement an idea presented to the Commission by sportsmen. She said the idea is to allow parents or grandparents to redesignate a controlled hunt tag to a child or grandchild of minor age. She said the minor child or grandchild must either have a valid hunting license or be participating in the mentored hunting program. She said the bill would not override the current law and rule regarding possession of more than one control hunt tag. Ms. Kiefer also said the sale of the designated control hunt tag would not be allowed. She said they believe this would enhance the hunting experience for the child. She said it would also be most efficient for a resident to only designate to a resident child or grandchild and a nonresident to designate only to a nonresident child or grandchild. She said the Department asks for support of **H 457**.

MOTION: **Rep. Wood(35)** made a motion to send **H 457** to the floor with a **DO PASS** recommendation. **Motion carried by voice vote. Rep. Wood(35)** will sponsor the bill on the floor.

H 459: **Sharon Kiefer** said this bill proposes to integrate a three day fishing license into the adult nonresident hunting license, with no change in the license fee. She said they believed this would enhance the nonresident hunting experience. She said there is no specific reason for choosing three days over five days or any other number of days other than they already have a type of three day nonresident fishing license. She said they felt the three day amount was valid and would keep consistency. She said additional consecutive day fishing licenses can still be purchased. Ms. Kiefer said there is also a fiscal benefit, this would increases the allocation of the federal Dingell-Johnson funds which provide benefits for Idaho fisheries and anglers. She asked for support of **H 459**.

MOTION: **Rep. Gibbs** made a motion to send **H 459** to the floor with a **DO PASS** recommendation. **Motion carried by voice vote. Rep. Harwood** will sponsor the bill on the floor.

H 543: **Rep. Gibbs** said this bill is exactly like **H 456**, which is a Department bill, but for the change in age from 12 years to 10 years. Rep. Gibbs yielded to **Sharon Kiefer** for the presentation of **H 543**.

Sharon Kiefer said this bill would make it lawful for children under the age of ten to have possession of a firearm while hunting as long as they have a valid hunting license and if accompanied by an adult licensed to hunt in Idaho or if the child is participating in the mentored hunting program. She said the legislation is consistent with legislative guidance and requested support of **H 543**.

MOTION: **Rep. Lacey** made a motion to send **H 543** to the floor with a **DO PASS** recommendation. **Motion carried by voice vote. Rep Gibbs** will sponsor the bill on the floor.

H 461: **Rep. Hagedorn** filled in for **Rep. Patrick** to present the bill. He said this bill is straight forward in that it will include 501 (c) (19) organizations to help disabled nonresident vets to apply for reduced fees for hunting licenses and tags as it currently does for 501 (c) (3) organizations.

MOTION: **Rep. Wood(35)** made a motion to send **H 461** to the floor with a **DO PASS** recommendation. **Motion carried by voice vote. Rep. Patrick** will sponsor the bill on the floor.

H 525: **Rep. Eskridge** said he requested the Fish and Game Commission create rules for assisting disabled hunters in a hunt. He gave an example of an experience in his district, saying this example is why the bill was brought forward.

Sharon Kiefer, Department of Fish and Game said as **Rep. Eskridge** described, there are certain allowances for disabled hunters such as hunting aids, and the use of vehicles, but someone else cannot take wildlife without the appropriate tag and cannot tag an animal that someone else has killed. She said this bill directs the Fish and Game Commission to create a mechanism via rule to allow a companion to a disabled hunter to kill an animal that has been wounded by the disabled hunter and place the disabled hunter's tag on the animal. She said this would enhance the tools available to the disabled hunter to participate in a legal and ethical hunt.

MOTION: **Rep. Pence** made a motion to send **H 525** to the floor with a **DO PASS** recommendation. **Motion carried by voice vote. Rep. Eskridge** will sponsor the bill on the floor.

ADJOURN: There being no further business to come before the Committee the meeting adjourned at 3:21 p.m.

Representative Shepherd
Chairman

Susan Werlinger
Secretary

AGENDA

HOUSE RESOURCES & CONSERVATION COMMITTEE

1:30 P.M. or Upon Adjournment
Room EW40
Thursday, February 23, 2012

SUBJECT	DESCRIPTION	PRESENTER
H 494	Scaling practices board, members	Tom Schultz, Director, Idaho Dept. of Lands
	Rangeland Center Update	Dr. Karen Launchbaugh, Professor in Range Resources

If you have written testimony, please provide a copy of it to the committee secretary to ensure accuracy of records.

COMMITTEE MEMBERS

Chairman Stevenson
Vice Chairman Shepherd
Rep Wood(35)
Rep Barrett
Rep Moyle
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Rep Raybould
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Rep Harwood
Rep Vander Woude
Rep Gibbs
Rep Pence
Rep Higgins
Rep Lacey

COMMITTEE SECRETARY

Susan Werlinger
Room: EW62
Phone: (208) 332-1136
email: swerlinger@house.idaho.gov

MINUTES

HOUSE RESOURCES & CONSERVATION COMMITTEE

DATE: Thursday, February 23, 2012

TIME: 1:30 PM or Upon Adjournment

PLACE: Room EW40

MEMBERS: Chairman Stevenson, Vice Chairman Shepherd, Representative(s) Wood(35), Barrett, Moyle, Eskridge, Raybould, Bedke, Andrus, Wood(27), Boyle, Hagedorn, Harwood, Vander Woude, Gibbs, Pence, Higgins, Lacey

ABSENT/ EXCUSED: Vice Chairman Shepherd, Representatives Wood(35), Moyle and Vander Woude

GUESTS: Tom Schultz, Idaho Dept. of Lands/Scaling Board; Karen Launchbaugh, University of Idaho, Max Greenlee, Risch Pisca; Zach Haug, Capitol West, Steve Thomas, Moffett Thomas

A quorum being present **Chairman Stevenson** called the meeting to order at 2:40 p.m.

MOTION: **Rep. Boyle** made a motion to approve the minutes of Wednesday, February 15, 2012 and Tuesday, February 21, 2012. **Motion carried by voice vote**.

H 494: **Tom Schultz**, Director, Idaho Department of Lands, said this bill will update the membership requirements for the Scaling Board and creates one new member. He explained the responsibilities of the Board. He said the statute requires that logs be measured by licensed scalers. He said this bill comes from staff, members of the scaling board and constituent collaborative effort, who endorsed this Scaling Board legislation. He reviewed the composition of the Board and said there will be a total of seven members on the Board. He said board members continue to serve until they are replaced.

MOTION: **Rep. Bedke** made a motion to send **H 494** to the floor with a **DO PASS** recommendation. **Motion carried by voice vote. Rep. Bedke** will sponsor the bill on the floor.

Rich Garber, University of Idaho, introduce **Dr. Karen Launchbaugh**.He said there are some amazing faculty members at the University of Idaho and Dr. Launchbaugh is one of the stars.

Dr. Karen Launchbaugh, University of Idaho, said the Committee will see a bill establishing the Rangeland Resource Center coming soon, she gave some background on the bill. She said a lot has changed concerning range and the University administrations are changing too. She said it is important to understand the ecology of rangeland and the skills to manage the land. She explained how they need a multidisciplinary approach to get all the pieces working together.

Dr. Launchbaugh said they had ideas of what the Rangeland Center would be and now they are bringing that together. She reviewed the people who are involved, and said the Center is not a building, it is a network of people across the state who are experts. She said they have a good group of people at the table and a strong foundation of people who care about rangelands. She said they are scientists working with people doing outreach and solving problems. She gave an example of projects. Dr. Launchbaugh reviewed the staff and said they also have interns who are in the rangeland program. She said the students are engaged and interested in the program. They are training the next generation of rangeland managers.

Dr. Launchbaugh reviewed the Rangeland Center mission, saying it is science and solutions for the range. She said they are promoting the act of partnerships and want to form strong relationships through partnerships and individuals. She reviewed the process of creating partnerships. Dr. Launchbaugh said they have a clear understanding of range but want to go the next step to provide a reliable and relevant understanding of the range. She said when the University accepted the proposal for the Center it was good for the University. She said range is important and they are going to bring it front and center.

In response to Committee questions, **Dr. Launchbaugh** said their range program students have the highest rate of employment on campus. She said there is a wide range of employment opportunities with soil, plants, animals and fire. She also said there is faculty across the state doing interesting projects on the issue of sage grouse. They are working with agencies, trying to bring science to the table in the courts. She said there are non-dollar amounts to grazing that are not accounted for in regards to the endowment portfolio. She said they want to show that grazing is more than a dollar amount, with other ecological benefits.

In further response to Committee questions, **Dr. Launchbaugh** said sage grouse are part of the ecosystem. There are many tools to bring to the table and she is optimistic they won't be listed. She said there are many important things in a range ecosystem such as watershed health, wildlife habitat which include sage grouse, ranching and working landscapes that can be managed. She said fire and invasive grass are also an important issue.

Dr. Launchbaugh said in response to Committee questions that they have worked on several projects with the Department of Fish and Game and Fish and US Fish and Wildlife such as, sage grouse recovery after the Murphy Complex fire, wolf and livestock interaction, fish and riparian issues and elk depredation effects on depredation claims. She said the Center's members have regular updates and they discuss upcoming projects and opportunities. She said they are located all over the state and are a diverse group that have a real passion for rangeland.

ADJOURN: There being no further business to come before the Committee the meeting adjourned at 3:26 p.m.

Representative Stevenson
Chairman

Susan Werlinger
Secretary

JOINT

HOUSE RESOURCES & CONSERVATION COMMITTEE
AND
SENATE RESOURCES & ENVIRONMENT COMMITTEE

1:30 PM or Upon Adjournment
WW02 Auditorium
Monday, February 27, 2012

SUBJECT	DESCRIPTION	PRESENTER
	Natural Gas - More of the Story	
	David Hawk, Energy Analysis & Answers	
	Lynn Dahlberg, Williams Northwest Pipeline	
	Scott Madison, Intermountain Gas Company	

If you have written testimony, please provide a copy of it to the committee secretary to ensure accuracy of records.

COMMITTEE MEMBERS

Chairman Stevenson
Vice Chairman Shepherd
Rep Wood(35)
Rep Barrett
Rep Moyle
Rep Eskridge
Rep Raybould
Rep Bedke
Rep Andrus
Rep Wood(27)
Rep Boyle
Rep Hagedorn
Rep Harwood
Rep Vander Woude
Rep Gibbs
Rep Pence
Rep Higgins
Rep Lacey

COMMITTEE SECRETARY

Susan Werlinger
Room: EW62
Phone: (208) 332-1136
email: swerlinger@house.idaho.gov

MINUTES
JOINT MEETING

HOUSE RESOURCES & CONSERVATION COMMITTEE
SENATE RESOURCES & ENVIRONMENT COMMITTEE

DATE: Monday, February 27, 2012

TIME: 1:30 PM or Upon Adjournment

PLACE: WW02 Auditorium

MEMBERS: Chairman Stevenson, Vice Chairman Shepherd, Representative(s) Wood(35), Barrett, Moyle, Eskridge, Raybould, Bedke, Andrus, Wood(27), Boyle, Hagedorn, Harwood, Vander Woude, Gibbs, Pence, Higgins, Lacey

Chairman Pearce, Vice Chairman Bair, Senators Cameron, Siddoway, Brackett, Heider, Tippets, Werk, Stennett

ABSENT/ EXCUSED: Representatives Barrett, Moyle, Bedke, Wood(27) and Boyle

GUESTS: Norm Semanko, Idaho Water Users Assn., Joan Cloonan, ICIE; John Williams, BPA; Don Sanke, Farm Bureau; Steve Cory, ICIE; John Chatburn, OER; Stephen Goodson, Governor's Office; Brenda Tominaga, IIPA; Jan Sylvester; Suzanne Budge, SBS Assoc.; Dave Goins, Idaho News Service

House Resources and Conservation Committee members joined the meeting at 2:13 p.m.

Scott Madison, Intermountain Gas Company, reviewed the company structure. He explained the oil and gas supply situation. He reviewed where the oil and gas reserves are in the United States. He said the utility group is supportive of oil and gas development in Idaho and want to participate in the development. He said Intermountain Gas is happy to serve Idaho in any way they can.

In response to Committee questions, **David Hawk**, Energy Analysis & Answers, said drilling will be similar from place to place, and will have the same engineering. He said the differences when drilling will be the types of rocks they encounter and then they will have to adjust how they drill. He also said they don't burn as much fuel oil for industrial use as they used to. He said they now use natural gas and the amount of coal used is slowly decreasing as the coal fire plants convert to natural gas. He said there are new regulations on coal fire plants and he sees most of them converting to natural gas in the future.

Senate Resources and Environment Committee members exited the meeting at 3:00 p.m.

Joan Cloonan, Idaho Council on Industry and Environment (ICIE), introduced the presenters to the House Committee.

In response to Committee questions, **Scott Madison**, Intermountain Gas Company, said they are flaring gas in North Dakota and in a lot of other places because there is no infrastructure to move it or sell it at this time. He said in North Dakota it is short term and there are plans to capture the gas and get it into the World's supply.

David Hawk, Energy Analysis & Answers, explained the technology that has come up in the last 20 years for production of oil and gas. He said they still haven't discovered all the oil available and haven't discovered all the technology to produce oil and gas. He said there will be a tremendous amount of oil for many years. He said the undiscovered unconventional areas of oil and gas are were the future is.

Mr. Hawk reviewed the amount of gas produced per day and the amount going into storage. He said they are producing more gas now than ever has been produced before. He reviewed the resources and proven reserves and the future gas supply. He explained the importance of the shale gas and that it is making a bigger contribution than it did before. Mr. Hawk explained the demand for natural gas and where we use natural gas. He reviewed the gas pipeline system flow and how Idaho gets its natural gas. He also explained how the land is reclaimed when gas exploration is done. He reviewed the renewable energy opportunities and explained they are careful about the economic climate. He explained the need for conservation and efficiency. He said the citizens in Idaho are interested in energy and the Office of Energy is a place to get answers.

Lynn Dahlberg, Williams Northwest Pipeline, said this is an exciting time to be in the energy industry. She explained how conversion to natural gas would reduced the amount of oil the United States would need to buy. She explained where pipelines are available and where gas is purchased in the West. She said this availability provides reliability and Idaho can price shop. She explained the benefit for Idaho if we have the ability to price shop. She reviewed the access to diverse supply options and the demand for natural gas across the United States. She said there has been a significant decrease in demand, due to the recession, conservation efforts and renewables. Ms. Dahlberg explained the opportunities for coal conversion in the northwest. She explained the market preservation and growth and the average pipeline contract is ten years. She explained the infrastructure and how to build it. She said state commissions need to understand the process and a way to plan and pay for the natural gas infrastructure. She said it takes at least three years for a pipeline expansion and it is very expensive. She said Idaho has access to growing supplies and has a pipeline that is diverse.

ADJOURN: There being no further business to come before the Committee, the meeting adjourned at 3:53 p.m.

Representative Stevenson
Chairman

Susan Werlinger
Secretary

AGENDA

HOUSE RESOURCES & CONSERVATION COMMITTEE

1:30 p.m. or Upon Adjournment
Room EW40
Wednesday, February 29, 2012

SUBJECT	DESCRIPTION	PRESENTER
H 495	State Endowment Lands	Rep. Vander Woude

If you have written testimony, please provide a copy of it to the committee secretary to ensure accuracy of records.

COMMITTEE MEMBERS

Chairman Stevenson
Vice Chairman Shepherd
Rep Wood(35)
Rep Barrett
Rep Moyle
Rep Eskridge
Rep Raybould
Rep Bedke
Rep Andrus
Rep Wood(27)
Rep Boyle
Rep Hagedorn
Rep Harwood
Rep Vander Woude
Rep Gibbs
Rep Pence
Rep Higgins
Rep Lacey

COMMITTEE SECRETARY

Susan Werlinger
Room: EW62
Phone: (208) 332-1136
email: swerlinger@house.idaho.gov

MINUTES

HOUSE RESOURCES & CONSERVATION COMMITTEE

DATE: Wednesday, February 29, 2012

TIME: 1:30 p.m. or Upon Adjournment

PLACE: Room EW40

MEMBERS: Chairman Stevenson, Vice Chairman Shepherd, Representative(s) Wood(35), Barrett, Moyle, Eskridge, Raybould, Bedke, Andrus, Wood(27), Boyle, Hagedorn, Harwood, Vander Woude, Gibbs, Pence, Higgins, Lacey

ABSENT/ EXCUSED: None.

GUESTS: Patricia Felts, Self; Robert Forrey, Tax Acct. Comm., Todd Hatfield, Self; Emily Anderson, Kathy Opp, Tom Schultz, Idaho Dept. of Lands; Miguel Legarrete, Realtors; John Runft, Rachel Gilbert, Barbara Forrey, TAC; Erik Makrush, Idaho Freedom Foundation; Bert Marley, IEA

Chairman Stevenson called the meeting to order at 2:37 p.m.

MOTION: **Rep. Boyle** made a motion to approve the minutes of Thursday, February 23, 2012. **Motion carried by voice vote.**

H 495: **Rep. Vander Woude** gave a brief outline of the legislation. He said the emphasis of the bill before the Committee is the question: Should state government be in competition with private businesses? He said businesses have cycles and he questioned if the state is able and ready to go into those cycles. He said he felt the state is not. He stated that the state has to be careful of going into business because it is taking risks. He asked: Do we want the state to take this risk with the endowment funds? He said the key to the endowment fund is the revenue you can distribute. Another hindrance for the endowment to be in business is that state property can only be sold by auction, not by private sale.

In answers to Committee questions, **Rep. Vander Woude** said the endowment land was given to the state to manage. He stated that owning and running a business goes beyond their scope. He also said the problem was not with investing the funds, but with owning a business.

Rep. Burgoyne said the state, through the endowments, would still be able to own land and own the improvements on the land, but could not own the business entity on the land. He said this bill brings together two values. These are: education and the funding for education, and a solid belief in free enterprise. He said the nature of endowments are long term and are to benefit future generations. Free enterprise is an important issue and he didn't think the state should be competing with private enterprise. He argued that the playing field is not level when the state does not pay property, sales or income tax. The state would have a competitive advantage over its competitor.

Rep. Burgoyne responded to the Committee questions saying last year and through the interim committee process, concerns were raised, and this bill addresses those concerns. He said the endowment fund issue is not all up to the State Land Board. The Legislature's obligation and responsibility is to find money to replace the endowment if the endowment loses money.

Patricia Felts, Self, spoke **in support** of the bill. She said the Department of Lands plans to engage in activities in direct opposition to the Constitution, which was founded on a private enterprise economy. She said there were three concerns with the plans of the Department of Lands. Those concerns were taxes, the management goals such as acquiring and selling land, and the structures and resources.

Robert Forrey, Tax Accountability Committee, said he has concern with where the State Land Board is heading regarding growing commercial assets. He said they plan to go into businesses, change social values and attitudes, operate private business, and become more competitive in the real estate business. He said the Supreme Court has stated that this is not the function of the State Land Board. He noted that the Board's purpose is two fold: to not put the endowment funds at risk and to not compete with the free enterprise system.

Todd Hatfield, Self, spoke **in support** of the bill. He said it is a myth that the state is competing with Potlatch and other mills. He said the mills set the price and they work backward for the appraisal. He said the appraisal is set by the mill and the state gets the maximum return from companies that compete for the timber. He urged the Committee to support the bill for the private property rights of the public.

John Runft, Tax Accountability Committee, said he was involved in drafting the legislation. He said this is concise legislation that will limit the state from getting into private enterprise. He said the proceeds from the sale of trust land would be put into the permanent endowment trust, then invested in land. The legislation helps prevent the expansion of a new agency. He also said that the money going into the permanent endowment fund will protect the long term investment.

Rachel Gilbert, Tax Accountability Committee, spoke **in support** of the bill. She said the Department of Lands has an aggressive management plan to acquire more speculative retail. She said the Land Board should not be managing these types of businesses. She asked: Do the people of Idaho approve of state ownership of property in competition with private ownership? She said commercial real estate is very volatile and the state should not be involved in that business, those funds should not be put at risk. She urged the Committee to support **H 495** and to protect the free enterprise system.

Rep. Wood(35) introduced her grandsons that were attending the Committee meeting.

Erik Makrush, Idaho Freedom Foundation, spoke **in support** of **H 495** and stated he believes in the free market system.

Tom Schultz, Director, Idaho Department of Lands, said he respects the concerns raised during the interim committee meetings. He said the Department's motive is to manage land and raise revenue for schools, offering relief for tax payers. He said they believe in the free market place. He said they are in long term management and they want to see another 100 years of revenue; managing land requires investments. He said the legislation is clearly trying to limit the type of land used to invest in assets. He addressed the concern with the proposed change to the Land Bank Fund. He noted that the proceeds from a sale go to the fund and the Board has up to five years to invest those funds. He said they have done 26 transactions since the Land Bank Fund was created. The majority of the transactions have been a benefit. Mr. Schultz said the Land Bank Fund is an essential tool and if it were eliminated it would make the state a cash buyer. The Land Bank Fund provides flexibility.

In response to Committee questions, **Director Schultz** said most states in the west are natural resource states. He said the move to the commercial market has been more recent. Some states are doing this, some are not. He said all states are trying to figure out how to increase revenue and they do have a responsibility to make money. He said the state is ultimately trying to do right thing and if we are not, the Legislature will tell us.

Rep. Burgoyne said it is clear the Department is not taking a position on the bill. He said it is a policy issue for the Committee on what the bill does and doesn't do. He said the bill requires the state to refrain from owning a business entity; the state can still own the land.

MOTION: **Rep. Higgins** made a motion to send **H 495** to the floor with a **DO PASS** recommendation.

ROLL CALL VOTE: **Rep. Harwood** requested a roll call vote. **Motion carried by a vote of 16 AYE, 1 NAY, 1 Absent/Excused. Voting in favor** of the motion: **Reps. Shepherd, Wood(35), Barrett, Moyle, Eskridge, Raybould, Bedke, Andrus, Wood(27), Boyle, Harwood, Vander Woude, Gibbs, Pence, Higgins, Lacey. Voting in opposition** of the motion: **Rep. Stevenson. Rep. Hagedorn was Absent/Excused. Reps. Vander Woude and Burgoyne** will sponsor the bill on the floor.

ADJOURN: There being no further business to come before the Committee, the meeting adjourned at 4:08 p.m.

Representative Stevenson
Chairman

Susan Werlinger
Secretary

AGENDA

HOUSE RESOURCES & CONSERVATION COMMITTEE

1:30 p.m. or Upon Adjournment
Room EW40
Thursday, March 01, 2012

SUBJECT	DESCRIPTION	PRESENTER
	Soil & Water Conservation Commission Annual Report	Teri Murrison, Kristen Magruder, Soil & Water Conservation Commission
	Soil & Water Conservation Association Presentation	Bret Rumbeck, Soil & Water Conservation Assoc.
S 1291	Rangeland center, University of Idaho	Sen. Brackett
H 496	Hunter education	Rep. Luker
H 542	Motorized vehicles, hunting from	Rep. Boyle

If you have written testimony, please provide a copy of it to the committee secretary to ensure accuracy of records.

COMMITTEE MEMBERS

Chairman Stevenson
Vice Chairman Shepherd
Rep Wood(35)
Rep Barrett
Rep Moyle
Rep Eskridge
Rep Raybould
Rep Bedke
Rep Andrus
Rep Wood(27)
Rep Boyle
Rep Hagedorn
Rep Harwood
Rep Vander Woude
Rep Gibbs
Rep Pence
Rep Higgins
Rep Lacey

COMMITTEE SECRETARY

Susan Werlinger
Room: EW62
Phone: (208) 332-1136
email: swerlinger@house.idaho.gov

MINUTES

HOUSE RESOURCES & CONSERVATION COMMITTEE

DATE: Thursday, March 01, 2012

TIME: 1:30 p.m. or Upon Adjournment

PLACE: Room EW40

MEMBERS: Chairman Stevenson, Vice Chairman Shepherd, Representative(s) Wood(35), Barrett, Moyle, Eskridge, Raybould, Bedke, Andrus, Wood(27), Boyle, Hagedorn, Harwood, Vander Woude, Gibbs, Pence, Higgins, Lacey

ABSENT/ EXCUSED: Representatives Shepherd, Moyle, Raybould and Higgins

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

Chairman Stevenson called the meeting to order at 2:32 p.m.

Teri Murrison, Administrator, Soil & Water Conservation Commission, thanked the Committee for allowing her to give the report. She said it will be a brief update of their projects and services. She said after the revision to the statute they have done significant updates to the Commission. She said they have had significant staff changes and a major revision of the strategic plan. She said they want to achieve more on the ground for conservation in Idaho. Ms. Murrison gave an overview of their challenges. She said they facilitate and coordinate non regulatory voluntary conservation for soil and water, air, plants and animals through district support services. She said they also coordinate comprehensive conservation and incentive programs. She reviewed their incentive programs including the Idaho OnePlan and water quality programs for agriculture. She said in addition to incentive programs the Commission does conservation programs. She reviewed the conservation programs that have been completed and the ones in progress. She said the Commission works with districts, land owners, federal agents and agencies. Ms. Murrison said one of the important things they do is provide technical assistance to the conservation districts. She gave examples of the conservation outreach efforts around the state. She explained why it is important to have a strong Conservation Commission and districts. She said they find a balance between natural and human environments. She said they offer non regulatory solutions and the Commission is a natural fit in preserving natural resources, local cultures, and contribute to the economy. She reviewed conservation issues that need to be addressed. She said in closing she hoped the Committee would consider their overview of accomplishments and why the Commission is important to Idaho.

Bret Rumbeck, Executive Director, Idaho Association of Soil Conservation Districts, said he hoped the Committee would learn more about the districts in the state and how they are important. He introduced their Board members. He said 47 of the 50 conservation districts are members of the Association, which is a big improvement from last year. He said there have been significant improvements in the districts and with their outreach programs. He also said they have worked with the Commission to develop the new strategic plan and have made a positive effort.

MOTION: **Rep. Lacey** made a motion to approve the minutes of Monday, February 27, 2012. **Motion carried by voice vote.**

S 1291: **Sen. Brackett** said this bill creates in statute the Rangeland Center in the University of Idaho. He said the purpose is to create a new model to fulfill the land grant mission. He reviewed what the Center will do to manage rangelands. He said it will have a director and will be under control of the State Board of Regents. He said the Center will provide a council with a background in rangelands. He reviewed the modern challenges on rangelands. He said the creation of the Rangeland Center is in response to those needs.

Concerns were expressed from the Committee regarding the fiscal impact on the Statement of Purpose. When creating a whole new Center, there would be a fiscal impact, but the Statement of Purpose says there would not be a fiscal impact to the General Fund. In response to Committee concerns, **Sen. Brackett** said the Center is currently operating and the faculty already exists. He said they are not asking for an appropriation for the funding of the Center.

MOTION: **Rep. Pence** made a motion to send **S 1291** to the floor with a **DO PASS** recommendation with clarifying language added to the SOP/Fiscal Note.

In response to Committee questions, **Sen. Brackett** said the University has already downsized and departments were consolidated. He said this is a new concept, but is utilizing the same people. He stated agencies have employment positions in range management and it is important that those range positions are filled by range managers.

In further response to Committee questions, **Sen. Brackett** stated he has advised the University to not seek an appropriation but they fully expect an appropriation if the Center grows. He said the fiscal note reflects the situation today and for the coming year. He said the Center has to prove value and benefit and that will take a few years. He said now is the time to establish the Center and move forward. He said he would be willing to review the fiscal note to ensure that it reflected long term funding.

SUBSTITUTE MOTION: **Rep. Barrett** made a substitute motion to **HOLD S 1291** in Committee.

Rep. Andrus said the effort of the Rangeland Center is to have rangeland use based scientifically, so there will be science based information on rangeland issues. **Rep. Wood(27)** said he didn't see a problem with the fiscal note and any agency has the right to request funding at any time. He said it is the obligation of the Legislature to approve or reject the funding. He said he would support the original motion. **Rep. Wood(35)** said the University of Idaho is a land grant college and she is pleased to see they are going to do something about land. She said she doesn't have a problem with the fiscal note.

VOTE ON SUBSTITUTE MOTION: **Substitute Motion failed by voice vote** with **Rep. Barrett** being recorded as voting **AYE**.

VOTE ON ORIGINAL MOTION: **The original motion carried by voice vote** with **Rep. Barrett** being recorded as voting **NAY**. **Rep. Pence** will sponsor the bill on the floor.

H 496: **Rep. Luker** said this bill exempts currently serving military personnel or veterans from participating in hunter education. He said the Fish and Game Commission have a rule that partially exempts these people but the bill will fully exempt them. He said Idaho is not the first state to have this exemption. He said it is a simple bill and a policy decision.

MOTION: **Rep. Wood(35)** made a motion to send **H 496** to the floor with a **DO PASS** recommendation.

Sharon Kiefer, Deputy Director, Department of Fish and Game, said the hunter education program was generated from consequences across the nation of World War II veterans trying to transition from soldier to hunter. She said they have a very active hunter education program. She explained the bill will exempt a large number of veterans from the program. She said hunting is not just about guns, and there is a substantial difference between military training and hunter education. Ms. Kiefer explained hunter education prepares hunters for the tradition and lifetime sport of hunting. She said it provides instruction in wildlife management, wildlife laws, hunter ethics, survival and first aid. She said hunter education sponsors safe and ethical hunting, respect for wildlife, land and landowners. She explained since hunter education was mandated, the number of hunter accidents has been significantly reduced. She said hunter education does take time to complete but there are online courses as well as traditional classes available. She said there is a required field day with a live fire exercise to be certified in the course. The Commission has a rule exemption for military personnel and peace officers from the live fire exercise. She said the Commission Chairman and the rest of the Commission do not support this bill.

John Hallenberger, Self, spoke in support of the legislation. He said he did take hunter safety when he was young. He said after being in the military there may be some people who will decide after they are older to hunt. He said throughout military training they are taught about the environment, and there are classes about how to take care of the land. He said they are also taught ethics in the military, and core army values and morals to make good choices.

Michael Harris, Idaho National Guard, said he is not against hunter safety, he thinks it is important. He said even when people take hunter safety they may still not abide by the rules. He said in the military they have higher morals and values and will abide by the rules.

Mike Hallenberger, Idaho National Guard, said in the military they are trained to not shoot the things they shouldn't. He said veterans know how to be very careful with weapons. He said those who served in the military have paid a price and deserve to be able to have a hunting license without taking hunter education.

Bill London, Idaho Conservation Officers Assoc., said he has taught hunter education and there is a mix of adults and children in the classes. He said many other states will still require hunter education, if military people want to hunt there. He stated conservation officers have respect for military personnel and many officers are veterans. He said there is a natural brotherhood between law enforcement and military. He explained hunter education goes over a lot of things other than gun safety. He stated hunter education reviews wildlife laws, wildlife education and dealing with different animals. Mr. London said most people raised in Idaho understand these things and hunter education goes through rural manners and ethics. He said military personnel are respectful, but haven't been indoctrinated into the rural ways in Idaho. He also said conservation officers would not be comfortable investigating military personnel and veterans. He believed there would be more conflict with land owners.

Rep. Luker said the hunter safety course people take today is not the same as it was years ago. He said this is a simple bill and he didn't think it was necessary for military personnel to take the hunter education course.

In response to Committee questions, **Michael Harris** reviewed the specialized training on conduct he received in the military. He also described what type of fire arms he has been trained with. He also said he did not know how to dress out game, but thought if he had a pamphlet with instructions and someone hunting with him that had experience, he would be able to field dress an animal.

Rep. Gibbs said he would not support the motion, but that was not a reflection against veterans and what they provide for the country. He said this was an issue of hunter safety and all people taking hunter safety are not created equal. **Rep. Hagedorn** spoke in support of the motion stating this bill does not preclude military people from taking hunter education it only provides them with the opportunity to get a license without taking the hunter education program.

VOTE ON THE MOTION: **Motion carried by voice vote** with **Reps. Eskridge, Gibbs, Pence and Lacey** being recorded as voting **NAY. Rep. Luker** will sponsor the bill on the floor.

H 542: **Rep. Boyle** said the idea for this bill came from the interim task force between the House and Senate. She said several members of the Committee were on the task force. She said this bill is regarding the authority of the Fish and Game Commission to impose a rule on federally managed land. She said this bill only concerns roads and trails. It does not concern rivers and lakes. She reviewed the process of the federal government's Travel Management Plan. She said through the planning process 70% of trails are closed to ATVs, with the Fish and Game rule restrictions added, 2100 more trails are closed to access. Rep. Boyle said the rules are confusing and the national forests trails are supposed to be available for multiple use, but many are closed. She suggested the bill be sent to General Orders with an amendment for the Committee to consider. The amendment on page 2 line 21 adding after the word use, "on federally managed land".

Rep. Boyle answered questions from the Committee, saying this bill does not prohibit the Fish and Game Commission from working with the Forest Service on travel plans. She said it would only restrict the Fish and Game from closing roads themselves.

Sharon Kiefer, Deputy Director, Idaho Department of Fish and Game, reviewed the background that brought **H 542** to the Committee. She clarified the Department of Fish and Game does not close roads. She said they do restrict the use of ATVs by hunters in designated hunts. She said unless provided by law or commission rules, it is unlawful for any person to hunt any of the game animals or game birds of this state from any motorized vehicle. She said the Commission retains discretion to provide for hunting from any motorized vehicle via rule. However, hunting with the use of any motorized vehicle previously prohibited unless allowed by Commission rule, becomes lawful with **H 542**. Ms. Kiefer said the current Commission rule for hunting would be terminated with this bill. She said the bill would prohibit water fowl hunters from shooting birds from a boat and **H 542** would be stricter than the federal rule. She said from the Commission's interpretation of the bill, it does not allow the Commission the ability to enter into cooperative efforts with other agencies to protect wildlife. She said some hunters will appreciate the expanded motorized hunting opportunity, but some will be deeply dissatisfied. Ms. Kiefer said the Fish and Game does not agree with this policy approach and does not support this bill.

In response to Committee questions, **Ms. Kiefer** said the Commission has promised no more expansion of the rule, they have evaluated the effectiveness of the rule, they have given direction to technical service people to clarify the rule, and taken the rule with clarifying revisions to hunters and ATV users to get input. She said they reported to the task force and the task force did not make a legislation recommendation.

Nancy Merrill, Director, Idaho Department of Parks and Recreation, said they have a letter of cooperation with Fish and Game and they did make some headway with the issue. She said the Board did agree Idaho belongs to everyone and to keep recreational opportunities. She said they do see more recommendations for roads being closed and this is becoming an on going problem for recreationalists. She said ATV users are losing opportunities. She said they do support seasonal closures to protect wildlife.

Haden Claiborne, Boise ATV Trail Riders, said he is an avid ATV user and his children and grandchildren ride ATVs and carry firearms for protection. He said he supports the efforts of Fish and Game to protect wildlife. But, he said, the rule is confusing and gave an example of being stopped by Fish and Game officers. He questioned how Fish and Game defines the term hunting compared to a persons definition of hunting. He said the question is whether or not travel is an act of hunting or not.

David Claiborne, Idaho State ATV Association, said the state has no authority to decide when and where people can travel on state roads. He said there is a misrepresentation from Fish and Game of what is involved in the management plan process. He said it is not true that consideration of wildlife is not involved in the process. He explain some details of the Travel Management Plan process.

Mark Sauerwald, Idaho State ATV Association, spoke in **support of H 542**. He said he has been involved in this issue for two years. He said he believed a motorized vehicle is a mode of travel, not an aid to hunting or a method of take. He said the Fish and Game has too broad of authority in regulating trail use on federal land. He said the Forest Service and BLM take everyone's input and make recommendations on what trails should be closed. He said the trails in question are not closed according to the Forest Service and BLM, but they are closed to hunters. He clarified he was not talking about hunting from a motorized vehicle and the Fish and Game make statements without having the statistics to back up the statements. He said during the interim committee, the Fish and Game submitted comments that they could regulate camping if needed because it was an aid to hunting.

Rusty Faircloth, Idaho State ATV Association, spoke in **support of H 542**. He said the main reason Fish and Game imposed the rule is because of conflict with hunters and ATV users. He said this is not the situation today. He said Fish and Game have said they will restrict hunting tags and licenses, if they can no longer regulate hunter use of ATVs. He said Fish and Game classifies ATVs as a method of take, but it is a mode of transportation.

Greg McReynolds, Trout Unlimited, said the truth is the motorized vehicle rule only impact sportsman. He said sportsmen like the rule and he opposed the bill. He said sportsmen understand there will be some restrictions. He said the rule is good and the bill should be stopped.

ADJOURN: There being no further business to come before the Committee the meeting adjourned at 5:36 p.m.

Representative Stevenson Chairman	Susan Werlinger Secretary

AGENDA

HOUSE RESOURCES & CONSERVATION COMMITTEE

1:30 p.m. or Upon Adjournment
Room EW40
Monday, March 05, 2012

SUBJECT	DESCRIPTION	PRESENTER
	Fire Protection and Timber Harvest	Mark Woods, SITPA, Fire Warden Howard Weeks, CPTPA, Fire Warden
H 608	Water rights	Ken Harward, Assoc. of Idaho Cities
H 542	Motorized vehicles, hunting from	Rep. Boyle

If you have written testimony, please provide a copy of it to the committee secretary to ensure accuracy of records.

COMMITTEE MEMBERS

Chairman Stevenson
Vice Chairman Shepherd
Rep Wood(35)
Rep Barrett
Rep Moyle
Rep Eskridge
Rep Raybould
Rep Bedke
Rep Andrus
Rep Wood(27)
Rep Boyle
Rep Hagedorn
Rep Harwood
Rep Vander Woude
Rep Gibbs
Rep Pence
Rep Higgins
Rep Lacey

COMMITTEE SECRETARY

Susan Werlinger
Room: EW62
Phone: (208) 332-1136
email: swerlinger@house.idaho.gov

MINUTES

HOUSE RESOURCES & CONSERVATION COMMITTEE

DATE: Monday, March 05, 2012

TIME: 1:30 p.m. or Upon Adjournment

PLACE: Room EW40

MEMBERS: Chairman Stevenson, Vice Chairman Shepherd, Representative(s) Wood(35), Barrett, Moyle, Eskridge, Raybould, Bedke, Andrus, Wood(27), Boyle, Hagedorn, Harwood (DeVries), Vander Woude, Gibbs, Pence, Higgins, Lacey

ABSENT/ EXCUSED: Representatives Moyle, Gibbs and Lacey

GUESTS: Mark Woods, SITPA; Lindley Kirkpatrick, Christopher Meyer, City of McCall; Sandra Mitchell, IRC; Jeff Peppersack, IDWR; John Homan, AG IDWR; Craig Mickelson, Joie McGarvin, Russell Westerberg, ICOA; Marie Kellner, Johathan Oppenheimer, Idaho Conservation League, Benjamin Davenport, Risch Pisca; Andy Brunelle, US Forest Services, Jim Unsworth, IDFG; Elizabeth Criner, NWFPA

A quorum being present, **Chairman Stevenson** called the meeting to order at 2:52 p.m.

MOTION: **Rep. Raybould** made a motion to approve the minutes of Wednesday, February 29, 2012. **Motion carried by voice vote**.

Mark Woods, Southern Idaho Timber Protective Association (SITPA), said the Timber Protection Association's history is long in Idaho. He said cooperative fire protection is still in use today and is the core of the Association. He said anyone owning forest lands can become a member of the Association. It is voluntary and open to all forest landowners. He reviewed the three methods that private forest landowners can choose to meet Idaho's Association membership requirements. He reviewed the membership rates. He stated the Associations are organized as private non-profit organizations. He gave an overview of the organization. He explained his duties as forest warden. He said they have a history that is long and efficient and cost effective. He reviewed the number of fires in the districts in the last 20 years. He said the concept of cooperative fire management is the key to success. He said their mission is the preservation, perpetuation and protection of the forest and of the forest lands of Idaho. He thanked the legislators for the opportunity to speak to them.

Howard Weeks, Clearwater-Potlatch Timber Protective Association, thanked the members for the opportunity to share their presentation. He said in the 1900's fire protection associations began to be established. In 1925 the Idaho Forestry Act was established and fire prevention codes were added. He reviewed the Association's vision, concerns and efforts through the years. He reviewed the first decade of fire operation and said through the next three decades there was a decline. He said they now maintain a minimum level of fire losses. Mr. Weeks reviewed suppression capabilities and what they have to work with to protect the forest. He explained their work on the health of forests using prescribed fires, site preparation, and hazard reduction. He explained their concerns for Airsheds and smoke dispersion. He said they have a plan when doing prescribed burning to minimize the impact to the public. He reviewed some numbers for fire preparedness funding.

H 608: Ken Harward, Idaho Association of Cities, yielded to **Mr. Lindley Kirkpatrick** to explain the legislation.

Lindley Kirkpatrick, City of McCall, spoke in **support of H 608**. He said this bill will clarify that cities and sewer districts are not required to obtain a water right for distribution of waste water on land. He said they worked with the Department of Water Resources and the Association of Cities and both support this measure. He said this doesn't change anything about DEQ's reuse tools, it only allows cities to use wastewater on growing crops. He said McCall has a water treatment plant and a wastewater treatment plant. He said Water Resources has assured the city they can reuse waste water when they have a municipal water right. He said it is not clear that the city can reuse waste water from a plant that does not have a municipal water right. Mr. Kirkpatrick said McCall contracts from an irrigation district that does not have a water right. He said the bill is crafted narrowly. He reviewed the new language in the bill.

Christopher Meyer, Givens Pursley, representing the City of McCall, reviewed the legislation. He said it is a simple measure of whether cities must first obtain a water right for land application of waste water reuse. He said they approached Water Resources on the issue and there were a number of circumstances where there is a question of whether it is lawful or not. He said getting a water right could be a lengthy and contentious process. He said this measure would answer a simple question. He said they have worked closely with the Dept. of Water Resources and with the Idaho Water Users Association. He said they do not oppose this bill.

In response to Committee questions, **Mr. Meyer** said this legislation would not authorize or prohibit the city from having storm water run off processed through the wastewater treatment plant and discharge back into a canal. He also said this legislation does not apply any new authorities to cities for depositing affluent on growing crops. He said those situations are covered by DEQ rules and are separate from this legislation.

MOTION: **Rep. Raybould** made a motion to send **H 608** to the floor with a **DO PASS** recommendation. **Motion carried by voice vote. Rep. Stevenson** will sponsor the bill on the floor.

H 542: **Craig Mickelson**, ICOA, said he represents game wardens around the state. He said he strongly opposes **H 542**. He said the bill would reduce the ability for conservation offices to do their job. He reviewed the adverse effects of the bill.

Johathan Oppenheimer, Idaho Conservation League, said this bill removes the Fish and Game's ability to manage wildlife. He said it is appropriate for the Department to regulate hunters and those not pursuing game are not effected by the regulation. He said this is more about fair game hunting than it is about access. He encourage the Committee to withdraw the bill and work with Fish and Game on this issue.

Angela Rossmann, Idaho Wildlife Federation, said their issues have been addressed and they support the Fish and Game Commission and their ability to regulate hunting in certain units.

Benjamin Davenport, Idaho Outfitters and Guides Assoc., said this is not an anti-OHV issue. He said the issue has been more polarized since the last Session. He said the Association still has some concerns that this may potentially force the Fish and Game to use other tools to manage game. He said there is concern with the potential of a reduction in hunting opportunity.

Sandra Mitchell, Idaho Recreation Council, said the Association does not believe there should be a motor vehicle on every road in the state. She said they believe the Department making the decision has the right to regulate. She said the Fish and Game work with the Forest Service and the Forest Service manages the habitat and Fish and Game manages the wildlife. She said the goals of the motorized vehicle rule seem to vague, especially when the Forest Service and Fish and Game can work together for seasonal closures. She said on behalf of the Association they are asking for support of **H 542**.

Rep. Boyle thanked the Committee for their patience. She said to clear up some misconceptions, the ATV task force met two times. She said they asked the Attorney General for an opinion. She said the interim committee was told that any member of the committee could bring legislation. She said the issue is; the Fish and Game rule is not tied to a Statute. She stated an amendment would be very fitting and asked on page 2 line 21, to add "on federally managed land" after the word use. She said cross country travel of ATVs is now illegal on Forest Service and BLM land. She said travel management plans take two or three years to complete and more and more roads are being closed to ATVs. She said those who go through the travel plan are now seeing more regulation on the state level. She said she believed ATVs are not a method of take anymore than a horse would be. She said a method of take is a firearm or bow or trap.

MOTION: **Rep. Wood(35)** made a motion to send **H 542** to General Orders. **Rep. Barrett** seconded the motion. **Motion carried by voice vote. Rep. Boyle** will sponsor the bill on the floor.

ADJOURN: There being no further business to come before the Committee the meeting adjourned at 4:07 p.m.

Representative Stevenson
Chairman

Susan Werlinger
Secretary

AGENDA

HOUSE RESOURCES & CONSERVATION COMMITTEE

1:30 p.m. or Upon Adjournment
Room EW40
Wednesday, March 07, 2012

SUBJECT	DESCRIPTION	PRESENTER
SJM 103	Community forest trust pilot	Sen. Keogh Jeremy Chou, Givens Pursley
S 1289	Irrigation districts, appeals	Norm Semanko, Idaho Water Users Assoc.
S 1290	Drainage districts	Norm Semanko

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COMMITTEE MEMBERS

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Rep Barrett
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Rep Raybould
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Rep Boyle
Rep Hagedorn
Rep Harwood(DeVries)
Rep Vander Woude
Rep Gibbs
Rep Pence
Rep Higgins
Rep Lacey

COMMITTEE SECRETARY

Susan Werlinger
Room: EW62
Phone: (208) 332-1136
email: swerlinger@house.idaho.gov

MINUTES

HOUSE RESOURCES & CONSERVATION COMMITTEE

DATE: Wednesday, March 07, 2012

TIME: 1:30 p.m. or Upon Adjournment

PLACE: Room EW40

MEMBERS: Chairman Stevenson, Vice Chairman Shepherd, Representative(s) Wood(35), Barrett, Moyle, Eskridge, Raybould, Bedke, Andrus, Wood(27), Boyle, Hagedorn, Harwood (DeVries), Vander Woude, Gibbs, Pence, Higgins, Lacey

ABSENT/ EXCUSED: Representative Wood(35)

GUESTS: Dan Dinning, Boundary County; Stan Leach, Clearwater County; Max Greenlee, Risch Pisca; Elizabeth Criner, NWFPA; Karry Ellen Elliott, IAC

Chairman Stevenson called the meeting to order at 2:14 p.m.

MOTION: **Rep. Boyle** made a motion to approve the minutes of Wednesday, March 5, 2012. **Motion carried by voice vote.**

SJM 103: **Rep. Anderson** said this memorial is about the Rural School Trust Pilot Project. He yielded to **Commissioner Dinning** from Boundary County and **Commissioner Leach** from Clearwater County to present the memorial.

Commissioner Dan Dinning, Boundary County, thanked **Rep. Anderson** and the co-sponsors of bill for bringing this memorial. He said this pilot project has been developed by five Idaho counties and they feel it is an extremely important issue. He said the Secure Rural Schools Act authorized payments directly to the counties. He said they had a financial obligation to the counties. He reviewed the percentage of the payment that goes to the road and bridge fund and the percentage that goes to rural schools. He said they have just received the last payment and although the Secure Rural Schools is up for reauthorization they are not sure it will be reauthorized. Commissioner Dinning said without Secure Rural Schools they will have no option but to cut funds. This will be a stress to roads, bridges and schools. He said they need an alternative to this funding and have come up with the concept of the Community Forest Trust. He said it is a partnership with the Department of Lands and the subject of **SJM 103**.

In response to Committee questions, **Commissioner Dinning** said all the counties endorse this and it is not specific to the five counties only. He said the profit from this will be distributed to all the counties in Idaho.

Commissioner Stan Leach, Clearwater County, listed the commissioners and counties that were involved in creating the pilot project. He said this will designate by law a trust for the purpose of providing revenue to support the local schools and roads. He said the management of the natural resources of the trust lands would be handled by the land professionals. He said this creates a small pilot project to prove the revenue would meet the obligations of the Secure Rural Schools funding. He thanked those who have work on this project and the others who have sponsored the memorial.

In response to Committee questions, **Director Tom Schultz**, Idaho Department of Lands, said the increase in timber production could be handled and they wouldn't need federal funds to run the production. He also said the federal and state management processes differ.

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

Rep. Bedke said this is only a pilot project for ten years, involving only 200,000 acres. He said the state needs to be ready to do this on a larger scale and use its own resources for these projects.

Rep. Shepherd said the state has been trying to go in this direction for a lot of years and this is a good way to handle the funding problem. He said the timing is good on this as well and the sponsors have done a good job working toward this goal.

Rep. Anderson said the thanks should be directed to the counties and commissioners that have work on this project.

VOTE ON MOTION: **Motion carried by voice vote. Reps. Anderson and Eskridge** will sponsor the bill on the floor.

S 1289: **Norm Semanko**, Idaho Water Users Association, said this bill refers to antiquated references in Code. It is replacing old language with existing Code that governs appeals. He said they want to up date the Code with what is occurring today.

MOTION: **Rep. Bedke** made a motion to send **S 1289** to the floor with **DO PASS** recommendation. **Motion carried by voice vote. Rep. Bedke** will sponsor the bill on the floor.

S 1290: **Norm Semanko** said currently there are no provisions for drainage districts to be assessed. He said they will be able to determined who is getting a benefit, which will allow for reapportionment to occur.

MOTION: **Rep. Hagedorn** made a motion to send **S 1290** to the floor with a **DO PASS** recommendation. **Motion carried by voice vote. Rep. Hagedorn** will sponsor the bill on the floor.

ADJOURN: There being no further business to come before the Committee the meeting adjourned at 2:55 p.m.

Representative Stevenson
Chairman

Susan Werlinger
Secretary

AGENDA

HOUSE RESOURCES & CONSERVATION COMMITTEE

1:30 P.M. or Upon Adjournment
Room EW40
Tuesday, March 13, 2012

SUBJECT	DESCRIPTION	PRESENTER
SCR 120	Cocolalla Lake	Sen. Pearce
S 1321	winter feeding account	Sen. Pearce
SCR 121	Fish and Game rule, rejected	Sen. Pearce
H 458	Fish and Game, wolf tags, licenses	Sharon Kiefer, Dept. of Fish and Game

If you have written testimony, please provide a copy of it to the committee secretary to ensure accuracy of records.

COMMITTEE MEMBERS

Chairman Stevenson
Vice Chairman Shepherd
Rep Wood(35)
Rep Barrett
Rep Moyle
Rep Eskridge
Rep Raybould
Rep Bedke
Rep Andrus
Rep Wood(27)
Rep Boyle
Rep Hagedorn
Rep Harwood
Rep Vander Woude
Rep Gibbs
Rep Pence
Rep Higgins
Rep Lacey

COMMITTEE SECRETARY

Susan Werlinger
Room: EW62
Phone: (208) 332-1136
email: swerlinger@house.idaho.gov

MINUTES

HOUSE RESOURCES & CONSERVATION COMMITTEE

DATE: Tuesday, March 13, 2012

TIME: 1:30 p.m. or Upon Adjournment

PLACE: Room EW40

MEMBERS: Chairman Stevenson, Vice Chairman Shepherd, Representative(s) Wood(35), Barrett, Moyle, Eskridge, Raybould, Bedke, Andrus, Wood(27), Boyle, Hagedorn, Harwood, Vander Woude, Gibbs, Pence, Higgins, Lacey

ABSENT/ EXCUSED: Representatives Moyle, Bedke and Higgins

GUESTS: Joie McGarvin, ICOA; Sharon Kiefer, IDFG; Dennis Tanikuni, Idaho Farm Bureau; Dennis Stevenson, Rules Coordinator

Chairman Stevenson called the meeting to order at 2:17 p.m.

MOTION: **Rep. Boyle** made a motion to approve the minutes of Thursday, March 1, 2012 and Wednesday, March 7, 2012. **Motion carried by voice vote**.

H 458: **Sharon Kiefer**, Deputy Director, Department of Fish and Game, said this bill would add a wolf tag to the existing Sportsman's Pak (Sportpak) license package and adjust fees for the added tag. She said hunters can still purchase more than one wolf tag if they want, but this will only add one wolf tag to the Sportpak. Ms. Kiefer said the increased cost to the tag, including vendor fees, would be $7.00.

MOTION: **Rep. Gibbs** made a motion to send **H 458** to the floor with a **DO PASS** recommendation. **Motion carried by voice vote. Rep. Gibbs** will sponsor the bill on the floor.

SCR 121: **Sharon Kiefer**, explained the Rule, **Docket No. 13-0104-1102**, saying this is regarding the landowner appreciation tag program which provides special hunting opportunities for landowners. She said the program would be voluntary and would provide incentives for landowners.

Dennis Stevenson, Rules Coordinator, said the House Committee did approve the rule, but the Senate Committee rejected the Rule. He said the House would need to concur with the Senate to reject the Rule.

Rep. Gibbs said the Subcommittee did review and debate the Rule and decided to accept it.

In response to Committee questions, **Sen. Pearce** said the Rule wasn't debated heavily in the Senate Committee, but there was a general consensus that they didn't like the tag Rule and wanted to reject it.

Rep. Wood(35) said the Subcommittee did have some discomfort about allowing the extra tags to go to the land owners and about the ability to resell those tags.

Rep. Gibbs said these tags were to be used to enhance the Access Yes Program which hasn't really taken off. He said there was some discomfort with this pool of tags not being used.

In response to Committee questions, **Ms. Kiefer** said if the Rule is rejected by this resolution, the extra tags would be redesignated into the Landowner Appreciation Program (LAP). She said all existing LAP Rules would apply and Fish and Game would not create the new program.

MOTION: **Rep. Gibbs** made a motion to concur with the Senate Committee to reject the rule. **Motion carried by voice vote. Rep. Wood(35)** will sponsor the bill on the floor.

SCR 120: **Sen. Pearce** gave a history of the resolution from Water Resources. He said they wrote a new resolution which would reject the original order from the Department of Water Resources and stop the application to appropriate water. He said the Department concurred in the Senate Committee with the rejection.

Brian Patton, Dept. of Water Resources, said when the original legislation came up in front of the Senate Committee the Bonner County Commissioners opposed the action. He said they started the process of rejecting the application on the request of the local community. He said the Water Resources Department and the Water Board have no objection to this.

In response to Committee questions, **Mr. Patton** said the rejection in this legislation will stop the permit. **Rep. Eskridge** said he would support this measure, but the issue is not settled in the area and he would encourage the Water Board to continue discussions with the local community on the issue. He said they need to find a solution that will be meaningful to everyone involved.

MOTION: **Rep. Harwood** made a motion to send **SCR 120** to the floor with **DO PASS** recommendation. **Motion carried by voice vote. Rep. Harwood** will sponsor the bill on the floor.

S 1321AA: **Sen. Pearce** reviewed the changes in the bill. He said the money in the winter feeding account is not being used as the sportsmen thought it would be. He said the money in the account should be used solely for feeding purposes. Sen. Pearce said the winter feeding program is needed to help sustain the elk and deer herds. He said the bill also allows for a report by the Fish and Game Department for the expenditures from the account.

In response to Committee questions, **Sen. Pearce** said there are volunteers that do most of the feeding and the Department has adequate resources to get supplies distributed. He said the Department has other money available for range rehabilitation, the money in this account should be used exclusively for winter feeding.

MOTION: **Rep. Wood(35)** made a motion to send **S 1321aa** to the floor with a **DO PASS** recommendation.

Sharon Kiefer, Department of Fish and Game, said the Fish and Game Commission have discussed the amended bill and they do not support it. She gave a background of the winter feeding set-aside account. She said $0.75 from antelope, elk, and deer tags go into the set-aside account. She said it was suggested the Department told sportsmen that this would just be for winter feeding, but the account is also set up for winter range rehabilitation. Ms. Kiefer said when the account reaches the point of $400,000 funds can be used for rehabilitation of winter range. She said only the "overflow" funds over $400,000 can be used for the rehabilitation.

Ms. Kiefer explained how the winter feeding advisory committees provide local input on when and where winter feeding is needed. She gave a specific example of the criteria for winter feeding. She explained the winter feeding program expenditures. She said the account is set up to create more income during easy winters and provide enough funding for feeding during hard winters. She said the fund is specific on what the money can be used for.

Ms. Kiefer said **S 1321aa** restricts spending of the winter feeding set-aside account funds to no longer cover all of emergency winter feeding actions. She said they would no longer be able to use account funds for labor on winter range rehabilitations and would no longer be able to use the winter feeding funds to get the product in or on the ground. She gave examples of what would and would not be allowable for winter feeding and winter range rehabilitations. She said the approach of **S 1321aa** at feeding might be a disincentive in winter range feeding and range rehabilitation. She said the Fish and Game Commission is not in support of the legislation.

In response to questions from the Committee, **Ms. Kiefer** said they appreciate their volunteers, but volunteers can't always be there when needed. She said the bill would not allow for getting the feed on the ground by Department personnel. she also said in response to Committee questions that the mule deer initiative is a winter range building effort. She said the funding provided from this fund is not the only source of funding for the mule deer initiative. She said they do not object to the fiscal reporting required in the bill.

Dennis Tanakuni, Idaho Farm Bureau, expressed the Farm Bureau's support of the bill as amended. They agreed the funds should only be used for that purpose. He said they are primarily concerned with feeding animals in an emergency situation.

Sen. Pearce said in summary they are dealing with a philosophy that the Fish and Game are not concerned with winter feeding and use these funds for whatever they want. He said the Fish and Game had no way to track the spending. He said they found that the funds were not always used for the purpose of winter feeding and now the Fish and Game are more careful in spending. He said the public is concerned about this issue and they need to do better in maintaining herds under pressure.

Rep. Wood(27) said winter feeding has always been a big issue. He said there is a philosophy about what winter feeding is. He said when he was on the Fish and Game Commission these funds were not used for pickups or other things. He thought this legislation was too restrictive and didn't allow for the cost of getting the product to the animals.

SUBSTITUTE MOTION:

Rep. Wood(27) made a substitute motion to **HOLD S 1321aa** in Committee.

Rep. Barrett spoke in support of the original motion. **Rep. Gibbs** and **Rep. Pence** spoke in support of the substitute motion. **Rep. Boyle** said the winter feeding issue is what brought her to the Legislature and the issue of the Fish and Game claiming to feed animals and then animals were not being fed. She said she will support the original motion. **Rep. Hagedorn** said he also came into the political realm over the winter feeding issue and said the statute needs to be reevaluated and changed. He said the low recruitment of elk is an emergency and the organization is basing their decisions on starving animals only. He said he would support the original motion. **Rep. Lacey** said the bill does not solve the problems and is too narrow, he would support the substitute motion.

ROLL CALL VOTE ON SUBSTITUTE MOTION:

Roll call vote was requested on the substitute motion to **HOLD S 1321aa** in Committee. **Substitute motion failed by a vote of 6 AYE, 9 NAY, 3 Absent/Excused. Voting in favor** of the motion: **Reps. Eskridge, Wood(27), Gibbs, Pence, Lacey and Stevenson. Voting in opposition** to the motion: **Reps. Shepherd, Wood(35), Barrett, Raybould, Andrus, Boyle, Hagedorn, Harwood and Vander Woude. Reps. Moyle, Bedke and Higgins were Absent/Excused.**

VOTE ON ORIGINAL MOTION:

Original motion carried by voice vote. Rep. Wood(35) will sponsor the bill on the floor.

ADJOURN: There being no further business to come before the Committee, the meeting adjourned at 3:44 p.m.

Representative Stevenson Chairman	Susan Werlinger Secretary

AGENDA

HOUSE RESOURCES & CONSERVATION COMMITTEE

1:30 p.m. or Upon Adjournment
Room EW40
Thursday, March 15, 2012

SUBJECT	DESCRIPTION	PRESENTER
SCR 125	Sage-grouse task force	Sen. Brackett
S 1271	Dept. of Lands, grazing leases	Sen. Brackett
S 1256	Fish and Game, bighorn sheep tags, auction	Rep. Moyle

If you have written testimony, please provide a copy of it to the committee secretary to ensure accuracy of records.

COMMITTEE MEMBERS

Chairman Stevenson
Vice Chairman Shepherd
Rep Wood(35)
Rep Barrett
Rep Moyle
Rep Eskridge
Rep Raybould
Rep Bedke
Rep Andrus
Rep Wood(27)
Rep Boyle
Rep Hagedorn
Rep Harwood
Rep Vander Woude
Rep Gibbs
Rep Pence
Rep Higgins
Rep Lacey

COMMITTEE SECRETARY

Susan Werlinger
Room: EW62
Phone: (208) 332-1136
email: swerlinger@house.idaho.gov

MINUTES

HOUSE RESOURCES & CONSERVATION COMMITTEE

DATE: Thursday, March 15, 2012

TIME: 1:30 p.m. or Upon Adjournment

PLACE: Room EW40

MEMBERS: Chairman Stevenson, Vice Chairman Shepherd, Representative(s) Wood(35), Barrett, Moyle, Eskridge, Raybould, Bedke, Andrus, Wood(27), Boyle, Hagedorn, Harwood, Vander Woude, Gibbs, Pence, Higgins, Lacey

ABSENT/ EXCUSED: None.

GUESTS: Forrest Goodrum, Ada City Fish & Game League; Bryan Moore, Idaho Wild Sheep Foundation; Neil Crescenti, Bob Brammer, Dept. of Lands; Wally Butler, Idaho Farm Bureau Federation; Sharon Kiefer, Idaho Dept. of Fish & Game; Benjamin Davenport, Risch Pisca; Jim Nunley, Self; Burk Mantel, Self.

Chairman Stevenson called the meeting to order at 2:44 p.m.

MOTION: **Rep. Lacey** made a motion to approve the minutes of Tuesday, March 13, 2012. **Motion carried by voice vote**.

SCR 125: **Sen. Brackett** encouraged the Committee to support the Governor's effort to create a sage grouse task force. He said this is a result of a resent court decision and the Governor understands the devastation that would occur if the grouse are listed. He said the purpose of the task force is to create a management plan. Sen. Brackett said the plan will provide a mechanism to preclude the need to list the species. He also said if the grouse are listed it will provide a mechanism to manage the species. He said the plan will be built on efforts provided by the working groups. He said he hoped the Committee will endorse and encourage the Governor's efforts for the task force and the management plan.

MOTION: **Rep. Wood(35)** made a motion to send **SCR 125** to the floor with a **DO PASS** recommendation. **Motion carried by voice vote. Rep. Wood(35)** will sponsor the bill on the floor.

S 1271: **Sen. Brackett** declared a possible conflict of interest, he said he does have a state land lease and ownership in a business that has state land leases. He said he is bringing this legislation on behalf of Owyhee Cattlemen and the Idaho Cattle Association. He said this legislation will correct a Rule problem. He said people were not comfortable with the Rule revision that required a grazing management plan. He said when the Rules were publish, the section was not there. Sen. Brackett said this legislation restores legislative intent and puts the section back in the Rule. He agreed this requirement makes a positive statement for grazing requirements.

Bob Brammer, Assistant Director, Dept. of Lands, thanked Sen. Brackett for working with the Department on the language in the bill. He said the legislation would clarify the document submitted with the application is a proposal, not the management plan. He said during the application process the Department will go through the proposal and make sure the concerns on the parcel are addressed.

Wally Butler, Idaho Farm Bureau, said he has been involved in the task force that put together the Rules. He said the Idaho Farm Bureau supports this legislation.

MOTION: **Rep. Andrus** made a motion to send **S 1271** to the floor with a **DO PASS** recommendation. **Motion carried by voice vote. Rep. Andrus** will sponsor the bill on the floor.

S 1256: **John Watts**, representing Doug Sayer, said this legislation relates to the Governor's Wildlife Auction Tag proposal. He said it does several things and gave a general overview of the bill and what it does. He said there is new language regarding the proceeds from big horn sheep tags. He said this bill allows for the Fish and Game Commission to make the decision if they want to issue up to three deer, three elk, three pronghorn antelope, one moose, one mountain goat, or one big horn sheep tag. He said the point of the legislation is to create an ongoing alternative perpetual income for the Department. He said it also places solely in the hands of the Commission the dates and areas where the tags can be used.

Mr. Watts said the tags will all be taken from the non resident pool and will not reduce the hunting opportunity for resident hunters. He said the tags will be handled in the manner already used by the Department. He said this bill helps determine how these revenues are used. He said revenues could be used for hunter access, wildlife habitat or wildlife habitat management, or research and management activities approved by the Commission. He said this will give the Commission flexibility and responsibility to manage wildlife in the state. He said the funds cannot be used to acquire grazing permits or land, and prohibits the planting of additional big horn sheep in southern Idaho.

Mr. Watts gave a history of the issues heard over the last few years. He reviewed how the public was involved and how they met with sportsmen groups. He said the fiscal impact would be a positive revenue stream. He also said the revenue will fluctuate because the tags will be sold for various amounts. He said this will give the Department the opportunity to raise more revenue and will be a benefit for Idaho wildlife.

Sharon Kiefer, Deputy Director, Idaho Department of Fish and Game, said the Fish and Game Commission has discussed this issue. She said they have taken a policy position, on a close vote, to not support the legislation. She said they have also encouraged sportsmen to contact their Legislators on this issue. Ms. Kiefer gave a history on the issue and said many sportsmen were critical of the approach. She said that not all auctioned tags have created more hunting opportunity. She said the proposal is consistent with standing statute. She said they do agree with the revenue forecast if all tags are auctioned. She explained which funds the proceeds from the auctioned tags are allocated to.

Ms. Kiefer explained the tags are reallocated from the non resident pool which is limited to 10% of all tags for certain species. She said this is not a concern when the pool for non residents is large but does become a huge concern for non residents when numbers in the pool are small. She spoke about the tag proceeds and how the proceeds can be used on things different from what currently exists. She said the Commission can still adopt a policy to designate that the proceeds will go to specific programs. She said there may be some unintended consequences from the reallocation of tags from non residents, who do pay a higher price. She said these auction tags will created revenue for wildlife programs and is not unique to Idaho. She said this has created an active market for these types of tags and allows those with financial means to purchase hunting opportunities for wildlife in Idaho.

Forrest Goodrum, Ada County Fish and Game League, **spoke in opposition** to the bill as a matter of principal. He said he did not believe auctioning tags to the highest bidder is appropriate. He said he moved to Idaho for a lifestyle change, namely hunting and fishing, and a more open environment. He said he finds this objectionable because of the principal involved. He said he didn't want to see the principal compromised.

Brian Moore, Idaho Wild Sheep Foundation, said currently the organization auctions one tag. He said they have problems with the bill because it does not specifically give the funds from the auctioned tags to wild sheep. He said he would want to amend the legislation so that the funds from the wild sheep tag go specifically to wild sheep.

Jim Nunley, Self, said allowing the Department of Fish and Game to provide tags for auction to the highest bidder will not satisfy anyone he knows. He said the wildlife in north America are considered the property of the people and the management of game needs to be met. He said just because someone can outbid others does not meet the criteria of wildlife management. He said the sportsmen he has talked to, do not support this bill. He said wildlife belongs to the people and everyone has a vested interest. He said the Department of Fish and Game shouldn't be run like a business. He said the Department doesn't want to alienate their support group and producing tags that are sold to the highest bidder will alienate sportsmen. He said sportsmen believe in equal opportunity and this bill would give special tags to people with the most money.

Burk Mantel, Self, gave some history of this issue. He said originally the Fish and Game Commission was opposed to this type of tag. He said later they became neutral on the issue and are now back to opposing it. He said he agrees with the amendment for the legislation. He said the revenue projections are flawed because the tags could be sold for less. He said he has not seen any support for the bill by sportsmen groups. He said there is an opportunity at the wildlife summit for discussion of this issue to see if the sponsors can get more support. He urged the Committee to hold the bill and get support from sportsmen.

In response to Committee questions, **Mr. Mantel** said he supports preserving the wild sheep auction tag but not the other auction tags because it can start to get out of hand. He said he doesn't want to see any more tags being available for sale at action in Idaho, and doesn't think sportsmen do either. In further response to Committee questions, Mr. Mantel said in the beginning there was overwhelming support from sportsmen organizations, now that has changed in the last 25 years. He said sportsmen have seen what has happened in other states and they don't like it. He said he is not opposed to the number of sheep tags currently being sold but is opposed to auctioning off any more tags for big game species.

Benjamin Davenport, representing the Outfitter and Guides Assoc., said the outfitters and guides do have concerns, but understand the dynamic. He said the majority of their customers come from non residents, who don't have a problem with three tags being taken from deer, elk and antelope. He said the problem is with the tags for big horn sheep being taken from the eight available tags for non residents. He said Idaho has been responsible when it comes to these types of tags and replacing "shall" with "may" in the amendment is appropriate. He said the Association has no position on the bill at this time.

Angela Rossmann, Idaho Wildlife Federation, said it would have been best to have had a public comment period with the Commission. She said she would like the public to weigh in on this issue.

John Watts said this is current policy in Idaho, not something new. He said this will create additional revenue for the Department of Fish and Game. He said the Commission has the option to determine the number of tags to use and it "may" be up to three for some species. He said there has been opportunity for the public to voice their opinion on the issue. He reviewed the schedule of how the concept became the legislation. He thought the issue has had a very thorough briefing. He urged the Committee to send this legislation to General Orders so the amendment could be attached.

MOTION: **Rep. Hagedorn** made a motion to send **S 1256** to General Orders. **Rep. Wood(27) seconded the motion. Motion carried by voice vote with Reps. Wood(35), Barrett, and Shepherd voting NAY. Rep. Moyle** will sponsor the bill on the floor.

ADJOURN: There being no further business to come before the Committee, the meeting adjourned at 4:14 p.m.

_____
Representative Stevenson
Chairman

_____
Susan Werlinger
Secretary

AGENDA

HOUSE RESOURCES & CONSERVATION COMMITTEE

1:30 p.m. or Upon Adjournment
Room EW40
Monday, March 19, 2012

SUBJECT	DESCRIPTION	PRESENTER
HJR 2	Right to hunt, trap and fish	Rep. Boyle, Sen. Heider

If you have written testimony, please provide a copy of it to the committee secretary to ensure accuracy of records.

COMMITTEE MEMBERS

Chairman Stevenson
Vice Chairman Shepherd
Rep Wood(35)
Rep Barrett
Rep Moyle
Rep Eskridge
Rep Raybould
Rep Bedke
Rep Andrus
Rep Wood(27)
Rep Boyle
Rep Hagedorn
Rep Harwood
Rep Vander Woude
Rep Gibbs
Rep Pence
Rep Higgins
Rep Lacey

COMMITTEE SECRETARY

Susan Werlinger
Room: EW62
Phone: (208) 332-1136
email: swerlinger@house.idaho.gov

MINUTES

HOUSE RESOURCES & CONSERVATION COMMITTEE

DATE: Monday, March 19, 2012

TIME: 1:30 p.m. or Upon Adjournment

PLACE: Room EW40

MEMBERS: Chairman Stevenson, Vice Chairman Shepherd, Representative(s) Wood(35), Barrett, Moyle, Eskridge, Raybould, Bedke, Andrus, Wood(27), Boyle, Hagedorn, Harwood, Vander Woude, Gibbs, Pence, Higgins, Lacey

ABSENT/ EXCUSED: Representative Gibbs

GUESTS: Sharon Kiefer, Department of Fish and Game.

Chairman Stevenson called the meeting to order at 2:45 p.m.

HJR 2: **Sen. Heider**, said this resolution will provide for a Constitutional Amendment to be voted on by the citizens of the State of Idaho. He said it will provide for the rights to hunt, fish and trap, including by the use of traditional methods, are a valued part of the heritage of the state of Idaho and shall forever be preserved for the people and managed through the laws, rules and proclamations that preserve the future of hunting, fishing and trapping. He said this will provide that public hunting, fishing and trapping of wildlife shall be a preferred means of managing and controlling wildlife and to provide that the rights set forth do not create a right to trespass on private property, shall not affect rights to divert, appropriate and use water, or establish any minimum amount of water in any water body, and shall not lead to a diminution of other private rights.

Sen. Heider said they have had input from the Attorney General, Department of Fish and Game and Department of Water Resources and all agree on the language. He said several other states have adopted this Constitutional Amendment. He said some people have asked why we need to add this right, that we already have it. He said it is not in the Constitution and this will state it in the Idaho Constitution.

Sen. Heider said the National Rifle Association (NRA) added the language "managing and controlling". He said the Department of Fish and Game didn't like the word "controlling" and thought it should be taken out. The NRA agreed to take out "controlling".

In response to Committee questions, **Sen. Heider** clarified the NRA did agree that "controlling" was redundant and thought "managing" was sufficient. He said the NRA was excited to see Idaho amend the Constitution. He said they are trying to benefit the people of Idaho.

Rep. Wood(27) said people have been struggling to put this amendment in the Constitution for many years. He thought **Sen. Heider** should be commended for finally finding the appropriate language to put into the Constitution.

MOTION: **Rep. Wood(35)** made a motion to send **HJR 2** to General Orders. **Rep. Barrett** seconded the motion.

Sharon Kiefer, Idaho Department of Fish and Game, said the Commission supports the desire to uphold the right to trap, fish and hunt. She said they were concerned with the phrase "and controlling". She explained the Fish and Game Commission's concern. She said they were concerned the language created a threshold for homeowners and livestock owners on private land as a means of control. She said the tools of wildlife control are different from other regulated controls. She said there is a difference in managing and control efforts. She said she wanted to provide some rational for the Commission's concern with the phrase in the Resolution.

Norm Semanko, Idaho Water Users Assoc., said they have been very involved with this issue. He said the right to divert and appropriate waters is in the Constitution, but this amendment will not interfere with this right. He said water users support the water language and have no opinion on the underlying Constitutional Amendment.

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

Chairman Stevenson introduced his wife, daughter and granddaughter who were here for the Committee meeting.

ADJOURN: There being no further business to come before the Committee, the meeting adjourned at 3:15 p.m.

Representative Stevenson
Chairman

Susan Werlinger
Secretary

AGENDA

HOUSE RESOURCES & CONSERVATION COMMITTEE

1:30 p.m. or Upon Adjournment
Room EW40
Wednesday, March 21, 2012

SUBJECT	DESCRIPTION	PRESENTER
	Rangeland Report	Wally Butler, Idaho Farm Bureau

If you have written testimony, please provide a copy of it to the committee secretary to ensure accuracy of records.

COMMITTEE MEMBERS

Chairman Stevenson
Vice Chairman Shepherd
Rep Wood(35)
Rep Barrett
Rep Moyle
Rep Eskridge
Rep Raybould
Rep Bedke
Rep Andrus
Rep Wood(27)
Rep Boyle
Rep Hagedorn
Rep Harwood
Rep Vander Woude
Rep Gibbs
Rep Pence
Rep Higgins
Rep Lacey

COMMITTEE SECRETARY

Susan Werlinger
Room: EW62
Phone: (208) 332-1136
email: swerlinger@house.idaho.gov

MINUTES

HOUSE RESOURCES & CONSERVATION COMMITTEE

DATE: Wednesday, March 21, 2012

TIME: 1:30 p.m. or Upon Adjournment

PLACE: Room EW40

MEMBERS: Chairman Stevenson, Vice Chairman Shepherd, Representative(s) Wood(35), Barrett, Moyle, Eskridge, Raybould, Bedke, Andrus, Wood(27), Boyle, Hagedorn, Harwood, Vander Woude, Gibbs, Pence, Higgins, Lacey

ABSENT/ EXCUSED: Vice Chairman Shepherd, Representatives Barrett, Moyle, Bedke, Boyle, Vander Woude and Higgins.

GUESTS: None.

A quorum being present, **Chairman Stevenson** called the meeting to order at 4:48 p.m.

MOTION: **Rep. Lacey** made a motion to approve the minutes of Thursday, March 15, 2012. **Motion carried by voice vote.**

MOTION: **Rep. Lacey** made a motion to approve the minutes of Monday, March 19, 2012. **Motion carried by voice vote.**

Chairman Stevenson thanked **Aubrianne Christensen** for her work as a page during the second part of the Session. He also thanked the Secretary, **Susan Werlinger**.

Wally Butler, Idaho Farm Bureau Federation, said he does a great deal of range monitoring with his job at Farm Bureau. He said they look at grazing prior to livestock going on the area and they also look at the area after grazing. He said they monitor predominantly on public land but occasionally on private land. They do monitoring every year, whether the result is good or bad. He said this shows the adaptations shown in the grazing stations.

Mr. Butler said they do short term and long term monitoring. He reviewed what is looked at during the short and long term monitoring. He said during short-term monitoring they take before and after photos, review the written record of grazing events, and check stubble height. He said during long term monitoring they review a periodic record of 3-5 years, and take a photographic record of composition and trend data.

Mr. Butler reviewed the concerns with ranchers doing the monitoring. He said there are issues of credibility, acceptance and commitment of the rancher. He said there is a fear of change and skepticism. He said most of the time the ranchers don't know how to do the monitoring.

Mr. Butler said when establishing a monitoring plan they review the rancher and permittee agreement, and review any current or historical monitoring data which is written or photographic. He said they also obtain or develop resource maps, tour the resource area, select and install monitoring sites, and collect data and take photos.

Mr. Butler said during selection of monitoring sites they determine key areas which are representative of large portions of grazing allotments or pasture. He said they consider topography and distance from water and fence locations. He said when determining critical areas, they look at areas that require special management consideration. Mr. Butler gave one example of viewing sights and what he looks at on the sight. He also reviewed comparative photos of several monitored sights.

Chairman Stevenson introduced the President of Farm Bureau, **Frank Priestley**, and welcomed him to the Committee.

Norm Semanko, Idaho Water Users, gave an update on a **S 1383**, saying it was heard in Senate State Affairs and will be considered by the Senate tomorrow. He said it will hopefully be referred to this Committee by tomorrow. He said the changes to the bill are cosmetic and it is no longer opposed by the Trial Lawyers.

ADJOURN: There being no further business to come before the Committee, the meeting adjourned at 5:26 p.m.

Representative Stevenson
Chairman

Susan Werlinger
Secretary

AGENDA

HOUSE RESOURCES & CONSERVATION COMMITTEE

At the Call of the Chair
Room EW40
Tuesday, March 27, 2012

SUBJECT	DESCRIPTION	PRESENTER
	Approval of Minutes.	

If you have written testimony, please provide a copy of it to the committee secretary to ensure accuracy of records.

COMMITTEE MEMBERS

Chairman Stevenson
Vice Chairman Shepherd
Rep Wood(35)
Rep Barrett
Rep Moyle
Rep Eskridge
Rep Raybould
Rep Bedke
Rep Andrus
Rep Wood(27)
Rep Boyle
Rep Hagedorn
Rep Harwood
Rep Vander Woude
Rep Gibbs
Rep Pence
Rep Higgins
Rep Lacey

COMMITTEE SECRETARY

Susan Werlinger
Room: EW62
Phone: (208) 332-1136
email: swerlinger@house.idaho.gov

MINUTES

HOUSE RESOURCES & CONSERVATION COMMITTEE

DATE: Tuesday, March 27, 2012

TIME: At the Call of the Chair

PLACE: Room EW40

MEMBERS: Chairman Stevenson, Vice Chairman Shepherd, Representative(s) Wood(35), Barrett, Moyle, Eskridge, Raybould, Bedke, Andrus, Wood(27), Boyle, Hagedorn, Harwood, Vander Woude, Gibbs, Pence, Higgins, Lacey

ABSENT/ EXCUSED: Representatives Moyle, Bedke, and Hagedorn.

GUESTS: None.

Chairman Stevenson called the meeting to order at 11:31 a.m.

MOTION: **Rep. Lacey** made a motion to approve the minutes of Wednesday, March 21, 2012. **Motion carried by voice vote.**

Chairman Stevenson thanked the Committee members for their kindness to him as Chairman and their service to the people of the state of Idaho.

Rep. Wood made a presentation of appreciation to the Chairman from the Committee members.

Chairman Stevenson said he appreciated the accolades from the Committee.

Rep. Raybould expressed how honored he was to serve with the Chairman. He said Chairman Stevenson's advise and work in the area of water resources in the state are commendable. He wanted the Chairman to know he appreciated his fellowship and being able to work with him on water issues.

Rep. Vander Woude said he first came before this Committee as a private citizen and was pleased to see how the Chairman conducted the Committee. He said Chairman Stevenson is one of the people in the House that he looked to for guidance and direction.

Rep. Harwood thanked Chairman Stevenson for being a good Chairman and thanked the Committee for their work.

Rep. Barrett said she has been on this Committee for a long time and she thought it was one of the best and most important Committees, she thanked the Chairman for his leadership.

Rep. Pence said she had gone to a few water meetings and knew the Chairman had a lot of experience. She said it has been a pleasure to work with the Chairman and she appreciated how fair he has handled things.

Chairman Stevenson expressed his appreciation to the Committee members. He also expressed his appreciation for their friendships over the years.

ADJOURN: There being no further business to come before the Committee, the meeting adjourned at 11:41 a.m.

Representative Stevenson
Chairman

Susan Werlinger
Secretary