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"Government does not tax to get the money it needs; government always finds a need for the money it gets." President Ronald Reagan

Craters of Moon Memorial Advances 20-13

This week SJM101, the memorial requesting Congress to designate the Craters of the Moon National Monument as a National Park, was heard on the Senate floor despite the fact that there had been no public hearing.

The Idaho Farm Bureau has been consistently opposed to this effort since it surfaced two years ago. In 2015, a similar memorial was introduced and slipped through unanimously on the Senate floor before anyone even knew what was happening during the last part of the session. Once it arrived in the House and members had a chance to think it through, it was promptly killed.

This year the same tactics have been employed. SJM101 was introduced last Wednesday, and then, with no public hearing, it was sent to the Senate floor on Monday. Fortunately, this year, a number of senators recognized that significant unintended consequences will arise if this memorial passes and they voted against the measure.

First and foremost is the fact that as soon as the area is designated a national park, national and regional environmental groups will immediately begin their typical campaigns to "protect the park". This will include vehemently protesting every grazing allotment renewal surrounding the park, applying unending pressure to restrict hunting and riding ATV's and other off-road vehicles around the park, and using every tactic available, including lawsuits, to force the federal agencies to create a huge buffer around the park where all activities that are currently allowed would be prohibited.

The Idaho Water User's Association also raised the issue that National Parks are entitled to federal reserved water rights. This is a serious concern in this area and would be a devastating blow to local agricultural operations.

We appreciate those senators who thoughtfully considered the negative effects that such a proposal would have on the local economy in this area as agriculture and recreation are further restricted after a national park designation. Senators who voted in opposition to SJM101 were: Senators Rice, Vick, Bayer, Guthrie, Harris, Patrick, Den Hartog, Souza, Anthon, Agenbroad, Foreman, Nonini and Crabtree.

IFBF continues to oppose any effort to designate Craters of the Moon as a national park. **IFBF opposes SJM101.**

Stockwater Bills Advance to House

This week both S1111 and S1101 were approved on the Senate floor and will now move to the House Resources & Conservation Committee chaired by Rep Marc Gibbs (R-Grace). S1111 would place the essential elements of the Idaho Supreme Court decision in Joyce Livestock v United States into code. This decision held that federal agencies cannot hold stockwater rights unless they own livestock and put the water to beneficial use. This bill passed the Senate on a vote of 34-0 and was sponsored by Senator Mark Harris



(R-Soda Springs).

S1101 would limit the fees or other costs that ranchers would have to pay when they submit claims for stockwater rights. This is necessary since the state of Idaho abandoned the ranchers who filed claims for their stockwater rights during the Snake River Basin Adjudication when the BLM filed competing claims. Not only did the State refuse to defend the ranchers' legitimate claims against the federal government, but curiously, the state also recommended the BLM's bogus claims to the SRBA court as being legitimate.

The ranchers were left in a difficult situation; either withdraw their legitimate claims or face long and costly litigation against the federal government with no support from the state. Most ranchers capitulated and withdrew their claims. Fortunately, two ranchers did not, and after ten long years of litigation, they prevailed in the Idaho Supreme Court. This is what led to the Joyce decision referenced above. S1101 would allow ranchers to now file for and receive their legitimate stockwater rights at a reduced cost since the state abandoned them years ago. Senator Bert Brackett (R-Rogerson) sponsored S1101, and it passed the Senate 32-1.

Chairman Gibbs has scheduled a hearing for both S1111 and S1101 on Monday, March 13 at 1:30 pm. Any members who would like to come and testify in favor of these bills are welcome to do so. **IFBF supports both S1111 and S1101.**

Fish and Game Depredation Bill Passes House

H230, a bill which provides \$1 million in new money annually to the Idaho Fish and Game Department (IDFG) Expendable Depredation and Depredation Prevention Accounts passed the House last Tuesday. The bill passed the House Resources Committee last Friday.

Idaho Farm Bureau Federation (IFBF) supports H230 as **it conforms to Policy No, 84- Fish and Game Department which states “. . . We oppose any increase in funding for the Idaho Department of Fish and Game from either the general fund or license fees without showing a specific need or use for the funds”.**

The legislation also addresses a number of IFBF policies either wholly or in part. A landowner who takes an animal in a control action may keep an animal for personal use, the \$1,000 depredation deductible is reduced to \$750, increased depredation funding may result in no proration of claims and the \$2.5 million cap for the claims account can act as a reserve in heavy loss years once the account balance is built up. Additional funds in the depredation prevention account will help IDFG control the concentration of wildlife numbers by dispersing the animals.

H230 will raise \$2 million through “license endorsement” fees of \$5 for residents and \$10 nonresident. Of this \$2 million, \$1 million will be divided equally (\$500k each) between the Expendable Depredation and the Depredation Prevention accounts.

The remainder of revenues up to \$1 million will go to the fishing and hunting access dedicated account. This money cannot be used to buy real property, but only for access agreements and easements.

The Expendable account gets the first \$500K and will receive \$750K annually since \$250K is already transferred to that account every year. The prevention account receives the 2nd \$500K. The claim fund balance is capped at \$2.5 million; an increase of \$1.75 million over the current cap of \$750K. Any fund balance over \$2.5 million goes to the depredation prevention account. Additional moneys from the sale of deer, elk and pronghorn tags are split between the depredation prevention and winter feeding accounts. Labor and mileage are added as approved expenses from the winter feeding account.

The bill also codifies IDFG's “price lock” fee increases and is expected to raise another \$3 million in revenue. This money can be used for construction and repair of hatcheries, reservoirs and adds fishing access as an approved expense.

Not all parties will be happy with this bill. There is still significant skepticism that IDFG will keep the promises made in H230. It will be up to the Legislature and stakeholder groups to make sure the provisions in the legislation are enforced to benefit sportsmen and landowners.

This is a paradigm shift for IDFG. IFBF believes the bill offers a number of opportunities for progress and mutual benefit for the sportsman and landowner communities. Sportsmen will benefit from the expansion of current programs or reinstatement of former programs discontinued by current budget constraints.

Water Bill Moving on to Senate Floor

On Wednesday, the Senate Resource Committee voted unanimously to send H140 to the floor with a do pass recommendation. The bill directs the Idaho Water Resources Board to provide notice to each member of the legislature of any changes made to the State Water Plan. We believe that this amendment will only further the transparency of Idaho's management of its water resources, and ensure that all members of the legislature are aware of any proposed change and modification to this important plan.

Idaho Farm Bureau policy #37 supports legislative approval for any change to the state water plan. **IFBF supports H140**

Oil and Gas Bill Waiting for a Hearing

The bill that was introduced last week and known as the “Land Owners Protection Act” is still waiting for a hearing in the House Resource Committee. H232 deals with the laws that regulate oil and gas development and production in the state; essentially rewriting existing code to better allow the state to protect property owners rights (both mineral and surface). The bill proposes numerous changes, some of which are included at the end of the article and also in last week’s Capitol Reflections edition. H232 is sponsored by Rep. Judy Boyle (R-Midvale) and co-sponsored by Sen. Abby Lee (R-Fruitland), Rep. Ryan Kerby (R-New Plymouth), and Rep. Terry Gestrin (R-Donnelly).

The Idaho Farm Bureau sat down with the bill sponsor to better understand the proposed changes and discuss their purposes. The basic intent of the bill is to protect property owners and their interest under the law and to open up future possibilities for more competition. Representatives of Alta Mesa (the only producing oil and gas producing company in the state currently) have raised concerns with many portions of the bill and claim that many of the proposed amendments would be overly burdensome, are unneeded, or will discourage further oil and gas development in the state.

Farm Bureau is supportive of oil and gas development in the state. We believe in honest and fair laws/regulations that are beneficial to both the property owners and the oil and gas companies. Development of these natural resources has the potential to largely benefit many of our rural communities. Economies will grow, funding for improvement in education and infrastructure will be available, and families will prosper.

Farmers and ranchers can sympathize with burdensome regulations that dictate every part of their operations. We too, do not wish to see this industry become overly burdened with unneeded regulation. However, efforts to protect the interests of oil and gas companies and state property cannot supersede the protection of other property owners. Appropriate and reasonable safeguards need to be put in place to protect private property rights. Farm Bureau is confident that common ground and compromise can be found on this issue for all interested parties.

In the coming days, legislators, oil and gas company representatives, the governor, and other key stakeholders will meet to come to an agreement on how to proceed forward. Farm Bureau is supportive of many of the concepts presented in H232 and will continue to monitor the development of this bill.

Idaho Farm Bureau Policy #102 – We support the mining and drilling of fossil fuels. We support the legislature ensuring that rules for oil and natural gas production safeguard the water aquifers for all citizens *and protect property owners’ rights to use their property.*

- The following are some of the proposed changes in H232:
- A restructure of the Oil and Gas Commission
- Direction to the Commission to protect all correlative rights
- Production reports, well logs, and metering information to be made public, with limits on what operators can keep confidential
- Annual inspections of all active well sites
- Establishing default spacing units for oil wells at 40 acres, and for gas wells at 160 acres
- Establishing well spacing and setbacks standards
- Setting the integration threshold at 67% instead of 55% of mineral interest owners
- Allowing the Commission to review and set the pay rates based on published rates as necessary
- Prohibiting production commingling from two or more wells prior to metering without consent from the Idaho Department of Lands
- Increasing the percentage of the proceeds paid to the oil/gas producing counties to mitigate the impacts of oil and gas production
- Providing the authority of state agencies to share data and information, but keeping confidential information private
- Protections for land owners with specification on proximity to occupied structures, damage and interference to surface operations, etc.
- Reporting production data and sales information to royalty owners on a monthly basis

Field Burning Bill Signed into Law

This week, the Governor signed into law S1009 regarding burn approval criteria for field burning. Farm Bureau was supportive of this bill and joined with other agriculture groups to see through its passage. We are happy that the legislature recognized the sustained protective measures of the bill and the importance of crop residue burning to farmers throughout the state.

Now that the language of the bill is codified, the Department of Environmental Quality will initiate rulemaking. Once the rules are complete, they will be included in Idaho’s State Implementation Plan that will be submitted to the Environmental Protection Agency for approval. The rules regarding the new burn approval standard/threshold will also come before the legislature next year.

for approval.

The Idaho Farm Bureau would like to thank those producers who came to the committee meeting to testify in support of the bill. Legislators appreciate hearing directly from those people who are affected by the laws that they pass. We are grateful for your active participation in implementing IFBF policy.

Invasive Species Admin Bill Advances, JFAC OKs Appropriation

H256, Rep. Terry Gestrin (R-Donnelly) and Sen. Mark Harris' (R-Soda Springs) bill which modifies the current invasive species administrative structure, passed the House Agriculture Affairs Committee this week.

The legislation establishes an Administrator of Invasive Species in the Office of the Governor. This individual will oversee and coordinate all invasive species programs in Idaho. H256 also codifies the Invasive Species Council with the intent to foster cooperation and coordination between all affected stakeholders, agencies and governmental entities. The Administrator will chair the Council.

Additionally, the bill clarifies and codifies Idaho State Department of Agriculture responsibilities. ISDA has conducted watercraft inspection since the inception of the program and has done a very good job. Codification of Department of Ag responsibilities essentially puts existing procedure into law.

The bill allows the Director of Ag to conduct watercraft inspections and allocate resources. The Director may also obtain a search warrant in the event an inspection is denied, seek outside funding and enter into agreements with other state agencies.

On Wednesday the Joint Finance and Appropriations Committee approved a \$3.14 million appropriation for the quagga mussel watercraft inspection program for FY 2018. JFAC reopened the Idaho State Police budget and added \$171,300 to fund a patrol position that will provide a law enforcement presence at the Cotterell inspection station on I-84. All stations in the state will be open dawn to dusk during the boating season. The appropriation also provides for three new inspection stations, four additional FTSPS at ISDA for the inspection program and a five hour per day law enforcement presence at all stations other than Cotterell. **IFBF Policy #90 supports** enhanced funding for boat inspection stations.

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