

2002 Legislative Session Review

Natural Resources

Rep. Chris Mathias

May 25, 2022

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- A discussion of bills that commanded attention.
- I'm not an attorney - Intent here is to raise issues for your further investigation.
- Legal personhood, defined - [H720](#) – has implications for future resource matters.

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Bill Topics

- AG, DAG and Dept. of Lands
- CAFOs
- Water
- Invasive Species
- Fish and Game

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AG, DAGs and Lands

- [H696](#) – Dept. of Lands, legal representation
 - *Removes the responsibility of the AG's Office to provide legal representation to the Department of Lands.*
 - Allows the Department of Lands to hire or contract its own legal counsel
 - *Dead for now*

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CAFO Fund

- [H559](#)
 - Confined animal feeding operations (CAFOs) are not eligible for BMP fund projects because they do not directly discharge to water bodies.
 - H559 created a fund to support investments in environmental projects on CAFOs to improve livestock byproduct, waste, nutrient and water management, its land application and storage systems.
 - Committee work is about to get underway
 - *Singed by Gov.*

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Water

- [H584](#) – Anderson Ranch Dam
 - Funds were provided to the Idaho Water Resource Board to complete a raise of Anderson Ranch dam.
 - The Board has filed a water right application (#63-34753) for this project with the Idaho Department of Water Resources.
 - The application is reviewed under criteria set out in I.C. § 42-203A(5)(a)-(g)
 - H584 addresses certain issues that have arisen with how the Director of IDWR evaluates water right applications for large storage projects.
 - Declares that:
 - The IDWR Director is not required to make findings related to certain criteria.
 - The Board's water right application (63-34753)...
 - satisfies certain of these criteria.
 - is made in good faith and not for delay or speculative purposes,
 - is in the local public interest,
 - is consistent with the conservation of water resources in the state of Idaho and will not adversely affect the local economy of the Boise River watershed.
 - Signed by Gov.

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Water

- [H608](#) – Stockwater Rights, forfeiture process
 - Clarifies the procedure used by the State prior to an order declaring certain stockwater rights to be forfeited under I.C. Sec. 42-222
 - Forfeiture for failure to put the rights to beneficial use for a term of five years or more.
 - *Slightly slows the process down* to ensure (a) the establishment of prima facie evidence that a right is indeed lost; (b) proper notification; and (c) a rebuttal process for right holder
 - Signed by Gov.

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Water

- [H748](#) – Water Rights
 - Creates a new section in I.C. 55-616 to outline what happens with water rights and entitlements when property changes hands.
 - Codifies existing common law and practice relating to the conveyance of water rights and entitlements, including:
 - All appurtenant water rights are conveyed unless expressly retained by the seller.
 - All entitlements to receive water from an irrigation district, city irrigation system or canal company are conveyed as are the obligations associated with membership in a ground water district.
 - Signed by Gov.

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Invasive Species program under scrutiny

- [H456](#) – would have exempted nonmotorized watercraft from the sticker program (sans n/m sailboats)
- Purported aim was to:
 - *Shift the financial burden* of the invasive species registration program away from the vessels that present the least amount of risk and toward those that present the greatest risk for the introduction of invasive species.
 - *Reduce regulation* by eliminating the current requirement for more than 110,000 annual invasive species registrations for small nonmotorized watercraft such as paddleboards and canoes.
- *Dead for now but...*
 - The attack on the IS program caught many by surprise
 - Rep. Gestrin – perhaps the strongest legislative program defender – is not returning... but the bill sponsor is.

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Fish and Game

- [H507](#) - Mechanical Broadheads and Lighted Nocks
 - Authorizes the use of mechanical broad heads and lighted arrow nocks for archery hunting.
 - The Commission was opposed but the legislature was overwhelmingly persuaded they'd failed to undertake negotiated rulemaking in a timely fashion.
 - Signed by Gov.



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Fish and Game (cont)

- [H672](#) – Violations
 - Updated statutory language defining some non-criminal violations
 - Signed by Gov.
- [H702](#) – Depredation Fund, funds distribution
 - Seeks to equally balance the distribution of money derived from each license endorsement between big game depredation and sportsman's access
 - Changes the annual limit for any individual big game depredation claim from a percent of the annual appropriation to a fixed amount equal to \$125,000.
 - Signed by Gov.

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Next Year

- Major Committee Shakeups: Resources and Ag
- *Chronic Wasting Disease*
 - Fish and Game Region 2/3 is ground zero
 - Joint legislative/committee information session
 - Possible raise of the testing cap on cervid farms*

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