



Capitol Reflections

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"Democracies have ever been spectacles of turbulence and contention; have ever been found incompatible with personal security or the rights of property; and have in general been as short in their lives as they have been violent in their deaths."
-James Madison

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IDL Proposes Forest Practices Act Landowner Assessment Increase

This week, Idaho Department of Lands Deputy Director David Groeschel introduced a bill to the House Natural Resources and Conservation Committee Chaired by Rep Marc Gibbs (R-Grace). The bill, H44 would increase the cap on the assessment private forest lands pay under the Forest Practices Act (FPA). According to IDL, the assessment funds are used to pay for administration of the FPA, to conduct landowner education on forestry best management practices, to conduct inspections, and to administer the shade rule which is part of the FPA.

Currently, the assessment is capped is ten cents per acre, and the assessment has been at the maximum amount since 2003. H44 would increase the statutory cap from ten cents per acre to 20 cents per acre. IDL would then recommend to the State Board of Land Commissioners that the assessment should be raised to 13 cents per acre. They estimate this increase would provide enough revenue for three to five years before needing to raise the assessment again.

Unfortunately, this proposal has not been well received by many small forestland owners. They complain IDL itself is partially to blame for the shrinking funding. IDL has, over the past several years, purchased tens of thousands of acres of timberland from private landowners. Since IDL does not pay this assessment on their lands, it has resulted in less revenues generated for the program, while also creating problems in rural counties by reducing the local tax base.

Furthermore, small landowners are particularly upset about IDL's enforcement of the shade rule under the FPA. The shade rule prohibits private forest landowners from harvesting timber within a certain distance from streams. This has directly led to harvest reductions of high value species, specifically Western Red Cedar which thrive in moist areas along streams. This is a taking of private property rights as there is no compensation for the timber they are prohibited from harvesting.

IFBF is reviewing H44 with our statewide forestry committee to gather more information and to determine how broadly this proposal was disseminated amongst small forest land owners before introduction into the Committee.

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Fill/Refill Water Storage Bill Passes House

H001, a water bill dealing with storage rights and new appropriations, passed the House with a unanimous vote this week and now heads to the Senate for consideration. The bill was discussed and public testimony was heard during the House Resource & Conservation Committee meeting, where all interested parties expressed their support for the proposed legislation and thanked legislative leadership for their help in reaching a reasonable solution.

The bill represents the many efforts of stakeholders, state water agencies, and law makers, to reach an agreement on the long-fought dispute regarding the fill/refill issue in the Treasure Valley, Basin 63. H001 instructs the Department of Water Resources Director to subordinate permits and licenses for new projects greater than 1,000 AF in order to capture and retain water in existing on-stream storage reservoirs during, and following flood, control releases until the date of allocation.

The Idaho Farm Bureau is supportive of Idaho water law that protects water use and storage rights, and is opposed to any diminishment of storage fill rights due to flood control or other discharge prior to the irrigation season. Idaho Farm Bureau Policy #31 supports the fill of existing reservoirs following flood control releases to ensure current water users' reservoir space is filled and protected from new appropriations. **IFBF supports H001.**

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Changes to Logging Truck Enforcement

House Bill H0002 (H2) was introduced and read in the House Transportation and Defense Committee on January 14, 2019. H2 amends Idaho Code 67-2601A and B to authorize the Idaho State Police (ISP) and the Idaho Transportation Board to perform safety inspections on logging trucks while they are on public highways.

Under the existing statute, the Division of Building Safety had sole authority to inspect logging trucks for safety violations. The Division of Building Safety will still be charged with promulgating rules and regulations for logging trucks, but ISP will have authority to enforce those rules only while the trucks are travelling on state highways. H2 came about because a logging truck was pulled over by an Idaho State Police Officer and cited for not having the load secured properly. The driver contested the citation and it was eventually thrown out because ISP currently does not have authority to perform safety inspections on logging trucks.

This bill was proposed by the logging industry and has the support of the major logging companies. Idaho Farm Bureau will be monitoring this bill as it progresses.

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Ag Land Annexation Bill Advances

This week the House Local Government Committee, chaired by Rep Ron Mendive (R-Coeur d'Alene) held a hearing on H25. The proposal would prohibit cities from annexing agricultural land of five or more acres without the express written consent of the landowner. The bill is sponsored by Rep Mike Moyle (R-Star) and Rep Jarom Wagoner (R-Caldwell).

The Committee asked some detailed and pointed questions. Many revolved around what happens if a five-acre parcel of ag land has a sliver that is taken to widen a road and then becomes less than five acres, would this bill still cover that parcel? Representatives Moyle (a farmer) and Wagoner (a city planner) did an excellent job of answering the questions and helping the committee understand the purpose and effects of the bill.

A similar bill was proposed last year but was held-up in the Senate after the Association of Idaho Cities expressed concerns. This year, however, the Cities testified that they are no longer opposed to the measure. Idaho Farm Bureau and a local citizen testified in favor of the proposal.

The Committee approved H25 and sent it to the floor with a "do pass" recommendation on a vote of 12-1. **IFBF policy # 116 opposes forced annexation. IFBF supports H25.**

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Artesian Well Repair Bill Held in Committee

On Wednesday, the Senate Resources & Environment Committee voted to hold S1001, Artesian Well Repair and Plugging, in committee with the understanding that a new bill would likely be introduced and reconsidered. S1001 would remove the obsolete dates stated in Idaho Code 42-1607 regarding the promulgation of rules to create a cost-sharing program for the repair and plugging of leaking artesian wells. Idaho Department of Water Resources (IDWR or Department) would like to clean up the statute as it prepares to activate initiatives this year in at least two hydrologic basins to repair or plug leaking artesian wells.

Based on information received IDWR, the Department estimates an approximate 1,000 flowing artesian wells throughout the state. Potentially, there could be hundreds of flowing artesian wells statewide that may not be in compliance with the applicable statutes and rules regarding artesian wells. Uncontrolled flowing artesian wells result in the waste of water, commingling of aquifers and loss of artesian pressure in the aquifer. IDWR estimates the cost of repairing or decommissioning the flowing artesian wells to be as much as \$3-\$5 million depending on the depth, pressure, and condition of the well.

IFBF is supportive of the general concept of S1001 to clean-up the statute; however, we oppose the deletion of language that would allow the IDWR to offer a potential cost-share program to well-owners ordered to repair or plug their flowing artesian wells. IFBF will work with the Department, legislators, and the Idaho Water Users Association to develop a reasonable and common-sense solution to clean up the statute.

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Financial Condition of Idaho Agriculture Presented

University of Idaho's Dr. Garth Taylor presented the "Financial Condition of Idaho Agriculture" to both the House and Senate Agricultural Affairs Committees this week. His presentation included a summary of Idaho agriculture for 2018, as well as some of his expected economic outlooks for the future. He emphasized one major point to the committees, reporting Idaho is the 4th largest agricultural economy in the U.S. after South Dakota, Nebraska, and North Dakota.

As for this year's cash receipts, he noted they remained mostly unchanged, even with the price decrease seen this year. Dr. Taylor mentioned quantity was up, while prices were down, leading to a mostly unchanged cash receipt. It should also be noted that Idaho's real cash receipts outgrew the U.S.'s by 30%. He reported this was due to the rise in Idaho dairy cash receipts over the years, adding to Idaho's total cash receipts.

In reference to Idaho's use of the Farm Bill, Dr. Taylor told legislators, "Idaho farmers do not farm the government." He reported government payments had dropped this past year for Idaho Agriculture and explained this was because

the agricultural products and commodities grown in the state were not heavily impacted by the Farm Bill.

Dr. Taylor explained that agriculture in the state will only grow through exports. He gave an example of this to the committee by saying “It (agriculture) will not grow with my waistband growing,” emphasizing Idaho produces more than what can be consumed in the state alone. In response to tariffs, he told the committee that himself and Rita, another economist in the college of agricultural sciences, don’t share the same “bleak outlook” everyone else has. To Dr. Taylor, “economics teaches us that tariffs don’t work” because they are a “form of price control” and “price controls don’t work.” If tariffs are not lifted in the future, he foresees ways of working around them by selling to other markets.

Other agricultural economic findings presented to the committee included: Five years of net farm income drop, down 27% and expected to decrease in 2019; Idaho real net farm income growth dropping to the U.S. level in 2018; quarter to quarter Idaho GDP percentage changes show seven agricultural recessions since 2005, including one from end of 2017 through 2018; and farm sector solvency and liquidity ratios weakened slightly. Dr. Taylor also presented good news to legislators, including farming and food manufacturing created steady jobs for many years in a row and Idaho Farm GDP is 60% more than Idaho total GDP. He reported, “Legislatures want to grow jobs, economists want to grow GDP.”

At the end of his presentation, Rep. Goesling asked Dr. Taylor’s thoughts on hemp in Idaho. “Anything we can do to get more diversity in Idaho crops,” was Dr. Taylor’s immediate response. Dr. Taylor went on to say, “anything that can add to the portfolio...I can be nothing but a cheerleader for that.”

IFBF policy no. 9 states, “We support legalizing the production of industrial grade hemp with 0.3% THC (Tetrahydrocannabinol) or less in Idaho...”

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ITD and Federal Highway Administration Seek Comments on Targhee Pass Project

The Idaho Transportation Department (ITD) and the Federal Highway Administration (FHWA) recently released an environmental assessment (EA)

evaluating the reconstruction of U.S. Highway 20 (US 20) at Targhee Pass between State Highway 87 and the Montana state line.

ITD and FHWA evaluated five alternatives for the project. Alternative 1 proposed not repairing US 20 at all and adding more signs to warn drivers of the possibility of wildlife on the road. Alternatives 2, 3, 4, and 5 all proposed reconstructing US 20 along with various measures of avoiding animal-vehicle collisions.

Alternative 2 proposed adding three wildlife overpasses for wildlife to migrate over US 20. This would require four miles of 7.5 to 10-foot fencing to direct wildlife to the overpasses. It also required a fence “apron” to be buried along the fence so animals could not burrow under it. ITD projected Alternative 2 would cost \$13–\$16 million for the initial build and \$1.2 million per year in maintenance.

Alternative 3 proposed installing an animal-detection system consisting of a series of line-of-sight radar poles mounted with radar and/or infrared cameras to detect animals on or near the road. Warning lights would warn drivers of the animals detected near the road. Alternative 3 is projected to cost the same as Alternative 2 for the initial build and approximately \$1.1 million per year in maintenance.

Alternative 4 proposes installing one wildlife overpass and an “undetermined number” of wildlife crosswalks. The crosswalks consist of two electrified mats laid parallel to each other across US 20. Animals would receive a shock if they tried to walk outside the crosswalk. This would require the same fencing as Alternative 2. ITD provided little information on how these mats would hold up to traffic, snow, and snowplows. ITD projected Alternative 4 would cost the same as Alternative 2 for the initial build and yearly maintenance (\$13–\$16 million for the initial build and \$1.2 million per year in maintenance).

Alternative 5 proposed only adding more signs to warn drivers of wildlife on the roads. The EA projected Alternative 5 would cost as much as Alternative 2, but this could not be accurate because Alternative 5 does not include any additional infrastructure for wildlife crossings.

A lot of vital information was missing from the EA. For example, the EA did not specifically say how many animals were hit by cars in the subject area per year. The reader must calculate for themselves the average number of animals hit per year during the eight-year period the EA studied. It turned out that 3.5

animals are hit in this section of US 20 per year. The EA also did not provide any information on the species of animals hit. It seems obvious that the potential of saving 3.5 deer or elk per year does not justify such an expensive project.

The EA did not separate the costs of reconstructing US 20 from the costs of wildlife infrastructure either. The EA merely stated Alternatives 3, 4, and 5 all cost the same as Alternative 2, which, as mentioned above, cannot be accurate. Without this information it is impossible to properly assess the costs and benefits of the five proposed alternatives.

Finally, the EA did not assess disease control or predator habituation for Alternatives 2 and 4, which funnel animals into three crossing areas. Forcing animals to congregate and cross in the same places could increase the spread of chronic wasting disease among deer and elk, parasites and worms among wolves and bears, and brucellosis among bison and cattle. These alternatives could also create hunting trails that wolves and bears would be drawn to because of the congregating deer and elk. Anyone living near the overpasses or crosswalks would likely see increased numbers of elk, deer, wolves, and bears.

IFBF policy #175 states we oppose "wildlife overpass construction unless wildlife overpasses are the most effective solution." Without more details about the costs of construction and ITD's proposed efforts to control predators and disease, Alternatives 2, 3, and 4 are too expensive to justify the benefit of saving 3.5 deer or elk per year. Therefore, Alternative 5 is the only alternative IFBF can support.

The deadline to submit comments on the Targhee Pass project is February 1, 2019. Anyone interested in submitting comments may do so by emailing comments to: targheepass@langdongroupinc.com.

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Speaker Scott Bedke Named Water Statesman

The Idaho House Republican Caucus shared the following press release regarding the Idaho Water Users Association's recognition of Speaker Bedke and his leadership in settling water disputes throughout the state:

Speaker Scott Bedke of Oakley was honored Wednesday, January 23 by the Idaho Water Users Association with its "Water Statesman Award" for his role in fighting for the rights of water users and water issues all throughout Idaho.

"Speaker Bedke is continuously leading the charge in efforts to resolve complex water disputes," said Paul Arrington, Director of the Idaho Water Users Association. "Largely because of his tireless efforts, surface water users, groundwater users, cities, the State of Idaho and other stakeholders throughout southern Idaho have been able to reach resolutions on some of the most difficult and complex water issues of this generation."

"Water is one of the world's most precious resources and it is critical to the people of Idaho as many depend on water rights and laws for their livelihoods." said Speaker Bedke at the Association's annual meeting and banquet. "I appreciate this honor. It is a privilege to play a role in these historic settlements and doing what is right for water users."

Speaker Bedke most recently introduced House Bill 1, legislation addressing the water concerns on the Boise River Basin, known as Basin 63. HB 1 addresses water storage and fill of the Boise River Reservoir System after a

flood release. Specifics include how the Idaho Department of Water Resources will account for stored water following the release for flood control and if that water is released, how those with water rights will be satisfied.

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