

## Public Lands Committee

January 30, 2023 | 4:00 pm - 5:30 pm

Riverside, Juniper Room

### MEETING MINUTES

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#### Call to Order | *Chair Wayne Butts*

*Idaho County Commissioner Skip Brandt made a motion to approve the minutes from September 2022, Twin Falls County Commissioner Jack Johnson seconded. Motion carried*

#### National Center for Public Lands | **Seth Grigg**

NACo started a conversation with counties and WIR about what we can do to tell the stories about western rural counties to congress. We are constantly working to educate congress about the programs and services counties provide using SRS and PILT. We are looking at creating a center for advocating for rural western counties. NACo only has one staff for public lands. Jonathan does a great job, but this institute would assist him with data research. The goal is to raise \$15M to better educate congress. The idea is to dedicate 1% of LACFT to this new center for this work. You can't use the funds for advocacy though. NACo will ask for a voluntary contribution from counties for this. The IAC board will discuss this more.

Is the PILT formula changing? There have been some efforts but every time you change it, there are winners and losers. There is an idea to increase the population ceiling on price per acre. There has also been an idea to freeze some counties to allow time for the lower counties to be brought up to receive the same amount.

#### Sage Grouse Update | **Josh Uriarte** Ask for a summary...

Population trend: 2022 – 1366 were counted (active and inactive) there were 6 new leks.

The state of Idaho is the lead agency and has an agreement with other states for sage grouse planning. The group thought there was enough science and population trends to have a reason to reanalyze them. The group's analysis will include the department of interior's participation, sagebrush declines, and court concerns. The state is also in coordination with the Western Governors' Association.

There are five alternatives. There are three tiers in Idaho for sage grouse as well as different amounts of regulation in each area that the group will review these. Each state may have separate environmental impact studies (EIS).

Next planning: We will get together as a cooperating agency and decide what rules need to be where. There will be a stakeholder poll. We will also look at alternative development, the draft EIS, and more.

How will this impact grazing areas? The max protections will impact that. The state will push for rangeland health standards. Those are already in place and have worked. We don't feel we need more standards.

Found out that decisions will be made by U.S. region instead of a state-by-state decision. There is concern for this.

**WOTUS | Norm Semanko** Ask for a summary.

The regulations around WOTUS have been discussed for a long time. There were concerns that the federal government was going too far with the Clean Water Act. The latest version of the regulations has been released by the Biden Administration. It came out in December 2022. March 20<sup>th</sup> is when the new rules become effective. The US Supreme Court has not given an opinion about what waters of the US are.

The Bush Administration gave guidance but then the Obama grabbed onto the nexus rule. Trump's rule was litigated. Biden's Administration couldn't put Obama's rule in place because it was set aside. The administration then set a rule that used both tests for water which makes it very broad. Multiple states have already started litigation. The idea is to put the rule in litigation which will pause the rule from going into effect.

Idaho is waiting to see what the U.S Supreme Court decides.

**Domestic Wells Impact on Water Supply | Norm Semanko**

If you want a water right, you have to apply for it. Once you have a water right, it has a priority. There are senior water rights and junior water rights. Senior rights get water first. This issue is impacting ground and surface water.

Domestic exemption is the use of water for homes. This exemption means that you don't have to get a permit. The Idaho Supreme Court upheld the exemption. The problem is do those domestic wells cause injury to other water rights in various ways? A subdivision can't dig one hole for 100 homes, but they can dig 100 holes. Is this good policy? There aren't any water rights for the community wells for only digging one hole. Does having so many holes, does the water quality go down? How can we keep records of all of these wells? This isn't as big of an issue.

There will be continued discussions but doesn't look like there will be legislation this year.

## Master Fire Agreement | Dustin Miller

The Idaho Department of Lands does fire suppression on a lot of land. They operate under a master agreement. 92% of fires last year were held to 10 or less acres. They have many partnerships.

One change is that federal agencies can no longer protect certain land. They will no longer be the primary on these fires. We will have to now pay them for this. We try to trade acres and responsibilities to try to not have to pay each other. Pay for personnel has gone up and now there is also hazard pay. It has allowed for them to become more competitive. There are now more permanent positions which allows for more career employees.

Another big change is we will be staffing up a facility in eastern Idaho. The feds are taking more of their acres back and so the state will have more of their own acres. This is based on if the legislature appropriates the funds. We hope to be able to have more staff and equipment if the budget request is approved.

The meeting was adjourned.

# Public Lands Committee

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