

STATEMENT OF PURPOSE

RS30351 / S1098

This legislation modifies Chapter 1, Title 39, Idaho Code, Section §39-105, to add a new subsection (5)(c), which allows the director of the Department of Environmental Quality (DEQ) to enter into voluntary funding agreements with public agencies, municipal corporations, and private parties. The current language of section §39-105, specifically sections §39-105(4) and §§39-105(5)(a) and (b), allows DEQ to enter into funding agreements, but only in specific instances and with the involvement of a federal agency, public agency, or municipal corporation. In the past, DEQ has been asked to provide technical input, regulatory guidance, or review of complex projects outside of DEQ's routine work. Often, the project proponents offer to provide cost reimbursement or cover contractor costs. By allowing DEQ to enter into voluntary agreements with private parties as well as municipalities and public agencies, DEQ will have greater flexibility to be reimbursed for expenses associated with specific projects or activities or engage contractors, without requiring the involvement of the federal government or other governmental entity. These agreements would be completely voluntary and may help address an increasing workload associated with planning and scoping of large or complex projects. As an example, the planning stages of mining activity on federal mineral leases include a comprehensive analysis, as required by the National Environmental Policy Act, and the preparation of an Environmental Impact Statement. These processes typically take years, and it is in the best interest of the state and the proponent of the project to have DEQ participate in pre-permitting work to provide technical input and regulatory guidance. Participation during the planning stages substantially reduces the potential for problems when permitting begins. Additionally, federal regulations typically require input from the state. Under existing code, DEQ can only recover expenses related to this work if a federal agency agrees to pass funds from the mining company to DEQ, which is not always the case.

FISCAL NOTE

. This voluntary funding mechanism will provide an additional option to help support increased workload the agency is experiencing. We estimate it would initially result in voluntary agreements that fund approximately \$180,000 worth of DEQ professional staff or consultant compensation per year.

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DISCLAIMER: This statement of purpose and fiscal note are a mere attachment to this bill and prepared by a proponent of the bill. It is neither intended as an expression of legislative intent nor intended for any use outside of the legislative process, including judicial review (Joint Rule 18).