

MINUTES
HOUSE RESOURCES & CONSERVATION COMMITTEE

DATE: Tuesday, February 05, 2019

TIME: 1:30 P.M.

PLACE: Room EW40

MEMBERS: Chairman Gibbs, Vice Chairman Gestrin, Representatives Moyle, Shepherd, Wood, Boyle, Vander Woude, Mendive, Kauffman, Blanksma, Addis, Lickley, Moon, Raybould, Erpelding, Rubel, Mason, Toone

**ABSENT/
EXCUSED:** Representative(s) Boyle

GUESTS: Sharon Kiefer and Paul Kline, Idaho Department of Fish and Game; Russell Westerberg, AVCenter Inc.; Jeremy Pisca and Jeff Bitton, Idaho Outfitters and Guides Association; Austin Hopkins and Alli Olson, Idaho Conservation League; Paul Arrington and Morgan Howard, Idaho Water Users Association; Jason Brown, Wade Allred, and Travis Rothweiler, City of Twin Falls; John Kulm, Idaho Recreation Council; Ben Davenport, Idaho Mining Association; Marv Patten, Milk Producers of Idaho

Chairman Gibbs called the meeting to order at 1:30pm.

MOTION: **Rep. Toone** made a motion to approve the minutes of the January 29, 2019 meeting. **Motion carried by voice vote.**

RS 26666: **Jeremy Pisca**, representing the Idaho Outfitters and Guides Association, stated this proposed legislation will update statutes governing the nonresident set-aside and tag allocation system administered by the Idaho Department of Fish and Game in conjunction with the Idaho Outfitters and Guides Licensing Board, so it will more accurately capture actual outfitted use, reflect current trends in hunter demand, and provide more dependable access for the public to outfitted tags. Additionally, it would direct the Idaho Fish and Game Commission to implement a new formula for determining an outfitter's historic use and directs the Idaho Outfitters and Guides Licensing Board to designate the tags set-aside in capped or controlled zones in a more fair and equitable manner. Mr. Pisca stated this legislation will not affect the number of resident elk or deer tags.

MOTION: **Rep. Kauffman** made a motion to introduce **RS 26666**. **Motion carried by voice vote.**

RS 26744: **Emily McClure**, Lawyer and Lobbyist, representing Riley Stegner and Associates and several large timber land owners in North Idaho, stated this proposed legislation is nearly identical to **RS 26661** which the committee heard and introduced on January 31, 2019. She stated as a result of concerns expressed by some committee members about a couple of words, they met and were able to reach a compromise. **RS 26744** is a result of that compromise. The only difference is the removal of the words "nongovernmental organization" on page 2, lines 17 and 19.

MOTION: **Rep. Moon** made a motion to introduce **RS 26744**. **Motion carried by voice vote.**

RS 26511: **Rep. Giddings**, District 7, stated this Memorial would make a request from the Idaho Legislature to Congress to release all wilderness study areas acreage which has already been listed as "not suitable for wilderness" by the BLM and relayed to **President George H.W. Bush** in 1992, in order to return the lands to public use.

Rep. Giddings stated she was made aware just before the meeting that some of the listed wilderness study area acreages have already been de-listed. Then during committee discussions, more areas were identified that have been designated as wilderness through previous bills. With that information, Rep. Giddings offered the committee options on how best to proceed. Those options include moving forward with **RS 26511** and omit those areas already removed and/or designated, or make those corrections in a new RS and re-present to the committee at a future meeting.

MOTION: **Rep. Shepherd** made a motion to introduce **RS 26511**.

SUBSTITUTE MOTION: **Rep. Moyle** made a substitute motion to return **RS 26511** to the sponsor. **Motion carried by voice vote.**

RS 26681: **Rep. Giddings**, District 7, stated this Resolution would request the Idaho Department of Environmental Quality petition the Environmental Protection Agency requesting the Residential Soils Operable Unit 1 be delisted from the overall Superfund site in Shoshone County.

MOTION: **Rep. Addis** made a motion to introduce **RS 26681**. **Motion carried by voice vote.**

Rob Sepich, Budget Analyst, Budget and Policy Division, LSO, provided a briefing on the following agency budgets: Idaho Department of Lands, Idaho Department of Water Resources, and Idaho Department of Parks and Recreation.

Jason Brown, Environmental Engineer, City of Twin Falls and **Travis Rothweiler**, City Manager, City of Twin Falls co-presented the Middle Snake River Water Quality Update. Mr. Brown began by identifying the boundary of the Middle Snake River, which is approximately 115 river miles between the Milner Dam and King Hill. He stated a key concern the communities in the Magic Valley and Southern Idaho are facing, and what is driving the regulatory issue, is managing nutrients to meet the state's water quality standard in the Middle Snake River.

Mr. Brown stated in the early 1990's, the University of Idaho, in partnership with Idaho DEQ and EPA, conducted a series of monitorings and measurements to characterize the extent of nutrient impairment in the Middle Snake River. That work was used to establish Idaho's water quality standard for nutrients (i.e. phosphorus). Monitoring was never repeated after those initial measurements. Over the past two decades, Magic Valley municipalities, industrial discharges, and agriculture water purveyors have implemented nutrient reduction projects and the results have shown a decline in phosphorus levels on the Middle Snake River. However, in 2014, EPA conducted an assessment and a re-evaluation of the total maximum daily load (TMDL) for river flows between 2000-2009, which concluded total phosphorus levels did not meet the in-stream target. The EPA used the low flow conditions during that time period not as a basis for adjustments but rather as a basis to invalidate the TMDL and impose end of pipe limits. Mr. Brown stated they believe there is a poor correlation between river flow and phosphorus concentration due to legacy sediments and nutrient cycling within the river system. Additionally, he stated, water quality monitoring of phosphorus concentration should not be the sole basis for determining nutrient impairment. With EPA making the determination that low flows during the 2000's were the basis for proposed changes in permits, discussions began with EPA over differences of opinion. In April of 2017, after several meetings, Idaho DEQ and EPA announced they would re-open and revise the Middle Snake River Nutrient TMDL document before issuing the National Pollutant Discharge Elimination System (NPDES) permit. Previous to those meetings, in August of 2016, **Governor Otter** submitted an application for NPDES primacy for the State of Idaho, then in June of 2018, Idaho received approval to begin a phased implementation of the NPDES program, resulting in Idaho DEQ being granted the authority to issue Twin Falls next NPDES permit.

Mr. Rothweiler concluded the presentation by stating Twin Falls is a founding member of the Southern Idaho Water Quality Coalition that was formed in 2018, with environmental sustainability being at the forefront of their objectives. The Coalition was formed to engage a broad spectrum of land and water users to identify, manage, and increase awareness for water quality issues and are active in the Middle Snake TMDL process. The Coalition's focus is implementing projects that have a greater environmental outcome than those achieved under the framework of the Clean Water Act and the TMDL and NPDES permit programs. The Coalition is hopeful this committee can assist with finding resources necessary to move forward with monitoring and to support the permit development process.

ADJOURN: There being no further business to come before the committee, the meeting was adjourned at 2:58pm.

Representative Gibbs
Chair

Tracey McDonnell
Secretary