

MINUTES
JOINT MEETING

**SENATE RESOURCES & ENVIRONMENT COMMITTEE
HOUSE ENVIRONMENT, ENERGY & TECHNOLOGY COMMITTEE**

DATE: Wednesday, February 22, 2017

TIME: 1:30 P.M.

PLACE: WW02 - Lincoln Auditorium

MEMBERS PRESENT: Chairman Bair, Vice Chairman Vick, Senators Siddoway, Brackett, Heider, Bayer, Johnson, Stennett, and Jordan

Chairman Raybould, Vice Chairman Thompson, Representatives Hartgen, Anderson, Anderst, Mendive, Chaney, Nate, Cheatham, Horman, Moon, Smith, Scott, Jordan (5), and Rubel

ABSENT/ EXCUSED: Representatives Vander Woude, Trujillo, and Malek

NOTE: The sign-in sheet, testimonies and other related materials will be retained with the minutes in the committee's office until the end of the session and will then be located on file with the minutes in the Legislative Services Library.

CONVENED: **Chairman Bair** called the Senate Resources and Environment Committee (Committee) and the House Environment, Energy and Technology Committee Joint meeting to order at 1:30 p.m.

WELCOME: **Chairman Bair** welcomed the audience, as well as the members of the House and Senate Agricultural Committees. He then asked Nate Fisher, Board President, Idaho Council on Industry and Environment (ICIE), to provide an overview of today's presentation - "Invasive Species: Knocking on Idaho's Door."

INTRODUCTION: **Mr. Fisher** said ICIE is a non-partisan, non-lobbying, non-profit, and solely dedicated to providing scientific information on issues dealing with industry and environment. This is the thirteenth year of holding a workshop and he thanked Chairman Raybould and Chairman Bair for allowing this meeting. **Mr. Fisher** thanked the sponsors who are very much concerned about the issue of invasive species. The sponsors are: Bear Lake Watch; Idaho Weed Control Association; Idaho Water Users Association; J.R. Simplot Company; Idaho Power; Idaho Consumer Owned Utilities Association; Food Producers of Idaho; Idaho Conservation League; and the Coeur d'Alene Tribe.

Mr. Fisher said this issue is a statewide concern. Quagga mussels have been found in Lake Mead and Lake Powell, to the south of Idaho. Last November, the quagga mussels were found in Montana. If they get to Idaho, they would be in the Columbia River Basin and the Snake River Basin systems and that is why the quagga mussels are such an environmental and economic threat to the Pacific Northwest.

SPEAKER: **Mr. Fisher** introduced Jesse Taylor, a member of the Bear Lake Watch, who provided an overview and history of the quagga mussels in the U.S. **Mr. Taylor** presented a PowerPoint program that reinforced the damage that the quagga mussels do.

Mr. Taylor said the quagga mussels were first detected in Lake Michigan. They were brought in by the shipping industry from eastern Europe. One of the slides shown was of a Lake Michigan beach covered with the quagga mussels and shoes had to be worn in order to not injure the feet from the shells of the quagga mussels. The mussels need calcium to grow and Bear Lake is rich with the calcium carbonate. **Mr. Taylor** said that is one reason there is such concern about Bear Lake. Idaho and Utah share Bear Lake and discussions are ongoing regarding the decontamination of boats and funding for stations.

SPEAKER:

Representative Gestrin said he and Senator Rice were appointed co-chairs for the Invasive Species Working Group (Group). Three Senators and three Representatives were also members. The Group met four times, once at Bear Lake, and the remainder of the meetings were held in Boise. The focus of the meetings was primarily the threat the quagga and zebra mussels pose to the State of Idaho, as well as a review of current and potential prevention efforts.

Representative Gestrin said that at one of the meetings, a presentation was given by Thomas Woolf, Aquatic Invasive Species Program Manager, Idaho State Department of Agriculture. Mr. Woolf displayed evidence of the mussels in other parts of the country reproducing at alarming rates and affecting intake valves for drinking water, irrigation pipes and hydroelectric facilities, as well as damaging boats and waterfront areas.

Representative Gestrin stated that the Idaho Invasive Species Council has conducted a study that estimates mussel introduction into the State would cost Idaho approximately \$94 million per year. This figure does not include agriculture related impacts but reflects the impact to hydroelectric facilities, recreation areas, fish hatcheries, golf courses, drinking water facilities, and irrigation facilities.

Idaho has 16 watercraft inspection stations that operate from dawn to dusk February through October. Over 86,700 inspections have taken place in 2016, which is 31 percent greater than the previous year, primarily due to extended hours of operation. Of the vessels inspected, over 1,100 of them came from mussel positive waters.

Representative Gestrin said the Group proposed several recommendations. They are as follows:

- The Legislature provide for an infraction violation, with an established fine, for anyone subject to inspection at a watercraft inspection station that bypasses a station;
- Times of operation for the Bear Lake, Cedars, Cotterell, Franklin, Highway 93, and Malad watercraft inspection stations be extended to 24-hour operation, funded with State general funds in the amount of \$4 million, representing an increase of \$2.7 million over the current budget;
- A Joint Memorial be adopted that encourages the federal government to continue to be engaged in quagga and zebra mussel prevention efforts at the source and to support inspection efforts;
- The Department of Parks and Recreation provide for the sale of invasive species stickers at all watercraft inspection stations in the State of Idaho;
- The Idaho State Department of Agriculture continue to provide invasive species training to Port of Entry inspectors;
- Out-of-state motorized boat registration tags be increased from \$22.00 to \$30.00; and
- The Legislature find an effective program to fight the introduction of quagga and zebra mussels into the State and the program should include the fostering

of cooperation between the states and the federal government regarding inspections and enforcement.

SPEAKER:

Senator Harris stated that the invasive species issue, and especially the quagga mussel problem, is a grave threat to Idaho and our lakes and streams. The recent discovery of quagga mussels in Montana has elevated the issue even more and put Idaho at a greater risk of infestation. Because of this elevated risk, there is a need for three more boat checking stations and increased hours of operation at our other stations.

Senator Harris said just this week, the Joint Finance and Appropriations Committee (JFAC) approved a supplemental of \$700,000 for the Department of Agriculture to get new stations up and running as well as begin implementation of the check station programs from now until June 30. **Senator Harris** said the three new stations will be on State Highway 3 near Rose Lake; U.S. Highway 12 near Lolo; and I 15, coming out of Montana. This will bring the total number of stations in Idaho to 18. **Senator Harris** said JFAC is still working on the funding for the next fiscal year. It will include \$1.2 million that currently funds the invasive species program.

Senator Harris said that \$1.2 million will be collected through boat registrations. The hurdle that the Department of Agriculture has is providing security for the check stations and people to man the stations. There is legislation that out-of-state boat registration be increased from the current \$20.00 to \$30.00. This would add up to \$125,000 to the program.

Senator Harris said there is legislation in draft form to address the recommendations made by the Group that met this past summer and another piece of legislation is now **S 1068**. **S 1068** is a bill that amends the Idaho Invasive Species Act by the addition of an Office of Invasive Species Policy within the Office of Species Conservation. This person would coordinate all State departments to address the quagga mussel program. **Senator Harris** said this would not take away anything from the Department of Agriculture. It simply creates a "policy advisor" position to see that all the relevant departments have what they need to work together to keep these invasive species out of our State. **Senator Harris** said they felt that a coordinator would be more effective answerable to the Governor instead of a department director.

Senator Harris said that Bear Lake is located within the district where he lives. If quagga mussels were to get in Bear Lake, it would most likely starve out the fish and put them in danger of being listed as endangered. It would also have a terrible impact on irrigators as well as the fish themselves. **Senator Harris** said this story would be the same anywhere in Idaho and throughout the Columbia Basin.

Senator Harris stated that **S 1068** gives some direction and expands the role of the Department of Agriculture including:

- develop and administer an early detection and rapid response protocol for Idaho;
- pursue all available funding from grants and other means;
- provide ongoing education and training for check station inspectors; and
- develop a strategic long-term plan among other things.

In closing, **Senator Harris** said the gist of the Group and this proposed legislation was that things need to be stepped up; there is a need to continually self assess and improve the inspection station effectiveness; and work with other states to better the program. **Senator Harris** stated there is too much at stake to not keep improving.

Chairman Bair said the position that is being created within the Office of Species Conservation would answer to the Governor and it is his understanding that the Department of Agriculture also answers to the Governor. **Chairman Bair** asked for clarity and why the duplication. **Senator Harris** responded by saying in this new position, the person could reach across department lines and work with everyone. **Chairman Bair** asked Senator Harris, in his opinion, doesn't the Department of Agriculture reach across department lines to work with everyone? And don't they have the authority? **Senator Harris** said the Department of Agriculture would certainly have the authority to do that, but it was felt that it would be much more effective to have another person answer to the Governor.

SPEAKER:

Chairman Bair welcomed Matt Morrison from the Pacific Northwest Economic Region (PNWER), who will speak on the "Potential Impacts to the Entire Columbia Basin River System."

Mr. Morrison said that PNWER put out a study on their region, which is five states and three Canadian Provinces, and determined that if the quagga mussels got into the region, it would cost one-half billion dollars per year for the rest of time. **Mr. Morrison** said the Northwest is an hydropower economy. Southern Cal Edison attended one of PNWER's meetings and reported that they spend \$40 million a year to keep one dam working. **Mr. Morrison** stated that quagga mussels have been marching across America the last 15 years. Before October 2016, the Pacific Northwest remained one of the only regions in the U.S. without the presence of invasive quagga and zebra mussels. Each small mussel can product one million offspring annually and they float as larvae in the watershed before they become fixed to any hard surface.

Mr. Morrison said it was thought that there were no quagga mussels in the PNWER region, but some mussel larvae have been found in Montana. Governor Bullock of Montana declared a natural resources state of emergency and an incident command system has been set up. Quagga mussels have been found at Canyon Ferry Reservoir and the Tiber Reservoir. **Mr. Morrison** stated that it is only 50 miles from the Columbia and once they flow into the Columbia, they will be unstoppable. On November 30, 2016, Governor Bullock declared a natural resources state of emergency in Montana and \$750,000 of emergency state funds were released for the Emergency Response Team. On January 20, 2017, the Montana Mussel Response Team set forth recommendations for 2017-2019.

Mr. Morrison placed a call via telephone to Matt Walcott, Incident Commander for Montana, who helped provide information regarding the mussel infestation in Montana. **Mr. Walcott** said that there were positive alerts in the Tiber Reservoir and Canyon Ferry Reservoir by mussel-sniffing dogs. Montana appropriated \$4,480,000 for their invasive species program and watercraft inspection stations for the years 2015-2017. Recommended for 2017-2019 expenditures is \$10,237,268.

Mr. Walcott said that Montana has increased their inspection stations from 13 to 34 for this coming season. The hours they are open for inspection has been increased to 15 hours a day and will open two months earlier and stay open two months later. **Mr. Walcott** also said that all boats using the Tiber and Canyon Ferry Reservoirs will be required to be decontaminated after use. Montana has also implemented an inspection before launch rule statewide for all boats entering into the State of Montana and all boats, regardless of their point of origin, crossing the Continental Divide. Montana is also working to develop a firewall between the Missouri drainage and the Columbia River Basin.

Mr. Morrison asked how Montana is obtaining their funding. **Mr. Walcott** replied that the Governor is looking for money in the general fund, as well as generating revenue through other sources. **Mr. Morrison** inquired if Montana had reached out to the Department of Interior and the Bureau of Reclamation. **Mr. Walcott** said they had a number of conversations with them, as well as sending letters to all federal agencies.

Mr. Morrison said PNWER has worked since 2009 to secure \$9 million in federal funding for the four Northwest States. Congressman Simpson is the key person on appropriations for water and commerce. In 2015, Congress appropriated \$4 million to the four Northwestern States for watercraft inspection stations. The money has gone to the U.S. Army Corps of Engineers (Corps). **Mr. Morrison** said the states have not received any money as yet and it has been two years since it was appropriated. As soon as an agreement can be made between the Corps and the four states, the money can then be released.

Mr. Morrison said that last October, Congress passed an additional \$5 million appropriation which is waiting to be an omnibus funding bill and should be available in April. This money can be spent on planning, response, and monitoring. This language was not in the original legislation. **Mr. Morrison** said he would like for any of the Committees to consider writing a letter to Congressman Simpson to ask for another \$5 million in the 2018 funding, under the same authorization. **Mr. Morrison** said he would encourage the State of Idaho to write to the new Secretary of the Interior and to let him know how important this is to the State and for the federal government to contain the mussels where they are known to exist.

Chairman Raybould requested that Mr. Morrison provide drafts of the letters and addresses that the Committees respond to. **Mr. Morrison** said he would do that.

Mr. Morrison stated that the economic impact of a quagga/zebra mussel infestation in Washington exceeds \$100 million annually, according to a January 2017 study. It will cost agriculture tens of millions of dollars annually by clogging irrigation pipes, pumps, and aqueducts, and altering vital ecosystems and fish habitats by feeding on plankton. The total direct impact to the 23 Washington dams is \$42,895,000. The cost of installing a mussel mitigation system per dam facility is \$1.8 million. **Mr. Morrison** said there is no known way to eradicate the mussels once they are introduced. Prevention is the best option by watercraft inspection and decontamination stations.

SPEAKER:

Chairman Bair thanked Mr. Morrison and Mr. Walcott for their presentation and information, then welcomed Lloyd Knight, Administrator, Plant Industries Division, Idaho State Department of Agriculture (ISDA).

Mr. Knight said ISDA's invasive species program goes back to 2006 when an Invasive Species Council was established by executive order. In 2008, the original statute authorized authority for the Idaho Invasive Species Fund. The revenue stream was not identified by the Legislature until 2009. **Mr. Knight** said that once the funding was in place, rulemaking was begun, an inspection program was started, and a monitoring program was also started. In 2010, an outreach program was started. **Mr. Knight** stated that a statewide inspection program for watercraft inspection had never been done and they did not know where watercraft was moving, where they were coming from or going to. **Mr. Knight** said they did know that quagga mussels were a threat and watercraft movement was a major conveyance of the quagga mussels.

Mr. Knight said the fund that was established brings in about \$1.2 million in annual revenue. It also provides mandatory inspection authority and roadside inspection authority. It reinforces the authority the Director has in order to do interagency agreements. **Mr. Knight** stated that interagency cooperation is essential and gave several examples:

- cooperative agreements with seven Soil and Water Conservation Districts to operate 10 watercraft inspection stations;
- cooperative agreements with six local law enforcement agencies that provided additional law enforcement support at stations to improve compliance;
- cooperative sampling efforts through informal agreements to assist with early detection monitoring and they include: Idaho Department of Environmental Quality, Shoshone Paiute Tribe, Coeur d'Alene Tribe, Idaho Power Company, U.S. Army Corps of Engineers, U.S. Forest Service, lake associations, canal companies, and irrigation districts;
- right-of-way permits with the Idaho Transportation Department for station locations;
- involvement with the Western Regional Panel, Columbia River Basin Team, Building Consensus Subcommittee, PNWER Invasive Species Committee, and the Army Corps WRRDA Project Team; and
- the Idaho Invasive Species Council.

Mr. Knight said that in 2016, there were 89,390 inspections statewide. Those inspections came from 5,200 U.S. zip codes. Of the nearly 90,000 boats, 1,200 boats had visited infested water bodies in 2016. **Mr. Knight** indicated that 1,093 boats had been "hot washed", as they had been identified as high risk. There were 480 boats with weeds and 19 infested boats. This was a 40 percent increase in inspections from 2015. **Mr. Knight** stated that the number of inspection stations was 16 and he showed a map of their locations.

Mr. Knight said the increase in inspections for 2015 was due to a number of things: the law enforcement agreement helped, as well as better weather, better water, and the economy. Destinations also played a role. The top ten destinations in 2016 were:

1. Coeur d'Alene Lake - 7,773;
2. Pend Oreille Lake - 6,738;
3. Priest Lake - 5,888;
4. Bear Lake - 4,733;
5. C.J. Strike Reservoir - 2,523;
6. Hebgen Lake - 2,323;
7. Redfish Lake - 1,7611;
8. Henry's Lake - 1,348;
9. Island Park Reservoir - 1,086;
10. Hayden Lake - 997.

In closing, **Mr. Knight** discussed sampling. In 2016, 889 samples were processed from over 70 waterbodies statewide. There is a season when the temperature is appropriate for the reproduction of mussels. As soon as the water temperature is high enough in the spring, then samples are taken. If the temperature goes over a certain threshold, sampling is discontinued until fall. Sampling is done over the course of the season and has been done since the start of the program. **Mr. Knight** said Idaho has a two-week turnaround in processing the samples.

ADJOURNED: **Chairman Bair** announced that time had run out and adjourned the Joint meeting at 3:00 p.m.

CONVENED: **Chairman Bair** called the Senate Resources and Environment Committee (Committee) meeting to order at 3:02 p.m.

RS 25348 **Chairman Bair** announced that Senator Heider had withdrawn **RS 25348**.

RS 25352 **Senator Siddoway** presented **RS 25352**. This legislation permits the Director of the Department of Fish and Game, or his designee, to allow a landowner or an individual to keep an animal for his personal use. It also allows under those same provisions for a second animal to be kept for use if the problem of depredation persists. **Senator Siddoway** said there is a problem in Eastern Idaho and this would be a way to help cut the losses.

**UNANIMOUS
CONSENT
REQUEST:** **Senator Bayer** asked for unanimous consent to send **RS 25352** to the State Affairs Committee, a privileged committee, for a print hearing. There were no objections.

ADJOURNED: There being no further business at this time, **Chairman Bair** adjourned the meeting at 3:08 p.m.

Senator Bair
Chair

Juanita Budell
Secretary