

MINUTES  
**SENATE RESOURCES & ENVIRONMENT COMMITTEE**

**DATE:** Monday, March 18, 2013

**TIME:** 1:30 P.M.

**PLACE:** Room WW55

**MEMBERS PRESENT:** Chairman Pearce, Vice Chairman Bair, Senators Cameron, Siddoway, Brackett, Heider, Tippetts, Stennett and Lacey

**ABSENT/  
EXCUSED:**

**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 Pearce** called the meeting to order at 1:35 P.M.

**ANNOUNCEMENT:** He welcomed the guests in attendance and announced that the interviews of the gubernatorial appointees will take place. One candidate will be interviewed via a conference call, scheduled for 2 P.M. The **Chairman** said due to the end of the session approaching, voting will be held after each interview today, rather than waiting until the next meeting. Before the interviews are started, some committee business needs taking care of.

**MOTION:** **Senator Siddoway** moved that the minutes of March 11 be approved. **Senator Heider** seconded the motion. The motion carried by **unanimous voice vote**.

**MOTION:** **Senator Lacey** moved that the minutes of March 13 be approved. **Vice Chairman Bair** seconded the motion. The motion carried by **unanimous voice vote**.

**HEARING:** **Mr. Ford Elsaesser** was the first to address the committee. He is being reappointed to the Lake Pend Oreille Basin Commission to serve a term commencing July 24, 2012 and expiring July 24, 2015. **Mr. Elsaesser** is a lawyer in Sandpoint, has served on many civic organizations and is involved in community service. He has testified numerous times before Congress on bankruptcy issues and has also spoken at the FBI Academy.

**Mr. Elsaesser** expressed pleasure to come before the committee and thanked Senator Keough and Representative Eskridge for attending the hearing and being supportive. He stated that he has been the chairman of this Commission since its inception. Their charter is to be an advisory commission and their goal is to look after water quality and water quantity in Priest Lake, Pend Oreille Lake and the tributaries that flow into them. There are a lot of demands on Pend Oreille's water - more all the time as compared to the past.

Recent demands are from Bonneville and downstream power generators to vary the lake level during the winter, which traditionally, has never been done. More recently, quiet negotiations have been going on with the Kalispel Indian Tribe, which is on the river downstream from the Albeni Falls Dam near Priest River. **Mr. Elsaesser** said the Tribe has been talking about using more stream flow in the late summer and early fall, which has "set everyone's alarm bells off."

**Mr. Elsaesser** said that between Priest Lake and Lake Pend Oreille, they have approximately two billion dollars of assessed valuation. Recreation on the lakes is so important to their economy and the idea of having a variable lake level in the summer is a very daunting possibility. **Mr. Elsaesser** indicated that they don't have any legal authority, but they are a party to the system operating requests of the dam and they work in close conjunction with the Idaho Department of Fish and Game (IDFG) and the Governor's office.

The Commission has between four and six meetings a year to stay on top of issues. Besides the threat of water quality and quantity, other issues are the milfoil infestation and check points for invasive species, which Representative Anderson has been involved in. They pose a huge risk to the lakes in the North as lake conditions are ideal for the quagga and zebra mussels.

In closing, **Mr. Elsaesser** said his remarks are a general overview of what the Commission does and also stated that they are all volunteers from different parts of the community, from all walks of life and are united in protecting Priest River, Priest Lake, Pend Oreille River, Pend Oreille Lake and the Clark Fork.

**Mr. Elsaesser** was asked about milfoil in the lakes and he replied that it is a constant struggle to try to control it. A chemical is used and seems to be the most effective; however, divers go down and pick it to help eradicate it.

**MOTION:**

**Vice Chairman Bair** moved to send the gubernatorial appointment of Ford Elsaesser to the Lake Pend Oreille Basin Commission to the floor with a recommendation that he be confirmed by the Senate. **Senator Heider** seconded the motion. The motion carried by **unanimous voice vote**. **Senator Keough** will be the sponsor.

**HEARING:**

**Mr. Marc Brinkmeyer** is being reappointed to the Lake Pend Oreille Basin Commission to serve a term commencing June 21, 2012 and expiring July 24, 2014.

He is the product of German immigrants who left their farms in the 1890's and migrated to the United States. As a youth, he learned to work hard and since has maintained a strong work ethic, instilled by his father and older family members. **Mr. Brinkmeyer** put himself through college, starting with engineering, but changed to finance and accounting. He stated that the need for formal organized forms of education are needed, but the practical education you receive from creating and growing your own business is the most valuable. He merged his business, Riley Creek Lumber Company with the Bennett Forest Industries to form a new entity, the Idaho Forest Group.

**Mr. Brinkmeyer** has served on various commissions and councils, either as a board member or chairman, and has also represented the United States in the European Wood Promotion Network. Over the years, **Mr. Brinkmeyer** said he has been actively involved in church, as well as community activities.

The Governor appointed Mr. Brinkmeyer to the Pend Oreille Basin Lakes Commission and this Commission oversees issues relative to water resources, interaction with the Bonneville Power Administration as to water levels, aquatic plants, and interaction with IDFG on fisheries issues. **Mr. Brinkmeyer** said their agenda varies - from milfoil to the Corps of Engineers - and they respond accordingly. The issue with the Kalispel Tribe has been an eye-opener. Two months ago, Mr. Brinkmeyer had his first visit with the Tribe and had an excellent dialogue with them.

Mr. Brinkmeyer was asked what interests the Indian Tribes have in the lake and what their concerns are. The response was the Commission wants to learn what the Tribe is up to, both in depth and endeavor, and they have multiple interests. The Tribe is interested in the fisheries on the lower part of the Pend Oreille River because of the dam. There is not a fish ladder and the Tribe is trying to work through the issues. Another question was posed to Mr. Brinkmeyer asking him if he thought it would be beneficial to have a member of the Tribe to be on the Commission. **Mr. Brinkmeyer** said a quick answer would be yes and that he was pleased with what he saw and how welcomed they were received.

**MOTION:** **Senator Brackett** moved to send the gubernatorial appointment of Marc Brinkmeyer to the Lake Pend Oreille Basin Commission to the floor with a recommendation that he be confirmed by the Senate. **Senator Tippets** seconded the motion. The motion carried by **unanimous voice vote**. **Senator Brackett** will be the sponsor.

**AT EASE:** **Chairman Pearce** said the conference call is to be originated by Brent Baker at 2 P.M. and it is now 1:57 P.M. He said they would go at ease until the phone rings.

**HEARING:** At precisely 2 P.M., **Mr. Brent Baker** called. The **Chairman** called the meeting to order. **Mr. Baker** thanked the Chairman for allowing him to be interviewed by phone, rather than in person, as he has been working on an international project in British Columbia, Canada. Mr. Baker is being reappointed to the Lake Pend Oreille Basin Commission to serve a term commencing March 30, 2012 and expiring July 24, 2014.

**Mr. Baker** said that he feels the Commission is more effective than it was first thought to be when it was created and in part, it is due to Chairman Elsaesser's leadership. He also stated that Lake Pend Oreille is the "heart and soul" of their economy and environment and they have achieved a balance between the environment and recreation. The lake is a natural lake, and they want to protect it and have control over it.

Mr. Baker was asked about building along the lake front, the zoning laws and any other issues that a developer faces. **Mr. Baker** replied that he has been in the housing business for a number of years on the lake and some of the challenges have been the regulatory issues that protect the lake. He said he is comfortable with the level of decision-making that has occurred because in the long run, it gives value to added shoreline protection and it pays off.

**Chairman Pearce** inquired as to what the biggest challenges are that they are facing as a Commission. **Mr. Baker** said he feels there are four major issues. They are: 1) invasive species (milfoil) and aquatic species (quagga and zebra mussels); 2) restoration of the two deltas; enormous erosion since the establishment and operation of the dams (Albeni Falls and Cabinet Gorge); 3) establishment of the fisheries; and 4) more input on the water levels of the lake.

There was some discussion regarding the septic systems around the lake as to what is in use now, what is needed, grandfather rights and property rights. **Mr. Baker** said if improvements are to be made, the big challenge would be funding and consolidation. He would like to see grant money available to stimulate those who need to upgrade their systems.

**Chairman Pearce** thanked Mr. Baker for his service on the Lake Commission and for calling in for his interview. **Mr. Baker** replied by thanking the Chairman for allowing him to call in and said that calling was not his first choice.

**MOTION:** **Senator Heider** moved to send the gubernatorial appointment of Brent Baker to the Lake Pend Oreille Basin Commission to the floor with a recommendation that he be confirmed by the Senate. **Vice Chairman Bair** seconded the motion. The motion carried by **unanimous voice vote**. **Vice Chairman Bair** will be the sponsor.

**ADJOURNED:** **Chairman Pearce** announced that until he receives bills from the House, there is no more business to come before the Committee. There may or may not be a meeting on Wednesday. He then adjourned the meeting at 2:20 P.M.

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Senator Pearce  
Chairman

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Juanita Budell  
Secretary