

MINUTES  
JOINT MEETING

**SENATE RESOURCES & ENVIRONMENT COMMITTEE  
HOUSE RESOURCES & CONSERVATION COMMITTEE**

**DATE:** Wednesday, February 03, 2016

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

**PLACE:** Lincoln Auditorium WW02

**MEMBERS PRESENT:** Chairman Bair, Vice Chairman Vick, Senators Siddoway, Heider, Nuxoll, Bayer, Hagedorn, Stennett and Lacey

Chairman Raybould, Vice Chairman Gestrin, Representatives Moyle, Andrus, Shepherd, Boyle, Vander Woude, Gibbs, Miller, Burtenshaw, Mendive, VanOrden, Youngblood, Pence, Erpelding and Rubel

**ABSENT/ EXCUSED:** Representatives Wood and Bateman

**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 Raybould** called the joint meeting of the Senate Resources and Environment Committee and the House Resources and Conservation Committee (Committees) to order at 1:30 p.m. He welcomed the guests and the presenters of the day's topics: Dr. Moller speaking on risk analysis as relates to fish consumption; and Gary Spackman and Roger Chase addressing water uses.

**Chairman Raybould** asked Chairman Bair to speak. **Chairman Bair** said the information that was presented was educational and informative and thanked the audience for their attendance.

**INTRODUCTION:** **Steve Cory**, President, Idaho Council on Industry and the Environment (ICIE), provided a biography of Professor Greg Moller. Dr. Moller is Professor of Environmental Chemistry and Toxicology in the University of Idaho-Washington State University Joint School of Food Science and the UI Environmental Science Program. His research is in the field of environmental and food-chain contamination, and the development of sustainable water treatment processes. He is a regulatory science Water Quality Criteria reviewer for the U.S. Environmental Protection Agency and for the California Environmental Protection Agency, and a 2014 recipient of the National USDA Excellence in Teaching Award sponsored by the Association of Public and Land Grant Universities, representing 238 public research universities.

Dr. Moller is a Fellow of the International Union of Pure and Applied Chemistry and a Fulbright Fellow. He has had six U.S. patents issued and licensed in the past six years, and two patents are pending.

For eight years, Dr. Moller was Chief Science Officer of Blue Water Technologies, a successful Idaho company founded on his technology. He is currently CEO of BlueXGreen, LLC, an Idaho start-up company that advances emerging technologies addressing global challenges.

**PRESENTATION:** **Dr. Moller** gave a PowerPoint presentation (see attachment 1) titled "Risk Triad: Risk Assessment, Risk Communication and Risk Management."

**Dr. Moller** said the scientific evaluation of the probability of harm resulting from exposure to toxic substances relates to risk assessment. Risk communication principles serve to create an appropriate level of outrage, behavior modification or mitigating response that is in direct proportion to the level of risk or hazard. Risk management combines results of exposure assessment and hazard identification and describes the uncertainty associated with each step.

Risk analysis is like a system of reliable strangers. Plane trips are inherently risky, but the pilots and staff make the risky business of flight possible. They minimize the risk. Risk has roots in dread and fear. The fear of danger is ten times worse than the danger itself. People accept risk by taking control of it. Toxicology is the interface of chemistry and biology. The biology is the people, and the chemistry is the risk.

Risk characterization is the description of the risk. Human health risk assessments are a predictive model. They are not meant to be 100 percent accurate.

Risk assessment looks at the population distribution and determines risk levels to those who would have a minimum effect, an average effect or a sensitive effect. We manage risk assessment by doing the most affordable job we can as a society.

Cancer is different in risk assessment. All bets are off when it comes to cancer because of small doses that can cause cancer. A dose response curve is inadequate and it is difficult to extrapolate levels of uncertainty to human life.

**Dr. Moller** reviewed the water quality rulemaking process. He assumed that the survey was solid and unbiased. The risk triad in this case was: 1.) the water quality as related to fish consumption; 2.) what level of water quality would produce an acceptable risk to humans; 3.) what water treatment would be required to reach an acceptable risk; and 4.) what the cost of that water treatment would be.

Time was allowed for a question-and-answer period.

**Chairman Raybould** thanked Dr. Moller for his presentation.

**PRESENTATION:** **Chairman Raybould** welcomed Gary Spackman, Director, Idaho Department of Water Resources (IDWR) and Roger Chase, Chairman, Idaho Water Resource Board (IWRB), who presented "Water for Present and Future Beneficial Uses: Infrastructure, Recharge, Efficiency and Conservation" (see attachment 2).

**Director Spackman** said he wished to talk about the activities and significant accomplishments of the IDWR and to set the stage for the agreement that was reached. A PowerPoint presentation was given that reviewed statutory assignments and authorities; reviewed and revised cost center rankings; identified legislative concepts to address priorities; and identified budget decision units to address priorities.

Appropriations that have been made to IDWR remain at about the same level as the appropriations made in the last 10 years. The Governor has recommended a \$5 million ongoing increase to IDWR's General Fund base budget for state-sponsored water conservation and enhancement programs and projects pursuant to the IWRB water sustainability policy. This appropriation will be used in conjunction with monies in the Secondary Aquifer Planning, Management and Implementation Fund. Also included is a one-time General Fund transfer of \$16,500,000 to the Secondary Aquifer Planning, Management and Implementation Fund.

**Director Spackman** stated the need for: additional personnel to support the Surface Water Coalition and the Idaho Ground Water Appropriators' settlement agreement; new water districts required by the completion of the Snake River Basin Adjudication; a technical hydrogeologist in Coeur d'Alene; and two positions to address the water-right licensing backlog.

The next item Director Spackman addressed was the backlog of transfer applications. The median processing time for applications for transfer was reduced from 0.7 years in fiscal year (FY) 2014 to 0.4 years in FY 2015. With regard to licensing, the total number of "proof of beneficial use" documents filed with IDWR increased by 18 percent from FY 2014 to FY 2015.

Following are the various increases:

- Applications for permits increased 18 percent from FY 2013 to FY 2014, then increased another 24 percent from FY 2014 to FY 2015.
- Ownership change forms increased by 6 percent from FY 2014 to FY 2015.
- Applications to lease water rights into the water supply bank increased from 141 in FY 2012 to 445 in FY 2015.
- Applications to lease water rights out of the water supply bank increased from 55 in FY 2011 to 107 in FY 2015.

With regards to the Eastern Snake Plain Aquifer Agreement (ESPA), the ground water users agreed to reduce water consumption by 240,000 acre-feet annually. They also agreed to supply 50,000 acre-feet of storage water annually and to measure all significant diversions of ground water. Actions in the Agreement are intended to stabilize and recover the aquifer.

**Director Spackman** said the State of Idaho did not sign the agreement but did participate and assisted in the negotiations. However, the State intends to do the following:

- recharge the aquifer with surface water by an average of 250,000 acre-feet per year;
- form a ground water management area for water administration - significant factual and legal questions; and
- coordinate and administer installation, calibration and data gathering at 3,500 to 4,000 wells diverting water from the aquifer.

**Roger Chase**, Chairman, IWRB, addressed the subject of water sustainability. It is needed to ensure water supplies for existing uses, for future growth and for environmental purposes. **Mr. Chase** said it starts with wise use, administration and management.

In 1912, desert land was turned into farm land by irrigation. This water came from the aquifer, and irrigating was made possible by the cheap power to pump it. From 1912 to 1952, there was no loss of water stored in the ESPA. Since 1952 to 2015, the annual loss of aquifer storage is about 215,000 acre-feet. The ESPA region accounts for about one-third of Idaho's economy. Recharge to the aquifer during the winter of 2014-2015 was 75,000 acre-feet, with 320,000 acre-feet spilled down river. The time frame was from October 24 to March 4. The winter of 2015-2016, as of February 2, was 36,000 acre-feet, with 86,000 acre-feet spilled down river, to date.

**Mr. Chase** stated that the IWRB has approximately \$3.7 million in recharge capacity improvement projects underway. They anticipate about \$8 million in construction next winter and \$10 million the following winter. He said that even using existing canals, substantial improvements are needed to carry winter recharge water.

Following are water sustainability projects that are statewide:

- Rathdrum Prairie Aquifer
- Palouse Basin Aquifer and future water supply study
- Lewiston-area deep regional aquifer investigation
- Proposed Galloway Reservoir
- Treasure Valley Comprehensive Aquifer Management Planning recharge study and ground water model
- Arrowrock Reservoir, potential enlargement
- Mountain Home Air Force Base water supply and Mountain Home aquifer study
- Flow enhancement of Upper Salmon Basin, Lemhi and Pahsimeroi watersheds
- Wood River Valley Aquifer ground water model
- Eastern Snake Plain Aquifer and Snake River efforts
- Island Park Reservoir, potential enlargement.

In FY 2015, the IWRB approved nine loans totaling \$9.31 million. Significant projects included the A&B Irrigation District pump station and pipeline; Last Chance diversion dam replacement; and the Rangen pipeline. Funding for the commitment to water sustainability and recharge must be ongoing to keep aquifers in balance. There is a one-time General Fund appropriation of \$16.5 million and a \$5 million ongoing General Fund appropriation. At the end of FY 2016, the \$5 million cigarette tax distribution will be discontinued.

**Chairman Raybould** thanked Director Spackman and Mr. Chase for their presentation.

**ANNOUNCE-  
MENT:**

**Chairman Raybould** announced that the House Committee would remain in the auditorium to conduct Committee business following adjournment of the Joint Committee.

**ADJOURNED:**

**Chairman Raybould** adjourned the joint meeting of the Committees at 2:50 p.m.

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Senator Bair  
Chair

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Juanita Budell  
Secretary