

MINUTES  
**SENATE AGRICULTURAL AFFAIRS COMMITTEE**

**DATE:** Tuesday, January 31, 2017

**TIME:** 8:00 A.M.

**PLACE:** Room WW53

**MEMBERS PRESENT:** Chairman Rice, Vice Chairman Den Hartog, Senators Patrick, Bayer, Guthrie, Johnson, Thayn, Foreman, and Jordan

**ABSENT/ EXCUSED:** None

**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 Rice** called the meeting of the Senate Agricultural Affairs Committee (Committee) to order at 8:01 a.m.

**PASSED THE GAVEL:** Chairman Rice passed the gavel to Vice Chairman Den Hartog.

**MINUTES APPROVAL:** **Senator Bayer** moved to approve the minutes of January 19, 2017. Seconded by **Senator Guthrie**. The motion carried by **voice vote**.

**DOCKET NO. 08-0501-1601** **Rules Governing Seed and Plant Certification. Brent Olmstead**, University of Idaho, Assistant Dean for Government and External Relations, stated it is unusual that the University of Idaho would come before the Committee to present a rule. The process of seed certification comes under code and is directed to the University of Idaho (UI) through the College of Agriculture. This process at UI utilizes crop improvement to fund the program of certification. This rule deals with certifying foundation seeds for canola, rapeseed, and mustard.

**Doug Boze**, Executive Vice President of Idaho Crop Improvement, said this rule revision request came from the major producers in the canola industry and some mustard producers. Most of the canola seed produced in Idaho are exported to Canada. The revision of this rule will align Idaho standards with the Canadian seed certification standards to streamline the exportation process and eliminate the rewashing of seed for contaminants before they are shipped.

**Senator Patrick** asked for clarification as to why the standards would be an issue if the U.S. standards are better than the Canadian standards. **Mr. Boze** explained that the procedure for aligning Idaho's standards with the Canadian recipient of the canola seed will eliminate a cleaning process.

**MOTION:** **Chairman Rice** reminded the Committee this rule was referred from the Education Committee to the Agricultural Affairs Committee for their input. **Chairman Rice** moved to recommend to the Education Committee the approval of **Docket No. 08-0501-1601**. Seconded by **Senator Bayer**. The motion passed by **voice vote**.

**PRESENTATION: Water Quality Standards and Best Management Practices for Agriculture. Roger Batt and Dan Steenson**, **Roger Batt representing Treasure Valley Water Users**, began the presentation by explaining that the Treasure Valley Water Users membership base include irrigation districts, canal and ditch companies that span approximately 300,000 irrigated acres from Boise to Parma.

Even though they will be addressing the Treasure Valley agricultural water quality issues the issues discussed are actually statewide issues when it comes to water quality standards.

Agriculture has what is called "best management practices," which are voluntary. Idaho agriculture is not required to conform to the water quality standards that have been set by the Environmental Protection Agency (EPA). Agriculture has participated for 25 years in the water quality standards process what is alarming to Treasure Valley Water Users membership base is that the EPA is now mandating municipalities to spend millions of dollars to remove phosphorus sediment and other types of contaminants from the wastewater that is generated by the municipalities. The agricultural community is concerned that their industry might be mandated to conform to these water quality standards in the future. Agriculture has determined to do their due diligence over the next ten years to make sure the voluntary practices stay what they are with the EPA.

**Dan Steenson**, Attorney, Sawtooth Law Offices, spoke to his presentation (see attachment 1) for best Practice Management for Agriculture, describing what is indicative of challenges that are faced by watersheds across the State of Idaho. Total Maximum Daily Load (TMDL) reflects a program developed by Department of Environmental Quality (DEQ) and required by EPA under the Clean Water Act to reduce the discharge of sediment, phosphorus, and other pollutants to the water bodies of the State in order to meet the States water quality standards. In the State of Idaho, flood irrigation is the traditional irrigation method that farmers use to irrigate their fields.

The irrigation ditch waters flow into the Lower Boise River Watershed and then the Boise River connects to the Snake River. There are approximately 109,526 acres of flood irrigated fields that drain into this watershed. These flood irrigated fields need to be considered for best practices to reduce the run-off and the seepage into the ground water of sediment and phosphorus.

There are several flow TMDLs developed for the Boise River. These TMDLs set loading objectives and reduction requirements for various pollutants such as sediment, phosphorus, bacteria, and water temperature. DEQ has issued new TMDLs for sediment, phosphorus, nutrients, and other contaminants for the water bodies of the State which define the water not contain concentrations of these sediments which impair water quality standards.

The TMDL sets load reduction requirements for various water user groups in the Boise Valley including municipalities, storm water users, and agricultural groups to lower the level of aquatic plant growth and algae in the Boise River. The stakeholder groups are in the process of developing implementation plans that will outline how each group will meet their reduction objective; for agriculture these reductions will be voluntary.

The cost of the implementation of these standards will be shared by the stakeholders to meet the objectives. The estimates per acre on farm treatment costs to switch from the flood irrigation method to another type of irrigation application device are: low level of treatment remedy is \$500 per acre; moderate level of treatment is \$1,500 per acre; and high level of treatment representing conversion to sprinkler or drip is \$2,000 per acre. For flood irrigated fields in the Treasure Valley of 109,526 acres at \$1.500 per acre the cost would be \$164,290,000. This level of expense would exceed a farmers ability to pay.

The municipalities are mandated to meet these TMDL objectives within the next ten years. Most of the municipalities are now planning to meet these reduction objectives. The cost to the municipalities in the Treasure Valley to meet these objectives is over \$400 million, and the federal funding for assistance is a meager amount for the State of Idaho.

**Senator Johnson** asked for explanation on the nonpoint pollution process. **Mr. Steenson** answered the two groups that will bear the primary load in order to meet these phosphorous reduction objectives are municipalities and agriculture, which are the two major sources of contaminants. Agriculture is a nonpoint risk category and municipalities are point source category.

**Senator Guthrie** said that the TMDL reduction of 95% for municipalities and 73 percent for irrigated land does not seem achievable in ten years. He asked how the rest of the State will meet these TMDLs. **Mr. Steenson** stated that TMDLs are established by a water body not meeting its water quality standards, with excessive aquatic plant growth. The determination is made as to the concentration of phosphorous. DEQ must lower the concentration level so the water body does not stimulate excessive aquatic plant growth target of .07 mg/L. DEQ is tasked with determining how much phosphorous a water body can receive from different sources and still not exceed the target. The factors that contributed to the Treasure Valley watersheds going out of compliance levels were: 1) runoff from flood irrigated fields and seepage of those fields to the ground water and then into the rivers; and 2) municipalities discharges.

**Senator Thayn** asked how is phosphorus removed from the water. **Mr. Steenson** stated that once phosphorus enters a water body it is impossible to remove. This is why the objective is to prevent it from getting into the water bodies in the first place.

**Senator Guthrie** observed that a \$200 million price tag for the Treasure Valley to achieve this TMDL is staggering. He asked what the costs will be to get the rest of the State into compliance with the TMDLs. **Mr. Steenson** said he did not have information for the rest of the State. The establishment of the Snake River TMDL is driving phosphorus reduction objectives for the tributaries.

**Vice Chairman Den Hartog** asked if there is a risk with the TMDL compliance timeframe that the agricultural community could become regulated similar to the municipalities in order to accelerate compliance. **Mr. Steenson** answered that there is certainly a risk that there would be a movement to regulate agriculture in a similar manner as municipalities. That movement could accelerate within the ten years when municipalities and cities will spend hundreds of millions of dollar to become compliant and agriculture has not contributed to reducing TMDLs. If the farmers had to comply, where would they get the millions of dollars to bring them into compliance with the TMDL so DEQ would not shut off their return flows. The money to comply with this mandate does not exist within a typical farm budget.

**ADJOURNED:** There being no further business, **Vice Chairman Den Hartog** adjourned the meeting at 8:56 a.m.

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Senator Rice  
Chair

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Carol Deis  
Secretary