

MINUTES  
**SENATE RESOURCES & ENVIRONMENT COMMITTEE**

**DATE:** Wednesday, February 13, 2019

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

**PLACE:** Room WW55

**MEMBERS PRESENT:** Chairman Heider, Vice Chairman Brackett, Senators Bair, Johnson, Mortimer, Patrick, Guthrie, Stennett, 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 Heider** called the meeting of the Senate Resources and Environment Committee (Committee) to order at 1:30 p.m.

**HONORING OF PAGE:** **Chairman Heider** stated that the Senate pages will be leaving Friday and a new group of pages will be coming in. He asked Drew Bingham, the page for the Committee to come forward and be honored. Chairman Heider presented Mr. Bingham with a letter of appreciation signed by the Committee, a letter of recommendation signed by the Chairman, and a watch. **Mr. Bingham** thanked the committee and discussed his future plans of playing Rugby at Utah State University where he hopes to study Sports Medicine after he completes his mission with the Church of Jesus Christ of Latter Day Saints.

**H 26** **Representative Vander Woude** explained that **H 26** establishes October 8th, 2021 as the date to be compliant with the new federal requirements for underground storage tanks. If the storage tanks are not up to standard, then the underground storage tanks' insurance policy won't cover in case of a spill.

**TESTIMONY:** **Chyla Wilson** of Idaho Farm Bureau, **Suzanne Budge** of SBS Associates and **Charlie Jones**, Chief Executive Officer of Stinker Stores all spoke in support of **H 26**, as it ensures the Idaho legislation comes into compliance with the federal code.

**Rick Jarvis**, former employee of the Idaho Department of Environmental Quality, spoke in opposition to the bill because delaying the implementation of this particular rule is not going to be significantly helpful to the State of Idaho and environmental standards as a whole.

**MOTION:** **Senator Guthrie** moved to send **H 26** to the floor with a **do pass** recommendation. **Senator Bair** seconded the motion, the motion carried by **voice vote**.

**HCR 7** **Representative Gestrin** discussed **HCR 7**, a concurrent resolution that concerns the rejection of Fish and Game Rule **Docket No.13-0110-1801**.

**MOTION:** **Senator Brackett** moved to send **HCR 7** to the floor with a **do pass** recommendation. **Senator Bair** seconded the motion, and the motion carried by **voice vote**.

**H 44** **Deputy Director David Groeschl** explained **H 44** as a bill that addresses funding for the administration of the Forest Practices Act. The Forest Practices Act and sets standards for logging, road building, reforestation, and other forest activities. These standards ensure the continuous growing and harvesting of forest trees while protecting and sustaining Idaho's for soil clean water wildlife and aquatic habitat. The assessment cap increase is needed to maintain services to all forest land owners in Idaho and to help protect these resources.

**MOTION:** **Senator Johnson** moved to send **H 44** to the floor with a do pass recommendation. **Senator Bair** seconded the motion, and the motion was carried by **voice vote**.

**GUBERNATORIAL APPOINTMENT:** **Chairman Heider** welcomed Ford Elsaesser of Sandpoint, Idaho who was re-appointed to the Lake Pend Oreille Basin Commission (Commission) to serve a term commencing July 24, 2018 and expiring July 24th, 2021.

**Mr. Elsaesser** stated that the Commission is an advisory group that monitors Lake Coeur d'Alene and Lake Pend Orielle by maximizing both water quality and quantity.

**Mr. Elaesser** said they also work closely with the Idaho Department of Lands Idaho Fish and Game. In recent years the previous executive directors, the current director, and former Congressional Representative Eric Cantor have been some of the key leaders when it comes to invasive species. The Commission wants to prevent a potential mussel infestation in Idaho and to avoid that which has happened in Toronto, Canada on Lake Ontario. According to **Mr. Elaesser**, mussels have just about destroyed the lakefront in Toronto and it's absolutely critical that the Commission keeps them out of Idaho.

**DISCUSSION:** **Senator Patrick** felt that an important piece of Mr. Elsaesser's resume was left out, which was that Mr. Elsaesser has been sitting on the board of the Intermountain Community Bank and Columbia Bank Board. In addition, **Senator Patrick** asked if mussels are still a problem for the Commission. **Mr. Elsaesser** stated that different methodologies have been tried, but diving and ripping them out seems to be the best process. For the other invasive vegetation, they have been working with the universities and Idaho Fish and Game to deal with these matters on a constant basis. The next goal that the commission has is to stop the erosion of the Clark Fork River Delta in Clark Fork, Idaho.

**GUBERNATORIAL APPOINTMENT:** **David Langhorst** Director of the Department of Parks and Recreation (DPR) gave a brief introduction of how the DPR functions and introduced Louis Fatkin, appointee to the Parks and Recreation Board to serve a term commencing March 1, 2018 and expiring June 30th, 2023.

**Mr. Fatkin** introduced himself by first stating that he is from Idaho Falls and works in hospital management. **Mr. Fatkin** further deliberated about how much he loves the outdoors and state and national parks.

**DISCUSSION:** **Vice Chairman Brackett** asked Mr. Fatkin about the biggest challenges facing the park systems in Idaho. **Mr. Fatkin** responded by stating that the biggest problem that they have is sustaining the quality park employees available, because it's very important to keep their expertise. **Senator Stennett** wanted to know how the Idaho State Parks and Recreation Board is encouraging more citizens to volunteer. **Mr. Fatkin** responded by stating that they have been trying to implement the Grand Teton volunteer system into the State System. Grand Teton National Park has a dedicated ranger that oversees all the volunteers, which gives the volunteers the ability to help make decisions that best impact the parks. **Mr. Fatkin** was also very impressed with the model that Henry's Lake has, and he would also like to see that system implemented in Idaho.

**PRESENTATION:** **Chairman Heider** welcomed Edgar Ruiz, the Director of the Council of State Governments West (CSG). **Mr. Ruiz** stated that CSG is a nonprofit nonpartisan organization that serves Western state legislatures. They facilitate regional cooperation, exchange of information, foster strengthened legislative institutions through their different programs and services. CSG also focuses on water management issues along the Columbia and Snake River basins. **Mr Ruiz** further stated that CSG is currently working a coalition to draft a document outlining some potential reforms to section 401 of the Clean Water Act and the water quality certification program that would improve processes and efficiencies. But preserving states authority under that Act. **Mr. Ruiz** also stated that the U.S. State Department and Canada are continuing negotiations to modernize the Columbia River Basin treaty. Key objectives of the negotiations include continued management of flood risk, sharing a reliable and economic power supply and improving the ecosystem in a modernized treaty. In addition, the treaty can be terminated provided that either Canada or the U.S. provides a 10 year written notice. Finally, **Mr. Ruiz** reported on some recent developments regarding invasive species in the Western United States. In a report released by the Montana Department of Natural Resources and Conservation in cooperation with the Montana Invasive Species Council, the Flathead Lake Biology station, and the National Invasive Species Council determined the worst case scenario for a mussel invasion would cost the state of Montana and an estimated 234 million a year in damages to the state's economy. Montana currently funds aquatic evasive species effort at nearly seven million dollars a year. In 2016, invasive mussel larvae were detected in the Tiber Reservoir, which is fed by the Marias River that eventually drains into the Missouri River. **Mr. Ruiz** said that there was another confirmed case in the Canyon Ferry Reservoir, and both of these cases were caused by unclean watercraft that were then docked into the two reservoirs.

**ADJOURNED:** There being no further business at this time, **Chairman Heider** adjourned the meeting at 2:58 p.m.

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Senator Heider  
Chair

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Tyler Brock  
Secretary