

MINUTES  
**SENATE RESOURCES & ENVIRONMENT COMMITTEE**

**DATE:** Wednesday, January 15, 2020

**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 1:33 p.m.

**DOCKET NO. 26-0000-1900** Department of Parks and Recreation omnibus pending rules, under IDAPA 26, page 211.

**Anna Canning**, Management Services Administrator, Idaho Department of Parks and Recreation (IDPR) introduced herself and other IDPR staff present. She explained the omnibus rules and that IDPR, in line with the Red Tape Reduction Act, updated the rules by removing obsolete rules as well as updated them where necessary. She stated that IDPR eliminated 4 chapters, 22 pages, and 335 restrictions, which was a 40 percent reduction of restrictions from last year. She further commented IDPR removed unnecessary details, duplicate rules, and restrictions on department activities that were better suited as policy. She explained that IDPR received public comments on Idaho safe boating rules to meet current federal rules and they will be addressing those issues at a later time.

**DISCUSSION:** **Senators Stennett** and **Bair** discussed with **Ms. Canning** state safe boating rules, recreational occupancy, and leasing practices and procedures with recreational residences in Heyburn.

**MOTION:** **Vice Chairman Brackett** moved to approve **Docket No. 26-0000-1900**. **Senator Johnson** seconded the motion. The motion carried by **voice vote**.

**DOCKET NO. 26-0000-1900F** Department of Parks and Recreation omnibus pending fee rules, under IDAPA 26, page 269.

**Ms. Canning** presented this docket and explained it was an existing fee rules reauthorization containing four rule chapters which were previously reviewed and approved. She further explained that in line with the Governor's Red Tape Reduction Act, IDPR eliminated 2 chapters, 10 pages, and 170 restrictions, which equalled a 2 percent reduction in restrictions. She advised that IDPR moved outdated rules to policies so they would be easier for the IDPR to administer.

**Senator Mortimer** asked if any additional fees were added. **Ms. Canning** reassured the Committee that there were no new fees.

**MOTION:** **Senator Johnson** moved to approve **Docket No. 26-0000-1900F**. **Senator Stennett** seconded the motion. The motion carried by **voice vote**.

**DOCKET NO. 15-0300-1900F** Office of the Governor, Idaho Forest Products Commission omnibus pending fee rules, under IDAPA 15, page 14.

**Jennifer Okerlund**, Director, Idaho Forest Products Commission introduced herself. She explained the rule and informed the Committee that there were no substantial changes made to this docket, the only changes were consolidation and removal of duplication.

**MOTION:** **Senator Patrick** moved to approve **Docket No. 15-0300-1900F**. **Senator Jordan** seconded the motion. The motion carried by **voice vote**.

**S 1216** Relating to cyanidation facilities, amending and making technical corrections.

**Michael McCurdy**, Waste Management and Remediation Division, Department of Environmental Quality (DEQ) introduced himself and explained the bill. He began by explaining that the DEQ issues cyanidation permits with the condition that the construction and operation of the facility cannot occur until the financial assurance requirements for the permanent closure plan are in order. He stated that the purpose of the proposed changes is to resolve a timing issue between the Department of Lands' process for approval of the permanent closure plan and the DEQ's process for permit approval. He explained that this timing issue occurs due to the fact that DEQ's permit approval process is dependent upon the Department of Land's financial assurance approval process.

**Mr. McCurdy** referenced his handout and explained the timeline thereon to the Committee (see attachment 1). He addressed the statute requirements for the Department of Lands and DEQ. Generally, the timeline for the Department of Lands can be up to 270 days, and the timeline for the DEQ requires that it must occur within 180 days. He advised that currently, permits can be automatically denied due to timeline issues since the DEQ would not receive the financial assurance within their deadline. He pointed out that he is not suggesting to change the timeline, that this bill is only changing what the issue of a cyanidation permit is tied to; under this bill the time frame for fully satisfying the Department of Lands financial assurance requirements would not prevent the DEQ from issuing a permit within the 180 days required in code. He pointed out that the bill puts the permit on parallel approval paths which was the original intention of the legislation.

**DISCUSSION:** **Senator Patrick** asked questions regarding fees. **Mr. McCurdy** reassured the Committee that there would be no additional costs to the state or to regulated facilities.

**Senator Stennett** asked questions regarding the obsolete dates stated in the changes. She inquired if the monthly timeline was still the same even though the year was outdated. **Mr. McCurdy** replied that the procedure was based upon the 180 days timeline, not specific dates.

**MOTION:** **Senator Mortimer** moved to send **S 1216** to the floor with a **do pass** recommendation. **Senator Bair** seconded the motion. The motion carried by **voice vote**. Senator Mortimer will be the floor sponsor.

**S 1217** Relating to water. To provide that water may be diverted, without a water right, during an emergency response.

**Mark Dietrich**, Technical Services Division, DEQ introduced himself and explained that this is an emergency spill response bill for an exemption to existing water rights. He informed the Committee that there was no need for any additional funds. He stated that this bill formalizes processes that are already in existence.

**MOTION:** **Senator Bair** moved to send **S 1217** to the floor with a **do pass** recommendation. **Senator Stennett** seconded the motion.

**TESTIMONY:** **Paul Arrington**, representing the Idaho Water Users Association, spoke in support of the change this bill would bring.

**VOICE VOTE:** The motion to send **S 1217** to the floor with a **do pass** recommendation carried by **voice vote**. Senator Stennett will be the floor sponsor.

**MINUTES APPROVAL:** **Senator Patrick** moved to approve the Minutes of January 8, 2020. **Senator Mortimer** seconded the motion. The motion carried by **voice vote**.

**ADJOURNED:** There being no further business at this time, **Chairman Heider** adjourned the meeting at 2:09 p.m.

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Senator Heider  
Chair

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Erin Miller  
Secretary