

MINUTES  
**SENATE AGRICULTURAL AFFAIRS COMMITTEE**

**DATE:** Tuesday, March 09, 2021

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

**PLACE:** Room WW53

**MEMBERS PRESENT:** Chairman Burtenshaw, Vice Chairman Bayer, Senators Patrick, Den Hartog, Johnson, Zito, Ricks, Nelson, and Rabe

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

**MINUTES APPROVAL:** **Senator Johnson** moved to approve the Minutes of February 25, 2021, **Vice Chairman Bayer** seconded the motion. The motion carried by **voice vote**.

**PRESENTATION:** **Idaho Agriculture Best Management Practices (BMP).** **Roger Batt**, Treasure Valley Water Users Association, gave a brief introduction on Idaho's agricultural BMPs and said the main focus of the presentation was water quality standards and practices in the State. He said that municipalities and other point source (PS) dischargers are mandated to meet requirements that are set in water quality standards. He emphasized that nonpoint source (NPS) dischargers, including agricultural activities, are voluntary on the part of the landowners. For this reason, BMP was established to reduce the emission of phosphorus and other sedimentary pollutants in the environment, he added. **Mr. Batt** introduced Mary Anne Nelson, Surface and Wastewater Division Administrator, Idaho Department of Environmental Quality (DEQ); and Brian Olmstead, General Manager, Twin Falls Canal Company; to provide updates on the projects funded by the state and federal government through BMP programs.

**Dr. Nelson** explained as part of Section 319 of the Clean Water Act (CWA), U.S. Environmental Protection Agency provides funding to each state to implement NPS pollution reduction programs. She added DEQ entrusts the funds to grantees to carry out initiatives that help lessen sources of pollution associated with activities not covered by the PS discharge permitting programs. In addition, she said the federal government funded over 300 projects in Idaho over the last two decades. However, the amount awarded to Idaho decreased over that period, from an average of around \$3 million in the early 2000s to \$1.5 million in 2021. **Dr. Nelson** mentioned, beginning 2017, the Idaho State Legislature appropriated funds to supplement DEQ's federal NPS program grants.

**Dr. Nelson** described agricultural BMP as practices researched and implemented in the agricultural industry to provide protection of natural resources. She further expounded that these practices reduce soil and fertilizer runoff, manage animal waste, reduce operating costs, and protect water quality on farms. She also discussed the state and federal agricultural BMP funding as shown in Attachment 1.

**Dr. Nelson** talked about DEQ's previous and current projects funded by the state and federal government as well as the procedures in awarding grants to applicants. (See Attachment 2.) She mentioned the grants are used to incentivize farmers to implement BMP voluntarily. She pointed out that the grant funding provides 60 percent of the project costs. The applicant must demonstrate there are matching funds for the remaining 40 percent of the total project cost. She noted that these matching funds may be private donations, other matching state or federal funds, or in-kind services.

**DISCUSSION:** **Senator Patrick** asked Dr. Nelson about the procedure in modifying stream channels. **Dr. Nelson** replied farmers who wished to change their stream channels must file a joint-agency stream channel alteration permit to Idaho Department of Water Resources, and a dredging and filling permit to US Army Corps of Engineers.

**PRESENTATION:** In closing, **Dr. Nelson** acknowledged the nature of the projects and grant awarding process made it difficult for DEQ to expend appropriated funds in a single fiscal year. This difficulty resulted in annual reappropriation requests from DEQ. She expressed her gratitude to the Committee members for supporting **S 1079**, which provides DEQ a dedicated account to help alleviate the aforementioned concerns.

**DISCUSSION:** In response to Vice Chairman Bayer's question regarding the time frame of awarding both state and federal grants. **Dr. Nelson** clarified that both grant programs utilize the same process but differ in timing due to the difference between approval periods of state budget request and federal grant application. She made it clear that most projects were solely funded by either state or federal money. On the other hand, a few long-term projects were funded by both.

**PRESENTATION:** **Mr. Olmstead** detailed the Southern Idaho Water Quality Coalition's (Coalition) members and mission. (See Attachment 3.) He highlighted that the coalition is a consortium of agricultural industry, cities, businesses, and canal companies that aims to comply with the total maximum daily loads (TMDL) implementation standards. He reiterated that the farmers are not regulated by CWA. it is voluntary program for them. He affirmed that one of the best way to fulfill the requirements with TMDL standards is through agricultural BMPs, with both PS and NPS dischargers working together.

**Mr. Olmstead** discussed the Coalition's past and ongoing projects. He emphasized that the Coalition takes grant funding seriously and all of its programs and projects are well thought of. (See Attachment 4.) He detailed some of its projects, its purpose, cost to build, and sponsors.

**DISCUSSION:** In response to Chairman Burtenshaw's question on the East Perrine Wetland project, **Mr. Olmstead** explained that the project enhanced the water quality in the area by reducing sediments and nutrients from being delivered to the Snake River. He confirmed that the eight small cells or ponds are drained and maintained annually.

**PRESENTATION:** In conclusion. **Mr. Olmstead** expressed his appreciation to the Legislature for its support of the agricultural community. He added that Idaho citizens, including farmers, want clean and usable water and rivers.

**DISCUSSION:** **Senator Patrick** commented that the stockholders and farmers of Twin Falls Canal Company voted on some water quality regulations. He stated this shows the commitment of the Coalition in the keeping the environment safe and clean.

**PRESENTATION:** **Daniel Steenson**, Sawtooth Law, introduced himself and explained the movement, distribution and management of water in the Treasure Valley. (See Attachment 5.) He stated that the flood irrigation in the treasure valley and the surrounding areas plays a critical role in the agriculture production. However, flood irrigation erode soil, and inevitably transfer some soil to the Boise River and Snake River. He added that the soil carry with it some pollutants that stimulates excess aquatic plant growth that causes nuisance conditions in rivers. Thus, TMDL was developed to address the issue. He showed table and graph that depict the reductions that TMDL has established in order to meet stream water quality standards. (Refer to Attachment 6.)

**DISCUSSION:** **Senator Nelson** asked Mr. Steenson regarding the phosphorus emission from dairy facilities in the middle Snake River area. **Mr. Steenson** answered that he is not familiar with the phosphorus loading figures and magnitude in the middle Snake River area. Although, he confirmed that dairy operations follow a nutrient management plan to control, retain, and not discharge phosphorus and dairy waste to the river. He remarked, in general, most dairies facilities do not load phosphorus through surface runoff to bodies of water. He stated dairies are not major factor or contributor to phosphorus loading.

**PRESENTATION:** **Mr. Steenson** confirmed that there is a rapid urbanization in the Treasure Valley. He estimated that there is a conversion of 3,000 acres per year from agricultural use to non-agricultural use in recent years. He also discussed the Treasure Valley BMP grant programs, the criteria used to pick its grantees, and the selection process. He showed a table with the list of projects implemented in the Treasure Valley since 2009. He described that the table was used to track and identify the number of acres treated, the amount of sediments reduced, and the progress made in reducing the sediment loading. He detailed the three categories of projects, and its operational and financial benefits. (Refer to Attachment 7.) He emphasized that these projects are aimed to improve water quality and improve agricultural efficiency.

**Mr. Steenson** stated that the appropriations that the Legislature provided through DEQ are valuable in enforcing programs that are beneficial to the agricultural industry.

**DISCUSSION:** **Chairman Burtenshaw** asked Mr. Steenson to explain on what will happen to the water rights in the urbanized and developing districts and its effect to the Boise River. **Mr. Steenson** clarified that developers have the choice to retain or exclude the water rights when they develop the land. In the latter, the water rights remains with the district. On the other hand, he elaborated that if the developer decides to retain the land's water rights, delivery system continues to deliver water to the original point of delivery and water is conveyed from the point of delivery to the land through a pressure system. He also said farmers and residential landowners irrigate differently but the latter are not necessarily more efficient than the former.

**PRESENTATION:** **Paul Arrington**, Idaho Water Users Association, talked about the power and value of synergy and collaboration among the agricultural community to try to achieve a greater goal of cleaning up the water and rivers. He emphasized that the Legislature is the key player in achieving that goal though its annual appropriations and legislations to make the process more efficient. He expressed gratitude to the Legislature for its support.

**DISCUSSION:**

In response to to a question from Senator Johnson regarding CWA, **Mr. Arrington** replied that PS dischargers are subjected to mandatory obligations to meet the standards set through TMDL, but NPS dischargers, which includes the agricultural producers, do not have the same obligations. Despite this, farmers exert efforts to do their part in keeping the environment clean through BMPs.

**Senator Ricks** commended the works that agricultural community has done and are doing to protect Idaho resources. He commented that Idaho has one of the best water irrigation system in the nation.

**ADJOURNED:**

There being no further business at this time, **Chairman Burtenshaw** adjourned the meeting at 9:06 a.m.

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Senator Burtenshaw  
Chair

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Rellie Wisdom  
Secretary