

MINUTES
SENATE RESOURCES & ENVIRONMENT COMMITTEE

DATE: Wednesday, February 02, 2022

TIME: 1:30 P.M.

PLACE: Room WW55

MEMBERS PRESENT: Chairman Vick, Vice Chairman Heider, and Senators Blair (Johnson), Patrick, Guthrie, Burtenshaw, Stennett, and Semmelroth

ABSENT/ EXCUSED: Senator VanOrden (Bair)

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 Vick** called the meeting of the Senate Resources and Environment Committee (Committee) to order at 1:30 p.m.

S 1227 **Water - Repeals existing law relating to the Coeur d'Alene River and Lake Commission.** **Colby Cameron**, Bureau Chief, Legislative and Regulatory Affairs, Idaho Division of Financial Management, explained this legislation repeals the inactive Coeur d'Alene River and Lake Commission. This Commission was put in the statute in 1931 and has not served since before World War II. It was enacted for a specific cleanup purpose.

MOTION: **Senator Burtenshaw** moved to send **S 1227** to the floor with a **do pass** recommendation. **Vice Chairman Heider** seconded the motion. The motion carried by **voice vote**. Chairman Vick will carry the bill on the floor.

S 1228 **Fences - Repeals existing law relating to inclosures of reservoirs and dumps.** **Mr. Cameron** explained this is an 1872 statute that concerned quartz milling facilities that were used to crush rocks for iron ore or gold. They often used flowing water to power rock crushing systems and water would accumulate in settling ponds. This statute required that adequate fencing kept livestock out of these ponds. Use of this process ended at the turn of the century.

DISCUSSION: **Senator Semmelroth** commented that the remains of an old mill can be found at a ghost town called Spanish Town outside of Featherville. **Senator Vick** asked if this practice ended at the turn of the nineteenth century or the twentieth century. **Mr. Cameron** responded that this process ended at the end of the nineteenth century. **Vice Chairman Heider** asked how many of these mills there were and where they were located in the state. **Mr. Cameron** responded that he did not have a total number, but the Idaho Geological Survey did some reports of these mills in the past, with the last report done in the 80's. He believed there were quite a few of these mills in Idaho at one time and he saw pictures of them in Idaho City, in the Owyhees, and in the desert south of Boise.

MOTION: **Senator Burtenshaw** moved to send **S 1228** to the floor with a **do pass** recommendation. **Senator Blair** seconded the motion. The motion carried by **voice vote**. Senator Burtenshaw will carry the bill on the floor.

DOCKET NO. 26-0000-2100 **Department of Parks and Recreation - Notice of Omnibus Rulemaking - Proposed Rule Discussion.** **Susan Buxton**, Director, Department of Parks and Recreation, shared that one of the more preserved stamp mills in the State is Bayhorse at Land of Yankee Fork State Park near Challis. **Ms. Buxton** stated that the section to be excluded from approved Parks and Recreation fee rules was 26.01.33.10.07. She noted this section was excluded by the House during their meeting yesterday.

DISCUSSION: **Chairman Vick** clarified that by rejecting this section the Committee was not reverting to the past rule, but deleting it from the rule, which will have no consequences as the definition is already in statute.

MOTION: **Chairman Vick** moved to rescind the motion from Monday's meeting to approve **Docket No. 26-0000-2100**. **Senator Stennett** seconded the motion. The motion carried by **voice vote**.

MOTION: **Senator Stennett** moved to approve **Docket No. 26-0000-2100**, except 26.01.33.10.07. **Senator Guthrie** seconded the motion. The motion carried by **voice vote**.

RS 29013C1 **Division of Environmental Quality (DEQ) Voluntary Cleanup Program.** **Michael McCurdy**, Waste Management & Remediation Division Administrator, Department of Environmental Quality (DEQ), explained the proposed changes to the Idaho Land Remediation Act, which is Idaho Code Chapter 72 Title 39. DEQ's voluntary cleanup program was created in 1996 by the Idaho Land Remediation Act to encourage innovation and cooperation between the State, local communities, and private parties to revitalize properties with hazardous substance or petroleum contamination. The voluntary clean up program has been successful, but DEQ feels it has been under-utilized. Currently, there are only eight active sites in the program and 40 other sites that are inactive or closed.

Mr. McCurdy noted proposed revisions to Idaho Code § 39-7202 clarify several elements, mainly revolving around increasing eligibility. Proposed revisions include expanding participation beyond commercial and industrial sites, investigation as well as remediation activities, including sites with perceived contamination as well as known contamination, and removing outdated and redundant information. Revisions to Idaho Code § 39-7203(3) change the term "eligible property owner" to "eligible participant" and expand program eligibility to include responsible parties or owners of property where the release occurred. Revisions to Idaho Code § 39-7208 clarify the rescission of the voluntary mediation agreement, certificate of completion, or the covenant not to sue. Revisions in Idaho Code § 39-7211(6)(d) clarify when a rebate issued under the Community Reinvestment Pilot may be returned by the participant.

DISCUSSION: **Senator Stennett and Senator Guthrie** expressed concerns about the changed language related to qualifications required to participate and the apparent ability for any person to join this program on a property without the property owner's consent. **Mr. McCurdy** responded that DEQ wanted to broaden participation in the program and include as many people who wanted to participate as possible. A discussion ensued between the Committee and **Mr. McCurdy** regarding the changed qualifications to participate in the program.

MOTION: **Senator Stennett** moved that **RS29013C1** be sent to print. **Senator Blair** seconded the motion. The motion carried by **voice vote**.

DOCKET NO. 15-0301-2100F **Idaho Forest Products Commission - Notice of Omnibus Rulemaking -Proposed Rule.** Vote only.

MOTION: **Senator Blair** moved to approve **Docket No. 15-0301-2100F**. **Senator Stennett** seconded the motion. The motion carried by **voice vote**.

**DOCKET NO.
58-0000-2100**

DEQ - Notice of Omnibus Rulemaking - Proposed Rule. Vote only.

**DOCKET NO.
58-0000-2100F**

DEQ - Notice of Omnibus Rulemaking (Fee Rule) - Proposed Rule. Vote only.

MOTION:

Vice Chairman Heider moved to approve **Docket No. 58-0000-2100 and Docket No. 58-0000-2100F. Senator Burtenshaw** seconded the motion. The motion carried by **voice vote**.

**GUBERNATORIAL
APPOINTMENT:**

Committee Consideration of the Gubernatorial Appointment of David Bobbitt of Coeur d'Alene, ID to the Idaho Fish and Game Commission. Mr. Bobbitt introduced himself and shared that he has been a resident of Coeur d'Alene since his family moved there in 1958, except between 1989 and 1996, when he lived in Boise due to his job in banking. He grew up on a little farm in Coeur d'Alene. His father had cows, but his family never ate one because they were a cash crop. His dad would take him out of high school for a week and they would go camping and fill the freezer. He has been passionate about hunting and fishing his whole life. He started banking in 1969 and was popular with the other bankers because he could take them all hunting. While he was banking, he became a licensed outfitter and guide on the Clearwater, which he did successfully for seven years. He kept his day job in banking because he had a family to raise. In 1989, he took a position in Boise with Idaho First (or West One) to run the branches in the region. **Mr. Bobbitt** shared that he has remained an active hunter and fisherman. He enjoys hunting and fishing at his place at Priest Lake. He has two sons and three daughters. He wanted to serve as a Fish and Game Commissioner because they have been a very important part of his life, and he wanted to be able to pass this on to his kids and their kids and future generations of citizens of Idaho.

DISCUSSION:

Senator Stennett asked Mr. Bobbitt about his initial experience starting with the Commission in August. **Mr. Bobbitt** responded that it required a fast learning curve, but he learned a lot of decisions are made on science or biology, and what is sustainable for future generations, rather than on political whim. **Senator Stennett** asked Mr. Bobbitt if he has some unique personal experience, such as his experience as an outfitter, to lend to the Commission. **Mr. Bobbitt** responded that while outfitting and guiding, it was easy to make general observations about what affects the big game herds, such as habitat, bears, cougars, or wolves, but it really is a combination of all those, along with the population increase in Idaho causing a reduction in habitat.

Vice Chairman Heider asked what Mr. Bobbitt's stand was on wolves and the decisions the Legislature made last year to kill wolves on sight. **Mr. Bobbitt** responded that he believes wolves are a management issue, and a long term management plan that manages wolf numbers down is needed. He did not want to see wolves managed to a level where wolf management was taken out of state control.

GUBERNATORIAL APPOINTMENT: **Committee Consideration of the Gubernatorial Appointment of Mike Edmondson of Boise, ID as Administrator of the Office of Species Conservation.** **Mr. Edmondson** shared that he has been an Idaho resident since 1993 or 1994. His father served in the Navy, and he was born in Southern California. He was educated at Cal Poly, San Luis Obispo. Upon graduation, he moved to Idaho and he has lived in Idaho ever since. He is here with his wife of 25 years, Amy, and two of their three daughters. He has served the state of Idaho since 1994. He was originally hired by DEQ as a water quality scientist. In 2008, he joined the Office of Species Conservation to become an aquatic program manager and policy advisor. He served three of the four previous administrators, and if confirmed, he will be the fifth administrator of the Office of Species Conservation. **Mr. Edmondson** stated since 2008, he has been a party to or involved in most actions of the office, although his primary focus was on aquatic species. He worked through the wolf controversies, watched the sage grouse saga unfold, and now, with the governor's appointment, he is taking on the terrestrials and the conversations about sage grouse and grizzly bears. He believes the work the office does to compensate producers for livestock losses due to wolves and to provide dollars for wolf prevention is meaningful. He enjoys spending as much time as he can out on the ground, talking to producers and understanding their issues.

DISCUSSION: **Senator Stennett** asked what Mr. Edmondson would bring to the position of administrator, after having observed others in the position for so many years. **Mr. Edmondson** responded that due to his specific knowledge and experience, he would be able to support a focus on aquatic species. He was also excited about being involved with terrestrials and the enforcement world and the issues revolving around grizzly bears and sage grouse management, while also keeping Idaho's economy vibrant.

Senator Blair asked for Mr. Edmondson's thoughts on the movement to take out dams in order to save salmon and steelhead populations. **Mr. Edmondson** responded that he does not believe the removal of Snake River dams would save these species. He stated the mission of his office is to preclude the listing of species and to recover species. He added that dams produce necessary energy and load-following balanced to a transmission system, and they provide the transportation of agricultural products from Idaho to port for sale. He stated these services cannot be replaced at this time.

PRESENTATION: **Idaho Department of Water Resources Annual Update.** **Jeffrey Reybould**, Chairman of the Idaho Water Resource Board, presented **Water Sustainability Project Funding**. (Attachment 1) He was followed by **Gary Spackman**, Director of Idaho Department of Water Resources (IDWR), who presented IDWR's **Annual Legislative Report - 2022**. (Attachment 2)

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

Senator Vick
Chair

Shelly Johnson
Secretary