

MINUTES  
**SENATE RESOURCES & ENVIRONMENT COMMITTEE**

**DATE:** Wednesday, February 18, 2026

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

**PLACE:** Room WW55

**MEMBERS PRESENT:** Chairman Burtenshaw, Vice Chairman Hart, Senators Guthrie, Harris, Okuniewicz, Cook, VanOrden, Kohl, and Taylor

**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 Resources and Environment Committee (Committee) to order at 1:30 p.m.

**PRESENTATION:** **Acknowledgement of Page - Marley Johnson. Ms. Johnson** shared with the Committee some of her future plans, which were to go back to school, graduate in May, take the summer off, and then go to flight school somewhere locally. She hoped to get a degree in aviation.

**DISCUSSION:** **Senator Cook** asked Ms. Johnson how the last six weeks of experience had changed her life and her goals. **Ms. Johnson** responded that her perspective on state politics had changed when she saw that everyone got along and had the same end goal, which was to do what was best for Idaho.

**GUBERNATORIAL REAPPOINTMENT VOTE:** **Senator Okuniewicz** moved to send the Gubernatorial reappointment of David Bobbitt of Coeur d'Alene, Idaho, to the Idaho Fish and Game Commission to the floor with the recommendation that he be confirmed by the Senate. **Senator Harris** seconded the motion. The motion carried by **voice vote**.

**GUBERNATORIAL APPOINTMENT:** **Committee Consideration of the Gubernatorial Appointment of James Keating of Hailey, Idaho to the Parks and Recreation Board** (Board) to serve a term commencing June 30, 2025 and expiring June 30, 2031. **James Keating** presented before the Committee and told them a bit about himself. He wanted to serve on the Board because he had a passion for outdoor recreation, he wanted to bring his mix of effective public and private sector experience to the management of the Board, and he believed in the agency's ability to contribute to Idaho's economy.

**DISCUSSION:** **Senator Cook** asked Mr. Keating to share about his experience at Liquid Space and how that experience would help him with his position on the Board. **Mr. Keating** responded that he was Chief Operating Officer of Liquid Space for about three years. Liquid Space was a venture capital funded high tech company. He thought this experience would help with his position on the Board because he was trained in running and managing an organization. **Senator Kohl** asked what Mr. Keating believed was the largest challenge facing the Idaho Department of Parks and Recreation (IDPR) and how he planned to tackle that challenge. **Mr. Keating** responded that IDPR faced two fundamental challenges. The first one was that demand exceeded capacity and the second was addressing deferred maintenance. He thought managing a balance between accommodating demand and doing that effectively and economically would be a challenge. He thought investment in smart reservation systems was one goal, smart investments in deferred maintenance that also increased capacity

was another, and investments in land that created recreational opportunities for Idahoans in the future was another.

**AGENCY UPDATE** **Lake Pend Oreille Basin Commission Update on the University of Idaho Economic Study.** **Ford Elsaesser**, Chairman, Lake Pend Oreille Basin Commission, spoke about the study, Lake Pend Oreille Water Management: An Economic Analysis of Lake Level Impacts to Local Revenue (Attachment 1). The study was sponsored by the University of Idaho and the Lake Pend Oreille Basin Commission and published in January 2026. He explained this report showed the negative economic impact the manipulation of Lake Pend Oreille water levels by the U.S. Army Corps of Engineers (USACE) and The Bonneville Power Administration (BPA) had on the local economy. Lake Pend Oreille had a recreational season one third to one half less than other lakes in the region.

**DISCUSSION:** **Senator Okuniewicz** asked that if USACE maintained the lake at his preferred level for the duration he wanted, how Mr. Elsaesser thought that would affect day-to-day use of the lake for regular users like himself. **Mr. Elsaesser** responded that he thought once people had confidence that they were going to have a full recreational season on Lake Pend Oreille, everything from a picnic on the side of the lake to intensive fishing for world record rainbow trout would be available from May to early October, just like the other beautiful lakes in North Idaho. **Senator Okuniewicz** stated he liked being alone when he was on the lake and he was able to get his 24 foot fishing boat in the water pretty much year-round. He was also unsure how much of a difference the report could make, since USACE had never been very responsive. **Mr. Elsaesser** agreed that they had a never-ending battle with USACE. He hoped this report might move them closer to treatment equitable with other lakes. He thought Lake Pend Oreille was big enough to find plenty of empty spots on the lake to be by yourself. **Senator Okuniewicz** asked how much Mr. Elsaesser had spoken with outdoorsmen about this research to find out how they felt about more development and more business in the area. **Mr. Elsaesser** responded that he did not think there would be an issue with overcrowding.

**Vice Chairman Hart** asked if there were time periods needed for the lake level to adjust to accommodate fish habitat. **Mr. Elsaesser** responded that neither the refill of the lake in the spring nor the draw down of the lake in the fall negatively impacted negatively any of the species of fish in the lake. **Vice Chairman Hart** asked how far the economic impact of short seasons and low lake levels extended geographically beyond Sandpoint. **Mr. Elsaesser** responded that the focus was mainly on Sandpoint, but the impact could extend within a 10 mile radius of Sandpoint.

**Senator Harris** asked if there were other uses of the lake besides tourism and recreation and what effect those operations had on the level of the lake. **Mr. Elsaesser** responded the primary reasons for the draw down of the lake in the fall and the draw up in the spring were to benefit power generation and demands for more water downstream.

**PASSED THE GAVEL:** Chairman Burtenshaw passed the gavel to Vice Chairman Hart.

**DOCKET NO.  
20-0302-2401**

**Rules Governing Mined Land Reclamation (ZBR Chapter Rewrite)- Pending Rule**, p.80. **Andrew Smyth**, Resource Protection and Assistance Bureau Chief, Idaho Department of Lands (IDL), referred the Committee to the 2026 Senate Resources and Environment Committee Pending Rules Review Book starting on page 80. He explained these rules concerned The Idaho Mined Land Reclamation Act, found in Idaho Code § 47-15, which enabled responsible mineral extraction while protecting public health, safety, and welfare by ensuring that lands disturbed by exploration and mining operations were properly reclaimed. **Mr. Anders** explained that this rulemaking was initiated in accordance with Executive Order 2020-01, Zero Based Regulation.

**Mr. Anders** reviewed the rulemaking process for this Docket. Rulemaking included changes to the initial draft based on written and oral comments, and further changes based on comments received from the Idaho Mining Association and the Idaho Conservation League at the public hearing. Changes to the rules included a reduction in total word count, a reduction in restrictive words, the addition of two new definitions (for “coarse and durable rock armor” and “authorized land”), and reorganization of reclamation plan application requirements to improve clarity.

**DISCUSSION:**

**Vice Chairman Hart** asked if these rules also governed active mine sites. **Mr. Anders** responded that these rules focused on how land would be reclaimed after mining, so they did not regulate active operations. **Vice Chairman Hart** asked if Mr. Anders knew how much mining in Idaho was done on federal versus private versus State land. **Mr. Anders** did not have that exact breakdown, but would do some research and follow up.

**Senator Guthrie** asked why there was so much interest in these rules, as reflected by the numerous meetings and large number of comments, but the resulting changes seemed to be minimal. **Mr. Anders** confirmed that there was a lot of interest, but no substantial changes, and stated they did not receive any feedback to make any substantial changes.

**MOTION:**

**Chairman Burtenshaw** moved to approve **Docket No. 20-0302-2401**. **Senator Cook** seconded the motion. The motion carried by **voice vote**.

**DOCKET NO.  
20-0304-2401**

**Rules for the Regulation of Beds, Waters, and Airspace Over Navigable Lakes in the State of Idaho (ZBR Chapter Rewrite) - Pending Rule**, p. 120. **Marde Mensinger**, Navigable Waterways Program Manager, Idaho Department of Lands (IDL), referred the Committee to the 2026 Senate Resources and Environment Committee Pending Rules Review Book starting on page 120. She explained this Docket concerned Idaho Code § 58-13, commonly referred to as the Lake Protection Act. The intent of this law was to protect property, navigation, fish and wildlife habitat, aquatic life, recreation, aesthetic beauty, and water quality, and it required waterfront owners to obtain a permit from IDL prior to constructing any encroachment such as docks, marinas, bridges, utility lines, and float homes on public lands. **Ms. Mensinger** explained that this rulemaking was initiated in accordance with Executive Order 2020-01, Zero Based Regulation.

**Ms. Mensinger** reviewed the rulemaking process for this Docket. Some minor changes were made to the initial draft based on meeting discussions, which centered on the extent to which IDL could regulate encroachments, and discussions about specific encroachments, such as commercial marinas and community docks. Changes to the rules included a reduction in word count, a reduction in restrictive words, inclusion of definitions for common encroachments including breakwater, seawall, water line, residential area, and marine motor fuel dispensing facility, and incorporation by reference of the International Fire Code. The Department did not propose fee increases for this rule.

**DISCUSSION:** **Senator Okuniewicz** asked if the Lake Pend Oreille lake level was increased to keep a longer recreation season on the lake, how would that impact IDL's approval processes for docks and ramps and marinas and the like. **Ms. Mensinger** responded that she did not think it would impact the process, but would only mean they would receive applications a little earlier in the year. **Vice Chairman Hart** asked if there were other situations in Idaho where the bottom of the lake bed was managed by the federal government, like Lake Cascade. **Ms. Mensinger** responded that many reservoirs in Idaho were owned by the federal government and managed by the federal government. The State owned title to the original riverbed, which was a very thin line down the middle of the reservoir.

**MOTION:** **Senator Okuniewicz** moved to approve **Docket No. 20-0304-2401**. **Senator Taylor** seconded the motion. The motion carried by **voice vote**.

**DOCKET NO. 20-0308-2501** **Easements on State-Owned Lands (ZBR Chapter Rewrite) - Pending Rule**, p. 144. **Lawson Tate**, Right-of-Way Program Manager, Idaho Department of Lands, referred the Committee to the 2026 Senate Resources and Environment Committee Pending Rules Review Book starting on page 144. He explained these rules concerned Idaho Code § 58-6, which authorized the State Board of Land Commissioners to grant easements over State-Owned Land. IDL provided guidance for the administration of these rules on behalf of the Land Board. **Mr. Tate** explained that this rulemaking was initiated in accordance with Executive Order 2020-01, Zero Based Regulation.

**Mr. Tate** reviewed the rulemaking process for this Docket. Key changes were:

- reduced total word count and removed restrictive words
- added definition of "assignment" to Subsection 010.01
- revised Section 010.13 to extend the duration for temporary permits from 10 years to 20 years
- deleted the easement assignment fee of \$50.00 and easement application fee of \$100.00 because they did not cover administrative costs
- simplified the easement fee criteria in Section 021.01
- added Section 021.01.a related to compensation for easements to include "a commensurate portion of the value created by the right-of-way, as determined by the Director and supported by specific data such as an appraisal"
- revised the minimum compensation for any easement to be at the discretion of the Land Board, not including respective costs of an appraisal and survey, when applicable, in Section 021.05
- revised Section 030 to incorporate vandalism and fire as potential emergency situations

**DISCUSSION:** **Senator Okuniewicz** asked for the fiscal impact of the elimination of the fees. **Mr. Tate** responded that it was less than \$2,000 to \$3,000 a year for the department.

**MOTION:** **Senator Okuniewicz** moved to approve **Docket No. 20-0308-2501**. **Chairman Burtenshaw** seconded the motion. The motion carried by **voice vote**.

**PASSED THE GAVEL:** Vice Chairman Hart passed the gavel to Chairman Burtenshaw.

**AGENCY UPDATE** **Idaho Department of Parks and Recreation.** **Susan Buxton**, Director, Idaho Department of Parks and Recreation (IDPR), provided and reviewed a document showing some statistics related to outdoor recreation and IDPR (Attachment 1), and an update on the activities of IDPR (Attachment 2). She noted an error on her handout, which was the ratios of IDPR staff to visitors and National Park Service staff to visitors were transposed. She noted IDPR included 30 state parks and their programs contributed an estimated \$1.3 to \$1.4 billion of the \$5.6 billion generated by outdoor recreation in Idaho. IDPR operated with about 200 full-time employees who supported roughly 7.1 million visitors each year. IDPR managed 2,092 overnight campsites, 99 lodging facilities, and 19,500 miles of recreational trails.

**Ms. Buxton** shared the results of two statewide recreation surveys. She reviewed how IDPR was increasing outdoor opportunities, such as by repairing and restoring facilities that suffered from deferred maintenance, by creating new campgrounds, boat slips, and day use areas, and by maintaining affordability through the Idaho State Parks Passport. She shared the status of projects funded over the past three to four years with ARPA (American Rescue Plan Act) and surplus funding. She shared about the goals for those funds and how they were now projected to exceed those goals with 339 new campsites, 346 new upgraded docks and slips, and 26 new and updated day-use areas statewide.

**Ms. Buxton** reviewed recent improvements including restoration of the former church camp at Kokanee Cove in Ponderosa State Park, the full renovation of Rocky Point Lodge at Heyburn State Park, and reconstruction of the aging Chatcolet Marina docks. She shared about upgrades at Priest Lake to increase capacity and improve safety, the replaced Hell's Gate Marina in Lewiston, and renovation of the historic buildings at Eagle Island State Park. She spoke about replacement of the deteriorating docks at Crown Point on Lake Cascade, replacement of an unusable storage building at Ponderosa State Park in McCall, and major updates to century-old buildings at Harriman State Park. She spoke about the acquisition of Twin Peaks Ranch, a turnkey facility along the Salmon River, and rehabilitation of an old facility on the Ashton-Tetonia Trail.

She shared that IDPR launched their updated reservation system in 2025. The new system allowed for dynamic pricing to manage demand and encourage visitation in slower seasons. This contributed to strong campsite reservations and revenue in 2025. To address upcoming budget cuts, she intended to maintain staff, but expected some reduced hours or services. Their budget requests this year were not for general funds, but included federal cost-share projects such as staff housing at Lake Cascade with the Bureau of Reclamation, staffing for Twin Peaks Ranch, and a new centralized entrance at Farragut State Park in partnership with the Idaho Transportation Department.

**DISCUSSION:** **Senator Harris** asked if IDPR had a decrease in revenue because of the lack of snow. **Ms. Buxton** responded yes, they were not seeing as many registrations in their snowmobile programs as they would usually see.

**ADJOURNED:** There being no further business at this time, **Chairman Burtenshaw** adjourned the meeting at 2:50 p.m.

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Senator Burtenshaw  
Chair

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Shelly Johnson  
Secretary