

MINUTES
SENATE RESOURCES & ENVIRONMENT COMMITTEE

DATE: Monday, February 23, 2026

TIME: 1:30 P.M.

PLACE: Room WW55

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

ABSENT/ EXCUSED: Vice Chairman Hart

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.

INTRODUCTION: **Introduction of Page - Antoine Taylor.** **Chairman Burtenshaw** introduced Senate Page Antoine Taylor. **Mr. Taylor** presented before the Committee and told them about himself and shared some of his plans for the future. He was leaving to serve a mission for his church in Paris, France in July. When he returned he planned to go to Brigham Young University, Idaho, and major in business management with the hopes of having his own business one day.

DISCUSSION: In response to a question from Chairman Burtenshaw, **Mr. Taylor** confirmed his mother was from France and he spoke french.

GUBERNATORIAL APPOINTMENT VOTE: **Senator Taylor** moved to send the Gubernatorial appointment of James Keating of Hailey, Idaho, to the Parks and Recreation Board to the floor with the recommendation that he be confirmed by the Senate. **Senator Harris** seconded the motion. The motion carried by **voice vote**.

MINUTES APPROVAL: **Senator Okuniewicz** moved to approve the Minutes of January 26, 2026. **Senator Harris** seconded the motion. The motion carried by **voice vote**.

MINUTES APPROVAL: **Senator Taylor** moved to approve the Minutes of January 28, 2026. **Senator Kohl** seconded the motion. The motion carried by **voice vote**.

MINUTES APPROVAL: **Senator VanOrden** moved to approve the Minutes of February 2, 2026. **Senator Cook** seconded the motion. The motion carried by **voice vote**.

MINUTES APPROVAL: **Senator Guthrie** moved to approve the Minutes of February 4, 2026. **Senator Harris** seconded the motion. The motion carried by **voice vote**.

DOCKET NO. 58-0111-2501 **Ground Water Quality Rule (ZBR Chapter Rewrite)- Pending Rule**, p. 351. **Jerri Henry**, Drinking Water Protection and Finance Division Administrator, Idaho Department of Environmental Quality (DEQ), explained this rule protected Idaho's groundwater by setting water quality standards and requirements for activities that could affect aquifers. **Ms. Henry** explained that this rulemaking was initiated in accordance with Executive Order 2020-01, Zero Based Regulation.

Ms. Henry referred the Committee to the 2026 Senate Resources and Environment Committee Pending Rules Review Book starting on page 353. She explained most of the changes throughout this rule addressed wording and format changes and did not affect the intent of the rule. The changes worth noting were made due to public comment and could be found on page 354, Section 003, and on page 359, Section 200.01.a, including Table II. Changes included adopting by reference most of the Environmental Protection Agency's (EPA) national drinking water standards and their acceptable groundwater levels of arsenic, uranium, lead, and per- and polyfluoroalkyl substances (PFAS). The EPA's standards were now uncertain due to ongoing lawsuits. **Ms. Henry** requested that the Committee approve pending **Docket 58-0111-2501**, except for Section 003 and Section 200, Subsection 01.a, pending federal clarity. DEQ also intended to take this rule through additional negotiated rulemaking to allow for participation from more stakeholders and gather better Idaho-specific data.

MOTION:

Senator VanOrden moved to approve Docket No. 58-0111-2501 with the exception of Section 003 and Section 200, Subsection 01.a. **Senator Harris** seconded the motion.

Senator VanOrden cited the finding of fact for the motion: The Legislature finds that Idaho Code § 39-102 establishes the policy of the state to maintain the existing high quality of groundwater, protect current and projected future beneficial uses, and prevent unreasonable contamination or deterioration of this public resource. The Legislature further finds that Idaho Code § 39-120(4) authorizes the director to recommend, through rulemaking, ambient groundwater quality standards for contaminants for which the administrator of the United States environmental protection agency has established drinking water maximum contaminant levels. Sections 003 and 200.01.a of Docket No. 58-0111-2501 incorporate by reference certain federally derived contaminant standards that have been promulgated but remain subject to ongoing judicial review and federal revision, leaving the final scope of those standards unresolved. Because incorporation of unresolved federal standards into Idaho's groundwater standards may establish and enforce groundwater contamination thresholds before the underlying federal standards are final, the Legislature concludes that these provisions do not meet the legislative intent expressed in Idaho Code §§ 39-102 and 39-120 at this time. Accordingly, the Legislature rejects Sections 003 and 200, Subsection 01.a of Docket No. 58-0111-2501 pursuant to Idaho Code § 67-5291(2)(b).

VOICE VOTE:

The motion to approve **Docket No. 58-0111-2501** with the exception of Section 003. and Section 200, Subsection 01.a passed by **voice vote**.

GUBERNATORIAL APPOINTMENT:

Committee Consideration of the Gubernatorial Appointment of Michael Lyden of Post Falls, Idaho to to the Oil and Gas Conservation Commission to serve a term commencing May 14, 2025 and expiring July 1, 2028. **Michael Lyden** presented before the Committee and told them a bit about himself. He had been working in oil and gas exploration, drilling, production engineering, and operations on the north slope of Alaska since 1978 until he retired in February 2022. He continued to spend a few months per year in Alaska as a consultant.

DISCUSSION: **Senator Harris** asked about building ice roads. **Mr. Lyden** responded that their facility did not have a gravel road connecting it to the road system, so he went to Alaska in December to build ice roads. They built 30 miles of ice road across the Colville River, which was approximately a mile wide, to the Alpine Facility. They hauled in their supplies on the ice road over the winter for the rest of the year. He estimated that in total they would build about 258 miles of ice road for various projects. **Senator Cook** asked if there were oil wells in Idaho, and if so, how much reserves Idaho had. **Mr. Lyden** responded that Idaho's oil and gas resources and current exploration was one of his questions for Snake River Oil and Gas. **Senator Okuniewicz** asked how much time Mr. Lyden spent in Alaska or outside Idaho. **Mr. Lyden** responded that since he retired, he normally spent half his time between December and April in Alaska, and the rest of the time at home in Idaho.

H 587 **RANGELAND IMPROVEMENT - Amends existing law to allow continuous appropriation of the rangeland improvement account.** **Chairman Burtenshaw** explained when H 468, the Idaho Rangeland Improvement Act, passed in 2024, the legislation did not include authorization for continuous spending. This legislation clarified that funding, regardless of the source, was continuously authorized so that rangeland improvement projects could be prioritized and completed in a timely manner. He provided several examples where funding was lost due to lack of spending authority. He referred the Committee to his handouts, letters of support for **H 587** from Western Landowner's Alliance (Attachment 1) and the Idaho Wool Growers Association (Attachment 2).

DISCUSSION: **Senator Okuniewicz** stated this legislation appeared to cede the Legislature's ability to appropriate, and asked for more details on how some funds were lost due to the appropriation process. **Chairman Burtenshaw** shared that in 2024 there was nearly \$6.3 million available for ISDA to utilize for projects. ISDA and IDL worked together to apply for that money, but complications on the spending authority between multiple agencies created a delay, and the federal government moved the money before the agencies could apply.

Senator Cook stated that he thought appropriations were the Joint Finance-Appropriations Committee's (JFAC) responsibility and he asked if these actions could be taken through policy. **Chairman Burtenshaw** responded that this would be similar to Idaho's fire budget, which was continuously appropriated so the funding can go out. **Senator Cook** stated he thought that JFAC authorized the continuous appropriation. **Chairman Burtenshaw** responded the continuous appropriation would be approved through JFAC.

MOTION: **Senator Cook** moved to send **H 587** to the floor with a **do pass** recommendation. **Senator Harris** seconded the motion.

DISCUSSION: **Senator Okuniewicz** and **Senator Kohl** stated they were uncomfortable with ceding the Legislature's ability to appropriate. **Senator Guthrie** stated he had concerns and reserved the right to change his vote on the floor.

ROLL CALL VOTE: **Chairman Burtenshaw** called for a roll call vote on the motion. **Chairman Burtenshaw** and **Senators Guthrie, Harris, Cook, VanOrden, and Taylor**, voted aye. **Senators Okuniewicz** and **Kohl** voted nay. Vice Chairman Hart was absent. The motion passed.

AGENCY UPDATE **Idaho Department of Lands (IDL).** **Dustin Miller**, Director, Idaho Department of Lands, provided an annual update of the activities and accomplishments of IDL (Attachment 3).

IDL managed 2.5 million acres of endowment lands on behalf of Idaho's public schools and other beneficiaries, guided by Article IX of the Idaho Constitution and the State Board of Land Commissioners approved Asset Management Plan. In fiscal year (FY) 25, IDL distributed more than \$100 million to beneficiaries, harvested 315.4 million board feet of timber, planted almost 2 million seedlings, managed nearly 1,587 leases, and supported private landowners and mining operations across the state. Timber remained the dominant revenue driver, providing roughly 90 percent of endowment income. FY 25 was a record year for endowment earnings, driven by their sustained 330 million board foot harvest level, efficiencies through improved planning and remote sensing, and the growth of their Delivered Products Sales Pilot Program.

IDL met most performance targets, but faced challenges with lease execution timelines and with staffing fully qualified fire engine crews due to competitive hiring conditions. However, their seasonal firefighter return rate exceeded expectations, and despite 132 percent of the 20 year average in ignitions, firefighters kept most incidents small, limiting total acres burned to about 4,900 across 9 million acres of protection and underscoring the value of IDL's aggressive initial attack approach. IDL was continuing to modernize Idaho's wildland fire program through a new strategic plan and was pursuing legislation (**HB 511**) to raise the maximum structure-protection surcharge from \$40 to \$100 per improved private forest parcel to sustain preparedness funding.

Responding to a federal directive to increase national timber output by 25%, Governor Little issued an Executive Order directing IDL to expand their partnership with the U.S. Forest Service using Good Neighbor Authority (GNA). IDL then entered into a new Shared Stewardship Agreement with the U.S. Forest Service to increase the pace and scale of management activities on Idaho's forests. This collaborative work, combined with efficient salvage operations following fire and wind damage, would strengthen Idaho's timber economy, improve forest resilience, and protect endowment assets and private lands across the state. IDL aimed to double annual GNA timber production from 50 million to 100 million board feet over the next five years.

DISCUSSION:

Senator Guthrie asked how IDL would accommodate the zero budget funding for fires. **Mr. Miller** shared his concern for the low balance in the fire suppression account. He explained IDL would continue to use their deficiency warrant spending authority, which he equated to putting costs on a credit card, to cover fire fighting up front and seek funding from the Legislature after the fact. He noted IDL was also in the process of continuing to recoup costs from the federal government and had recently sent some invoices from previous fire seasons.

Senator Taylor asked whether Mr. Miller anticipated slower response times or a reduced ability to contain or extinguish new-start fires as a result of the budget cuts. **Mr. Miller** shared his concern with the additional proposed budget cuts. He explained that IDL adapted to the initial 3 percent holdback requested by the Governor. He thought this was workable and would not impact their ability to suppress fire this summer. He was concerned about the additional 1 and 2 percent cuts proposed by JFAC, because they would not be able to staff appropriately in eastern Idaho.

Senator Cook asked what the difference was in cost to have federal agencies fight fires instead of IDL. **Mr. Miller** responded that IDL wanted to get fires out as quickly as possible, as safely as possible, and at minimal cost. They strove to keep fires at a Type 3 level, which required a smaller organization. More complex fires required a more complex incident management team, and federal involvement, and the costs escalated. **Senator Cook** asked if there was anything Mr. Miller could add that would help legislators with upcoming budget voting decisions. **Mr. Miller** responded that the new proposed holdbacks would target their Eastern Idaho Fire District funding, as well as their Shared Stewardship funding. They would likely see fires get away from them if they did not have adequate staff, which would cost the State more money. They also would not be able to treat as many acres to help decrease risk near fire-prone communities. He was concerned that the coming year might be a fire-prone year and the wrong time to be cutting the fire budget.

Senator Taylor stated that there were some hard decision to make, but they should keep human and safety factors in mind. **Mr. Miller** responded that the safety of their firefighters and the public was paramount.

Chairman Burtenshaw asked why Eastern Idaho was targeted for cuts. **Mr. Miller** responded that the reason the impact was concentrated in Eastern Idaho was because that district relied heavily on general fund support. IDL previously had an offset agreement with the federal agencies where they covered fires in that region, but under the renegotiated master fire agreement, each agency was now expected to protect its own lands. That required IDL to reestablish that district and hire staff. Because general funds were used to rebuild that presence, the holdbacks had to come from there.

ADJOURNED: There being no further business at this time, **Chairman Burtenshaw** adjourned the meeting at 2:40 p.m.

Senator Burtenshaw
Chair

Shelly Johnson
Secretary