



Idaho Council on Industry and the Environment

Week of February 25, 2008

This is a weekly roundup of some of ICIE's activities in and around the Idaho Legislature. Staffing limits mean we can't cover every meeting. If there's an item of interest to you at an upcoming meeting of one of the environment or agriculture committees, let us know and we'll try to cover it. Agendas are available at www.state.id.us. Click on "Legislative" and click on "Calendars and agendas." (For copies of previous Saturday Summary reports, go to www.icie.org)

Joint Transportation Committees Meeting

The House and Senate Transportation Committee met in joint session to hear the Governor's proposal for solving the budget shortfall for Idaho's transportation infrastructure. Jim Kempton, Idaho Public Utilities Commissioner and a former state legislator, started the meeting with a report on the 2005 Transportation Forum that he chaired. As part of the process, all highway districts in the state put together a list of their needs. The cost to accomplish everything on the list was \$20 billion. The districts were then asked to list those projects that they considered the priority ones. Federal monies are not keeping up with the costs. In the past, Idaho has received more in federal transportation money than the taxes paid by Idaho residents.

Now we are getting back about what we pay in. General Manning told the committee that Idaho is the fourth fastest growing state in the country. In the past ten years, traffic has increased 99% while transportation funds increased by 22%.

The Governor proposes to move the Idaho State Police Budget to the general fund which would free up money for construction; add a 4% tax on rental cars, which would go directly to the State Highway Account; and raise annual registration fees to \$150 for every vehicle. He wants to work with the House and Senate Transportation committees, trucking associations, local business leaders to develop reforms, which would contribute increased revenue for highway infrastructure.

Soon after the informational meeting, there were other proposals being put forward. The evening news teams took to the streets where they were hard pressed to find anyone who looked on the registration fee increase with favor. So stay tuned.

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Senate Resources & Environment

This week the Senate Resources and Environment voted to send an RS to print that would increase civil penalties from the Department of Lands. This RS, sponsored by Senators Jorgenson and Schroeder is aimed at curbing the perception of waterfront developers that such penalties are a cost of doing business, rather than a deterrent. Senator Jorgenson noted the case of a developer on Pend Oreille Lake who carelessly destroyed a kokanee bed in his haste to develop a project. Sen. Jorgenson noted that there were many such cases that this bill could address. The Department of Lands currently assesses the smallest penalties of any state agency.

Idaho Department of Fish and Game (IDFG) representatives presented updates on the statues of grizzly bears, wolves, and big game winter-feeding. Currently, four of the six grizzly recovery areas are located in Idaho with about 40 to 50 bears total. The agency is working hard toward delisting the species by 2009 and concurrently establishing the bears as a trophy species, raising penalties and determining surpluses that would be deemed available for harvest eventually. Managing bear conflicts includes education and outreach. Jim Unsworth of IDFG noted that human/bear and livestock/bear conflicts have been relatively low – especially compared to Wyoming, which is home to about 80% of the total grizzly population.

Regarding Idaho big game species, Brad Compton noted that the IDFG would much rather focus its budget on winter range rehabilitation than on emergency feeding. This year, emergency feeding is above average, with precipitation being 130% to 140% of normal in some areas, but the fawn survival rate is good.

IDFG also plans to manage a wolf hunting season. The agency would regulate this similar to bear and lion seasons, with over-the-counter tag sales and quotas. The agency's first hope, at this point, is to get the species delisted. Then any harvesting could be done to manage the current wolf population, which grows at a rate of 30% to 40% a year.

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House Environment, Energy and Technology Committee

This week, Paul Kjellander was *finally* able to give his presentation on energy transmission issues to the House Environment, Energy and Technology Committee after lengthy testimony the week before on a statewide vehicle transmissions bill preempted him.

To give the committee perspective, the director of the Office of Energy Resources noted that his presentation would focus on high capacity transmission lines – those that could move between 350 and 500 kilovolts per line and cost between \$1.6 million and \$2.6 million per mile, inclusive of towers and cables, easements and labor.

Today, Idaho is at or near transmission capacity, with some congestion happening during peak hours. Kjellander gave some updates on several transmission projects happening throughout Idaho. Many of these proposals have been fast-tracked because Idaho Power Company projects that they will need to transmit an additional 800 megawatts of power by 2011.

As we strive to attract more business to the state, Kjellander noted, energy transmission is the most important piece of infrastructure to address.

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Trent Clark from Monsanto Company in Soda Springs requested an opportunity with the committee to correct an *Idaho Statesman* article that had been reprinted by the national media. Clark noted the *Statesman* incorrectly characterized a bill before the Legislature as being sponsored by Monsanto, noting, "Monsanto was asking state permission to pollute drinking water." The sponsor of the bill in question is the Idaho Mining Association. The bill refers to groundwater standards in the immediate vicinity of reclaimed phosphate mines.

Clark clarified the situation:

Idaho used to be adjacent to an ancient sea just off the continental divide, resulting in numerous phosphate deposits in Eastern Idaho.

Tectonic plate shifting has resulting in the compression of these phosphate deposits, turning them solid and rendering them unusable as a fertilizer or otherwise.

Over time, natural forces have exposed this phosphate and loosened the rock surrounding it, making it possible to extract the phosphate, and allowing water to percolate into what Clark calls an underground mud puddle. This has been happening for quite some time.

This underground mud puddle is not suitable to be classified as drinking water, nor has it been suitable as such for millions of years.

The legislation in question asks that the groundwater standards adjacent to such mining operations not be regulated by drinking water standards.

This legislation does not impact Monsanto, which mines the "enriched tops" of the ore deposits, but is critical to other mining efforts in the area. Monsanto supports the legislation, but is not a sponsor of the bill in question.

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On Monday, February 25th, HB557 dealing with burning of crop residue was sent to print and assigned to the House Environmental, Energy and Technology Committee which held a hearing on Thursday. This bill would replace the existing program that covered open burning of crop residue. The ten northern Idaho counties had mandatory requirements while those south of the Salmon River had voluntary ones. This bill creates one statewide program for all crop residue burning. It was the result of negotiation between the state agencies, the Safe Air for Everyone (SAFE) group, and the agricultural community.

According to the Statement of Purpose, this bill repeals the Smoke Management and Crop Residue Disposal Act administered by the Idaho Department of Agriculture and creates a new statute providing the Department of Environmental Quality (DEQ) with the authority to administer the open burning of crop residue. The proposed legislation requires approval from DEQ prior to the burn and prohibits DEQ from granting that approval if it determines that ambient air-quality levels exceed or are projected to exceed seventy-five percent (75%) of the level of any national air ambient air quality standard on any burn day or eighty percent (80%) of the one hour action criteria for particulate matter. It sets a two dollar (\$2.00) per acre fee for burning. The bill also requires DEQ to conduct further air-quality analysis prior to allowing the burning of more than 20,000 acres of bluegrass within the state. This number does not include tribal lands within the reservation as recognized by the federal Clean Air Act. In addition, it revises the public records act to allow the public disclosure of the names(s) of persons responsible for the burning, the location, crop type, acres to be burned, and times of burning.

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House Agricultural Affairs Committee

On Thursday, Idaho Farm Bureau's Wally Butler, a range and livestock specialist, illustrated to the House Agricultural Affairs Committee how conservation and range management can go hand in hand when done properly. Butler used photos taken of rangeland about three weeks after the Murphy Complex fires. The photos showed marked differences in the rangeland that had been recently grazed, versus that which had not. The recently grazed lands suffered noticeably less damage.

Ron Kim, a range management expert with the Idaho Department of Agriculture, offered additional testimony regarding the amount of time range lands need to recover from fire before re-grazing. The BLM standard is two years, but there is evidence that as little as one year of recovery from wildfire may be adequate prior to grazing. The difference has a tremendous impact on the lives of ranchers. The BLM has a number of experts currently studying the effects of grazing on wildfire.

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