



CAPITOL REVIEW

A WEEKLY LEGISLATIVE REPORT

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A Weekly Legislative Report

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BEST MANAGEMENT PRACTICES

There has been a renewed push for the legislature to fund for implementation of agricultural best management practices (BMPs) to help meet Idaho's water quality challenges. Total maximum daily loads (TMDLs), issued by the Idaho Department of Environmental Quality (DEQ), call upon Idaho farmers to dramatically reduce their loading of sediment and phosphorus in Idaho rivers and streams. For example, the Lower Boise River phosphorus TMDL, issued last year, requires farmers to reduce their phosphorus discharges by 73%. Achieving this goal will require intensive and widespread changes to farming and water management practices in the Treasure Valley, estimated to cost in excess of \$100 million. Idaho farmers will be hard-pressed to bear the financial burden of meeting the state's TMDL goals without funding and federal grants. These grants, administered by DEQ under section 319 of the Clean Water Act, have declined substantially, falling far short of the growing agricultural demand for assistance. This week saw a momentum shift back towards the importance of BMPs. The Joint Finance and Appropriations Committee (JFAC) approved \$500,000 annually for DEQ to distribute through its existing 319 grant program. The process has a proven track record of success, utilizing Basin Advisory Groups (BAGs) to review, rank, and approve grant applications that demonstrate the greatest potential for water quality improvement in high priority watersheds. Though this is a small increase in funding, it will help to build momentum towards helping fulfill mandates set by the federal government that are not being funded. JFAC also approved the budget for DEQ, which was set at \$67,899,900 for FY '18.

INVASIVE SPECIES - WHY THE CONCERN?

The buzz around the Capitol continues to center around invasive mussels. Most commonly known as Quagga and Zebra mussels, they seem to be slowly making their way to Idaho. If introduced to the area, they will cost the state millions of dollars

and threaten Idaho's tourist, hydroelectric and agriculture industries. The Quagga mussel is native to the Ukraine and the Zebra mussel to the Black Sea. They were discovered in the late 1980's in the Great Lakes, most likely brought in on cargo ships. They reproduce readily and can produce millions of offspring a year, and they threaten native species by feeding on nutrients from the water. They attach themselves to any hard surface such as rocks, boats, dams, and agricultural pipes. Great concern was elevated last summer by an interim working committee which discovered that if the mussels made their way into Bear Lake, they would threaten four native species of fish and the lake would lose its famous clear, blue hue. Mussels need calcium to grow – the same chemical that makes Blue Lake a beautiful tropical color – and could deplete the deposits of calcium in the lake.

INVASIVE SPECIES & INSPECTION STATIONS

Amount allocated for FY'18:

\$3.14 Million State Funds - Dept. of Agriculture
\$1 Million Federal Funds - Dept. of Agriculture
\$171,300 State General Fund - Idaho State Police

If you have been following closely the last few months, you have already surmised that the legislature has placed a high priority on boat stations this session and has coalesced with agriculture to help strengthen the prevention of introducing invasive species from outside our borders. This week the Joint Finance and Appropriations Committee approved a \$3.14 million increase in the program administered by the Idaho State Department of Agriculture (ISDA), all in state general funds. In the same meeting they reopened the Idaho State Police (ISP) budget to add \$171,300 in funding for another patrol position for FY '18. The budget covers taking one existing boat inspection station, at Cotterell near Albion on I-84, and making it a 24/7 operation next year; the additional ISP officer would be assigned there for a security presence and for enforcement. All other watercraft inspection stations statewide would be open from dawn to dusk, plus ISDA would be

encouraged to make use of “roving” stations, including for holiday periods when more boats are moving on the roads. And three new stations approved in the current year’s budget would continue. The budget also covers five hours a day of law enforcement patrols for the rest of the stations, to cover the new expanded hours. In total, four new positions are being added at the Department of Agriculture for the inspection program, in addition to the one at the State Police Department. There have been many moving parts to these measurements and appropriations that have been initiated. Mixed in is other legislation likely to make its way through the process. \$1,010,000 in emergency funding for the program for the rest of this fiscal year will establish stations for this spring located on State Highway 3 near Rose Lake, U.S. Highway 12 near Lolo Pass or Lenore, and on I-15 near Spencer or Roberts. Also, H211 will increase the out-of-state boat sticker fee from \$22 to \$30 per year to help raise funds for the program. There is also a measure to create a new position inside the governor’s office (H256), to coordinate with local, state, and federal agencies to help tighten the spread of invasive species. The same bill also reauthorizes the invasive species council but at this time, there may need to be improvements to H256 to get it through the process.

OIL AND GAS CONSERVATION ACT

Legislation has been introduced to address Idaho’s burgeoning oil and gas production industry. H232 will more specifically protect the rights of landowners and well owners, provide uniformity and consistency to the regulation and production of oil and gas, and reduce waste from production, while developing and promoting the new industry. Mineral rights currently have primacy over surface rights and the bill would prevent any forced integration of adjacent properties by drillers. Another major benefit to landowners is the requirement of mandatory monthly measurements submitted by drillers to the Oil and Gas Division. Measurements include any and all of the oil and gas, natural gas liquids, and water produced from each well to be measured at the location of the well or processing plant, prior to leaving the well site or the gathering facility. This is an advantage to landowners who have leased their mineral rights to drillers, so they can see what is being produced and make sure their royalty payments are correct. It will also help Idaho ensure their tax revenue is correct. Current reporting standards call for reports once every two years.

The neighboring Rocky Mountain States of Montana and Utah have the same protections specified in the proposed legislation, along with other states like the major oil producing states of Texas and Oklahoma. The overall benefit of H232 is the correlation with a well established history of other drilling states and the one oil and gas company, Alta Mesa, already operating under these standards in other states. Proponents of the bill say that the proposed legislation aligns with standards put forth by the American Petroleum Institute but there could be considerable resistance from Alta Mesa.

CRATERS OF THE MOON NAT’L MONUMENT

The Idaho Senate voted 20-13 in favor of a non-binding memorial (SJM101) to Congress calling for creation of a national park in Idaho at Craters of the Moon, only if current uses such as hunting and grazing are protected. The 54,000 acre monument would be relabeled a national park with no changes to how it is currently managed. Opponents of the new designation argue that once the area becomes a national park, all recreational activities, renewal of grazing allotments, and trucking requirements for those transporting through a federal park can be subject to change at any time. There are no national parks in Idaho at this time. The memorial will now go to the House for a committee hearing.

WILDLIFE DEPREDATION

A bill that would increase fees on hunting and fishing licenses and tags passed the House on a 43-26 vote this week. H230 would impose the first fee increase for Idaho Fish and Game resident licenses and tags since 2004 and the 20% addition would start in 2018. The funding is for wildlife depredation compensation, prevention of wildlife damage to private land and sportsman access programs. H230 would raise \$3 million for Fish and Game operations that have been hard-hit by rising costs since 2004. It also includes a \$5 surcharge that was added by legislators, to raise another \$2 million to pay for wildlife depredation and hunting and fishing access. The Chairman of the Resource Committee, Marc Gibbs, originally would not introduce the department’s fee bill until Fish and Game did more to address the depredation issue, which involves damage from game herds to farmers’ and ranchers’ property, crops, and livestock. Many of the arguments for the bill were on the basis that the landowner should not have to bear the burden of “everyone’s animals.” H230 will now go to the Senate.

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