

AGENDA

SENATE RESOURCES & ENVIRONMENT COMMITTEE

1:00 p.m.

Room 433

Wednesday, March 29, 2006

<i>BILL NO.</i>	<i>DESCRIPTION</i>	<i>SPONSOR</i>
HJM 25	Offshore energy development encouraged	Rep. Dell Raybould
HCR 64	Water quality standards, requested	Jack Lyman
H 841	Water rights, priority, effect date	Rep. Newcomb

Please present to the committee secretary a written copy of your testimony to ensure accuracy of records.

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COMMITTEE MEMBERS

Sen Gary Schroeder, Chairman Sen Clint Stennett
Sen Monty Pearce, Vice Chairman Sen David Langhorst
Sen Dean Cameron
Sen Don Burtenshaw
Sen Stanley Williams
Sen Skip Brandt
Sen Brad Little

MINUTES

SENATE RESOURCES & ENVIRONMENT COMMITTEE

DATE: March 29, 2006

TIME: 1:00 p.m.

PLACE: Room 433

MEMBERS PRESENT: Chairman Schroeder, Vice Chairman Pearce, Senators Burtenshaw, Williams, Brandt, Little, Stennett

MEMBERS ABSENT/ EXCUSED: Senators Cameron and Langhorst

CALL TO ORDER: **Chairman Schroeder** called the meeting to order at 1:05 p.m.

He announced that committee members have been given a copy of the letter he sent to the Fish and Game Commissioners explaining the reasons why the committee held their bill, H 523, at the meeting of March 27.

MOTION: **Senator Williams** made a motion for approval of the minutes of March 20. **Senator Burtenshaw** seconded the motion. The motion passed by unanimous voice vote.

Chairman Schroeder then welcomed Representative Raybould who will present HJM 25.

HJM 25 **Representative Raybould** said this legislation was put together last week as a result of a meeting with people concerned about offshore drilling on the Continental Shelf. It is to encourage the President to revoke administrative withdrawals on offshore development on the nation's Outer Continental Shelf and to direct the Minerals Management Service to contract for test wells on the Continental Shelf in a satisfactory and responsible manner. There has been a moratorium on the Management Service's leasing program on approximately 1.6 million acres of oil-rich lands which lie just off the coast of the United States. The first congressionally imposed moratorium was imposed in 1982 and it encompassed 736,000 acres off the coast of California. There is oil pollution on California's coast now and it is oil that is seeping up through cracks in the ocean floor because of the extreme pressure.

In June, 1990 President George Bush, Sr., issued an executive order cancelling lease sales and withdrawing future off shore oil and gas leases off the coasts of California, Florida, New England, Washington and Oregon for a ten year period. In 1998, President Clinton issued an executive order extending the existing withdrawal from that point of time until June 30, 2012.

What this legislation does is to encourage the President of the United

States to withdraw that administrative order and permit some test drilling and to create an environmentally responsible position for the United States to take in drilling for oil and to help our energy crisis.

MOTION:

Senator Brandt made the motion to send HJM 25 to the floor with a do pass recommendation. **Senator Williams** seconded the motion. The motion passed by unanimous voice vote. **Senator Brandt** will sponsor the bill on the floor.

Chairman Schroeder then welcomed Mr. Jack Lyman who will present HCR 64.

HCR 64

Mr. Jack Lyman is with the Idaho Mining Association. He said this is a resolution that contains 10 "whereas" clauses that summarize existing law regarding the federal Clean Water Act, the Idaho Water Quality Act, the State Ground Water Quality Plan, and the Idaho Environmental Protection and Health Act. There are three "resolved" clauses. The first one encourages DEQ to consider natural conditions in administering the water quality program; the second one encourages DEQ to change key aspects of the water quality only when there is broad agreement among affected parties; and the final resolve clause encourages DEQ to take full advantage of the flexibility that is available under the federal Clean Water Act, as well as the state laws that the legislature has enacted.

Mr. Lyman said that he spent a lot of time last spring and summer with two state agencies on rule development for cyanide legislation and he thought it would be helpful to have a single legislative document to summarize the key points. He emphasized that the problems he had over the spring and summer were not with the Department of Environmental Quality. The negotiations he had with DEQ were pleasurable. Mr. Lyman said water quality issues are ones that will continue.

Ms. Toni Hardesty, Director, Department of Environmental Quality, said she appreciated working with Mr. Lyman on this resolution. An item she wanted noted, for the record, was with regards to the broad agreement. The first and foremost position of the agency when going through negotiating rules is to try to seek agreement before moving forward. She stated that there are times when that is just not going to be possible.

Inserted into the minutes is written testimony that Ms. Hardesty provided regarding this resolution.

I would like to provide a couple clarifying comments for the record just to note the Agency's interpretation of several sections of the resolution:

(1) Many items as noted in the resolution are regulated by the Clean Water Act and the agency is required to implement these items consistent with the Act. For example, while the 8th "WHEREAS" statements references standards not applying to manmade waterways and private waters, there are cases where the Clean Water Act requires that standards do apply to such waters and that they be regulated.

(2) The 9th and 10th "WHEREAS" statements regarding the Safe Drinking Water Act and the natural conditions provision should be viewed together to have a complete and accurate picture of how natural occurring constituents are handled under the ground water quality rule. The "WHEREAS" statement on the Safe Drinking Water Act, taken by itself could lead one to conclude that groundwater standards should not be developed anytime natural conditions would exceed that numeric standard. However, the ground water quality rule and the legislature recognized that there would be times that a groundwater standard would be established in the state and that some geographical areas may naturally exceed this standard. Therefore, a process called the natural background provision was laid out and is implemented by the agency when this situation. The agency's intent would be to continue to follow this process as laid out in the ground water quality plan and rule. I believe our current process is consistent with the resolution.

Senator Pearce made the motion to send HCR 64 to the floor with a do pass recommendation. **Senator Brandt** seconded the motion. The motion passed by a majority voice vote. Voting nay were Senators Little and Stennett. **Senator Pearce** will be the floor sponsor of this bill.

Chairman Schroeder then asked Representative Raybould to present the next bill, H 841.

H 841

Representative Raybould said H 841 is a very important bill, as it is a trailer bill to H 800. Should H 800 pass the Senate and the Governor signs it, this bill is needed, as it declares the emergency clause.

MOTION:

Senator Little made the motion to send H 841 to the floor with a do pass recommendation. **Senator Stennett** seconded the motion. The motion passed by unanimous voice vote. **Senator Burtenshaw** will be the floor sponsor of this bill.

MOTION:

Senator Pearce made a motion for approval of the minutes of March 22. **Senator Williams** seconded the motion. The motion passed by unanimous voice vote.

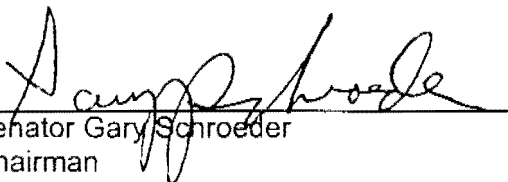
Chairman Schroeder said that Senator Langhorst had reviewed the minutes of March 15, but is absent, so those minutes will probably be put on a buckslip.

ANNOUNCE-
MENT:

Future meetings will be at the call of the Chairman.

ADJOURN-
MENT:

Chairman Schroeder adjourned the meeting at 1:30 p.m.



Senator Gary Schroeder
Chairman



Juanita Budell
Secretary

