

MINUTES
JOINT MEETING

**HOUSE RESOURCES & CONSERVATION COMMITTEE
SENATE RESOURCES & ENVIRONMENT COMMITTEE**

DATE: Wednesday, February 03, 2016

TIME: 1:30 P.M.

PLACE: Lincoln Auditorium

MEMBERS: Chairman Raybould, Vice Chairman Gestrin, Representatives Moyle, Andrus, Shepherd, Wood, Boyle, Vander Woude, Gibbs, Miller, Bateman, Burtenshaw, Mendive, VanOrden, Youngblood, Pence, Erpelding, Rubel
Chairman Bair, Vice Chairman Vick, Senators Siddoway, Heider, Nuxoll, Bayer, Hagedorn, Stennett, Lacey

**ABSENT/
EXCUSED:** Rep. Wood; Rep. Bateman

GUESTS: Justin Hayes, ICL; Jane Wittmeyer, Wittmeyer & Associates; Dan Goicoechea, Secretary of State's Office; Lynn Tominaga, IGWA; Travis Pady, ILD

Chairman Raybould called the meeting to order at 1:31 p.m.

Steven Cory, Idaho Council on Industry and the Environment, introduced Dr. Greg Moller, who will be making his presentation on risk analysis as it relates to fish consumption.

Dr. Greg Moller, University of Idaho, spoke on "Navigating the Risk Triad of Human Health Toxicology." Dr. Moller stated that we all live and operate under a "system of reliable strangers" that are reliable for the most part, but there is 1-3% risk of human error. Dr. Moller defined risk, risk biases and toxicology. He further defined the Risk Triad, which is: Risk Assessment, science, which is the probability of harm from exposure to toxins; Risk Communication, policy making, which is the science of communicating effectively in high concern, sensitive or controversial situations, some of which are before the Legislature this session in terms of fish consumption; and Risk Management, maker and enforcer of regulations, which is decision-making involving political, social, economic and science factors. Human health risk assessment in toxicology is a predictive modeling of the threat to human health posed by exposure to toxicants, and Dr. Moller provided information regarding risk assessment based on modeling responses among risk levels in society, the use of uncertainty factors in modeling, safety factors and quantification of the uncertainty in the modeling, as well as the costs and benefits to society of managing risk. He further explained the several components of scientific evaluation of risk assessment. Dr. Moller said Risk Communication includes peoples' opinions, which are influenced by psychological and sociological factors. Risk Management is the decision making process which involves decisions that politically and economically balance science with the practicalities of communities. These form the basis of regulatory decisions that determine tolerance, which is then codified as regulations and have an enforcement structure. The risk managers' mission is to protect public health. The risk assessors' position is to provide the risk managers with the best information possible and to be honest with the data and statistics in the representation of the toxicology. The Risk Triad is a cyclic and living process.

In response to committee questions regarding whether he had access to information relating to water quality and daily individual fish consumption as a part of how he arrived at the statistics for the proposed rule, **Dr. Moller** stated that he reviewed the process, and it appeared to be a complete process in the terms of surveying. Dr. Moller further said they have come up with a number and range of fish consumption. The survey results showed that different populations, whether of anglers or Native Americans, have different nutritional practices.

Dr. Moller informed the committee in response to their questions, that the Risk Management sector of the Risk Triad is where mitigation resources for a particular risk are studied. He further stated when something in public health is defined as a tolerance that can bear risk up to a certain level beyond which it is unacceptable for the public good, then Risk Management strategy tries to mitigate that risk if it is over the criteria of tolerance. There is a registration, a tolerance and if there are unacceptable risk thresholds being crossed, the amount that is allowable is decreased. All of this is an opportunity for navigating the system of reliable strangers along the way, that includes federal and state partners.

In response to the committee asking **Dr. Moller** how he determined which element to use in making a formula for risk assessment using uncertainty or compounded uncertainty factors pertaining to cancer-causing elements, particularly in fish consumption where over 100 cancer causing elements were being considered and not all the toxins were equally impactful, he stated, they take an individual compound, and on an individual chemical basis do the best they can to assess or quantify the risk for that particular chemical. Dr. Moller pointed out that the real challenge comes from common end-points of toxicology, such as endocrine disruptors, which are compounded. There are tens of thousands, if not hundreds of thousands, of chemicals for which there is very limited data but which are in common use or in common exposure scenarios. There is a continual input of science; the risk triad is kept alive by revisiting decisions. Certain types of behaviors in chemicals are watchwords for risk elevation and its need for caution, public access and restriction of use.

Gary Spackman, Director, Idaho Department of Water Resources (IDWR), presented a summary of significant accomplishments of IDWR, by announcing there is a bright hope for settlement of protracted litigation regarding the surface water users across the Eastern Snake Plain who divert surface water from the Snake River and groundwater users whose diversions deplete flows in the Snake River. He further stated the settlement is a seminal accomplishment, and if it is implemented, it will give everyone assurance about their rights and obligations and certainty about what water they can and will receive in the future. Significant progress was also made in finding solutions to pending delivery calls from spring water users against ground water users in the Hagerman area. Director Spackman called attention to these two significant accomplishments over the last year because they point the state in a direction of water management that can define a new direction.

Director Spackman said that confrontation with water sustainability issues is statewide, and some IDWR spot accomplishments were in Lewiston and Priest Lake. In the Lewiston area, people wanted to develop their property and dig wells across the Lewiston plateau, but the existing water users were adamant that they were no longer able to divert enough water for their domestic supplies in that area, so they asked for IDWR help. Based upon information from multiple meetings IDWR held in Lewiston and a very good study from **Dale Ralston**, University of Idaho, a ground water management area was put into place that had some restrictions on future development but defined an area for an aquifer to develop. Complaints of declining water levels that might impact their ability to do business were received from people around Priest Lake. The Director of Water Resources is required by statute to regulate water levels at Priest Lake and to maintain them at a

certain elevation above or below which the lake cannot go during the recreational season. Low inflow was the problem, and, in an anomaly, the outlet controlling the flow is owned and managed by the Director of IDWR, so the flow in the river and the lake levels were adjusted and are maintained where they are supposed to be.

Director Spackman reviewed the IDWR's budget analysis. Director Spackman expanded on the summary regarding the Eastern Snake Plain Aquifer Agreement. At a minimum, groundwater users have agreed to reduce their consumption by 240,000 acre feet annually and to supply 50,000 acre-feet of surface of storage water annually to senior surface water right holders. They have agreed to measure all significant diversions of groundwater; there are targets for aquifer levels that need to be satisfied over the next 10 years by measuring those water levels across the plain. The state of Idaho did not sign, but participated and negotiated, the agreement. Goals discussed are to recharge the Snake Plain Aquifer by an average of 250,000 acre feet of water per year and for the Director to form a groundwater management area for water administration and to coordinate and administer the installation calibration data gathering from 35,004 wells across the Eastern Snake Plain, including to make sure meters are installed correctly, are calibrated, and the information is gathered, transmitted and analyzed. Users want out of litigation and want the Director to be a buffer in that administration, and the agreement is a structural mechanism so that he can act as a buffer rather than a decision writer.

Director Spackman introduced **Roger Chase**, Chairman, Idaho Water Resource Board (IWRB), who spoke to water issues and the sustainability of water supply. Management takes care of growth and keeps water environmentally safe in the state. Management starts with the Snake River Plain, and it is in a crises mode. Chairman Chase gave a brief history and synopsis of how the water that provides flow for Swan Falls comes from the Snake River and Thousand Springs area. Last year, the first organized recharge effort was begun, and just when it looked like the flow needs at Swan Falls were going to be violated, the flows from a Thousand Springs increased and put water into the river for downstream flows. Recharge works. Last year 75,000 acre feet of water was recharged in the wintertime, which is the time when the ditches needed are not being used. Also during that time, 320,000 acre feet were let go downstream. This year 75,0000 acre fee should be recharged again, and 86,000 acre feet have already been spilled down river.

Chairman Chase pointed out that the Idaho Water Resource Board has done projects across the state, including in Elmore County where they spent \$2.5 million dollars in water rights for an aquifer that will support Mountain Home Air Force Base; did a study in Northern Idaho near Spokane, WA to see where their water was going; special projects in the Wood River Valley, worked on the Lewiston project with IDWR; and financed loans for water uses on the Snake River Plain. Chairman Chase outlined IWRB's budget for and needs to recharge the aquifer, monitor flow levels and quality of water. Commitment for the recharge project is forever. In the next year or two, we will spend approximately 50-60 million, which includes running IDWR. The Governor asked in the State of the State for a sustainability plan in the state water plan, and this the Board will try to provide.

Chairman Chase informed the committees in response to their questions, that it would be approximately two months before the model for the Wood River aquifer would be completed. Chairman Chase reported on efforts in the Treasure Valley stating that meetings for two Treasure Valley projects were completed and a model of the Treasure Valley and a pilot project with Star started. Because the Treasure Valley has great needs it is one of the next areas of concentration and building two dams that will affect the Treasure Valley are also being considered. He further informed the committees that there are enough funds now to help get ahead of the curve, but ongoing funds will become critical for monitoring and canal system use.

ADJOURN: There being no further business to come before the committee, the meeting adjourned at 2:52 p.m.

Representative Raybould
Chair

Lorrie Byerly
Secretary