

IDAHO ASSOCIATION OF COUNTIES  
ENVIRONMENT, ENERGY AND LAND USE  
STEERING COMMITTEE

*Boise Centre on the Grove ~ 110 C  
IAC Annual Conference ~ Boise, ID*

*Tuesday, September 25, 2018 ~ 10:00 AM to 12:00 PM*

MEETING MINUTES

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- 10:00 AM **Call to Order** - Chairman Larry Schoen, Blaine County Commissioner
- Welcome & Introductions
  - Approval of February 2018 Meeting Minutes
- Dwight Davis made a motion to approve the minutes from the February 2018 meeting with typo corrections. Rick Winkel seconded. Motion carried.***
- 10:05 AM **IAC - EELU Policy Statement**
- The committee decided to take this up at the next meeting.
- 10:20 AM **Noxious Weeds Cost-share Program**
- Jeremy Varley, Manager, P&I, Noxious Weeds Section, Idaho Dept. of Agriculture***
- Jeremy Varley explained that it is the duty of landowners to control noxious weeds on their land and property. The cost of controlling these noxious weeds may be a big cost to the landowners. The cost share program was put in place to help cover the cost of controlling the weeds.
- Title 22 Chapter 24, Idaho Code provides for the laws in regards to noxious weeds. These laws prescribe the powers and duties of landowners, the state and counties. The state is to determine which weeds are noxious and compile a list of those weeds. The state is also to assist many stakeholders in coping with the growth of the noxious weeds. State powers include requiring annual work plans from counties and state agencies, assisting in noxious weed training, initiating cooperative agreements and research.
- Counties have similar duties and powers to the state. Counties are required to establish a noxious weed program and employ a weed superintendent to oversee this program. The programs should be designed to quarantine lands that contain noxious weeds, implement enforcement actions, and levy property for funding.
- Kelly Aberasturi asked what counties can do with organic growers that are growing in hot houses and if counties are able to stop those individuals from selling their plants if the county knows that there is a noxious weed problem. Jeremy Varley said that that is a question for county attorneys. Most superintendents offer an olive branch to help move past these problems. Counties could try to offer other options for them. Sometimes counties no other option that having to go the route of enforcement.
- Noxious weed basics: There are 67 noxious weed species currently listed in the state of Idaho. Four of those weeds are prohibited genera, and all of the weeds listed are non-native to Idaho. When weed superintendents have noxious weeds to treat they go to the property. Treating these noxious weed problems can be difficult when there are multiple property owners involved. To mitigate this problem

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# IDAHO ASSOCIATION OF COUNTIES

weed superintendents create cooperative weed management (CWMA) areas. Idaho has 30 CWMA's covering 87% of the state.

The cost share program uses supplemental funds that come from the legislature and the federal government. These funds are used to help facilitate collaborative projects to combat the growing noxious weed problem. It is a non-competitive program.

The cost share program has an annual timeline: January/February review of projects and funding goes out in March. At the end of each year there is a report that needs to be completed. The application for the next year is submitted at that time as well. Some projects that may be considered would be specific species contract covering multiple landowners, herbicide/adjuvants and re-vegetation projects/seed.

For more information [www.invasivespecies.idaho.gov/2018-cost-share-app](http://www.invasivespecies.idaho.gov/2018-cost-share-app)

Jeremey Varley, Section Manager-Noxious Weeds

[Jeremey.varley@isda.idaho.gov](mailto:Jeremey.varley@isda.idaho.gov)

208-332-8667

208-993-0950

10:40 AM

## **National Flood Insurance Program Compliance Update**

**Tim Luke, Chief, Water Compliance Bureau, Idaho Dept. of Water Resources**

Tim Luke gave the committee a quick reminder of the background on the non-compliance issue between the state of Idaho and FEMA's National Flood Insurance Program (NFIP). There is a draft guidance for permitting the workgroup has been collaborating on for over a year. Within the guidance there are permitting exemptions for maintenance; however, the exemptions do not meet FEMA standards. This draft was given to FEMA for review. When FEMA did not accept our first draft of the guidance, a letter was sent to the Governor's office stating the state would be suspended from the NFIP. Although FEMA has not accepted the current draft of the guidance, they have requested that Idaho Department of Water Resources "socialize" the guidance, which means outreach and education.

Many activities are outlined for different types of permitting. Some activities would not require permitting at all as long as it meets certain requirements. There is a second category for a general permit that would cover most day-to-day activities. This general permit would be applied for through the flood plain supervisor. These permit applications need to be accompanied with a plan for the year. Activities like total new construction would require the third permit process. This guidance gives flexibility.

Idaho Department of Water Resources is waiting for a letter from FEMA that states whether or not the laws need to be amended to be compliant. FEMA is ok with our interim step but the state will ultimately need to amend the statute.

Website: <https://idwr.idaho.gov/floods/>

Tim Luke, Bureau Chief, Idaho Department of Water Resources

[tim.luke@idwr.idaho.gov](mailto:tim.luke@idwr.idaho.gov)

208-287-4959

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11:00 AM

## **Idaho's Pollutant Discharge Elimination System**

**Troy Smith, IPDES Rules and Guidance Coordinator, Idaho Dept. of Environmental Quality**

Larry - Idaho took over this program from the EPA.

The National Pollutant Discharge Elimination System Program (NPDES) regulates pollutants from point sources. There are many different types of permits to include: individual (municipal and industrial), general (covers multiples) DEQ had been working since 2014 to take over this program.

Phase in the program - 2018: muni and pretreatment 2019: industrial 2020: general permits 2021: storm water and bio solids.

Advantages: program integration (bringing this under DEQ will make for better coordination). Better streamlining.

What is changing: staffing (there will be staff in our state office and also in our regional offices), permitting (there will be an e-permitting system), compliance and inspections (compliance assistance and completing inspections and enforcement) (EPA will maintain enforcement on any permits that were prior to the transfer), funding/fees (state general fund and fees for a total of \$3.1M)

Troy Smith, IPDES Rules and Guidance Coordinator, Idaho Department of Environmental Quality

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208-373-0488

11:20 AM

## **Idaho Building Code & Energy Code**

**Nancy Stricklin, Legal Counsel, Association of Idaho Cities**

Johanna Bell spoke about the history around building codes. The International Code Council creates a model for the entire US and has new editions every three years. The International Code Council is comprised of more than 64K members. Some of the publications available from the International Code Council are building code, energy conservation, fire, fuel gas, green construction, performance, plumbing, plus much more.

Idaho has the international building code, residential code, existing building code, and energy conservation code (residential and/or commercial). The Idaho Building Code Board sets forth the amendments and adoption packages for the legislature to consideration. The Idaho Building Code Collaborative is a volunteer group that helps vet amendments and adoption through the local jurisdictions.

Energy Conservation Code -

Nancy Stricklin explained that building contractors were frustrated with the different codes across the state. Legislation was passed in 2009 to have one set of codes adopted by local jurisdictions; however, local jurisdictions were able to make amendments if it was "reasonably necessary". H547 was a bill in response to jurisdictions that amended their codes and adopted the newest set of codes. The bill made changes that required jurisdictions have the International Building Code adopted by the Idaho Building Code Board. Part IV was eliminated from the statutory requirements because it covered the Idaho Energy Conservation Code. The statute also allowed for adoption of part IX, which contains the appendices and are the administrative guidelines for local jurisdictions.

Nancy Stricklin, Association of Idaho Cities

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11:40 AM

## **Resolutions/Other**

Weeds cost share

Larry Schoen explained that the Noxious Weed Cost Share Program is very important across the state and this resolution would allow IAC would lobby for increased funding to this program.

**Steve Smith made a motion to approve EELU-01. Brent Mendenhall seconded. Motion carried.**

NFIP compliance

Larry Schoen quickly reviewed the presentation made by Tim Luke. This resolution would allow IAC to continue participating in the workgroup with the end goal of ensuring that Idaho remains compliant with the NFIP.

**Kirk Chandler made a motion to approve EELU-02. Tom Dale seconded. Motion carried.**

12:00 PM

## **Adjourn**

### Members Present:

Larry Schoen, Blaine Commissioner, Chair  
Dave McGraw, Latah Commissioner, Vice Chair  
Tom Dale, Canyon Commissioner  
Kelly Aberasturi, Owyhee Commissioner  
Marc Shigeta, Payette Commissioner  
Jared Stein, Bannock Assessor  
Bryce Somsen, Caribou Commissioner  
Dwight Davis, Cassia Assessor  
Rick Winkel, Clearwater Commissioner  
Marc Eberlein, Kootenai Commissioner  
Scott Hancock, Jefferson Commissioner  
Steve Smith, Custer Commissioner  
Terry Kramer, Twin Falls Commissioner  
Terrell Tovey, Bannock Commissioner  
Tom Lamar, Latah Commissioner  
Rebecca Wood, Lincoln Commissioner  
Max Vaughn, Minidoka Assessor  
Dan Dinning, Boundary Commissioner  
Skip Brandt, Idaho Commissioner  
Georgia Hanigan, Payette Commissioner  
Cindy Riegel, Teton Commissioner  
Kirk Chandler, Washington Commissioner  
Brent Mendenhall, Madison Commissioner

### Members Not Present:

Vaughn Rasmussen, Bear Lake Commissioner  
Sharon Worley, Payette Assessor  
Linda Jones, Lincoln Assessor  
Joe Merrick, Owyhee Commissioner  
Harley Wilcox, Teton Commissioner  
Mike Paradis, Adams Commissioner  
Mark Bair, Bingham Commissioner  
Mike McDowell, Kootenai Assessor  
Robert McQuade, Ada Assessor  
Tim Darrington, Cassia Commissioner  
Jerry Hoagland, Owyhee Commissioner

### Guests:

Kelli D Brassfield, Idaho Association of Counties  
Tim Luke, Idaho Department of Water Resources  
Johanna Bell, Association of Idaho Cities  
Nancy Stricklin, Association of Idaho Cities  
Troy Smith, Idaho DEQ  
Jill Humble, Idaho SOS Candidate  
Marshall Ralph, Camas Commissioner  
Glen Bailey, Bonner Commissioner  
Jeff Connolly, Bonner Commissioner  
Lora Whalen, Public Health District 1  
Carol Moehrle, Public Health District 2  
Nikki Zogg, Public Health District 3  
Rob Howarth, Public Health District 4  
Melody Bowyer, Public Health District 5  
Maggie Mann, Public Health District 6  
Geri Rackow, Public Health District 7

Thank you ~ Enjoy the Conference!