

MINUTES
Approved by the Committee
Natural Resources Interim Committee
Thursday, October 06, 2022
9:00 A.M.
Room WW02
Boise, Idaho

Members in attendance: Cochair Representative Marc Gibbs and Representatives Mike Moyle, Megan Blanksma, Dustin Manwaring (via Zoom), Ilana Rubel (via Zoom), and Ned Burns (Ad Hoc, via Zoom); Cochair Senator Steve Vick and Senators Jim Patrick, Jim Woodward, Michelle Stennett, Carrie Semmelroth (Ad Hoc); Absent/excused: Senator Lee Heider. Legislative Services Office (LSO) staff: Katharine Gerrity, Janet Jessup, and Jennifer Kish.

Audience sign-in: Paul Arrington - Idaho Water Users Association; John Simpson; Ed Schriever - Idaho Department of Fish and Game; Mat Weaver - Idaho Department of Water Resources.

NOTE: Presentations and handouts provided by the presenters/speakers are posted to the Idaho Legislature's website <https://legislature.idaho.gov/sessioninfo/2022/interim> and copies of those items are on file at the Legislative Services Office in the State Capitol. Recordings of the meeting also may be found under the committee's listing on the website.

OPENING REMARKS / APPROVAL OF MINUTES

After welcoming remarks, Cochair Gibbs requested a motion on the previous meeting's minutes. **Rep. Blanksma made a motion to approve the minutes of the September 27, 2021, meeting; Cochair Gibbs seconded the motion. The motion passed unanimously.**

IDAHO WATER RESOURCE BOARD (IWRB) WATER DEVELOPMENT PROJECTS

Jeff Raybould, Chairman and Member at Large of the Idaho Water Resource Board, provided his comments on projects under the board's purview.

Anderson Ranch Reservoir Enlargement: a Water Infrastructure Investments for the Nation (WIIN) project; Bureau of Reclamation engineering chosen for the project; to be completed by 2030 and provide 29,000 acre feet of storage (afs); qualified for American Rescue Plan Act (ARPA) funds so bonding was not necessary.

Mountain Home Air Force Base Water Project: Snake River water to Mountain Home Air Force Base; MOA in place; state will fund and build the pipeline and pumping station and will transfer those assets to the Air Force, but the department will retain the water rights; project funded with ARPA funds (\$5 million).

Aging Infrastructure Grant and Loan Program: \$75 million allocated by Legislature from general fund; stipulation that no more than 33% be issued as grants; approximately \$41 million was requested within the applications; the department prioritized the requests into round one available funds (\$12.5 million), round two will occur in spring of 2023.

Regional Water Sustainability Projects: criteria needs to be developed and publicized.

Recharging the Eastern Snake Plain Aquifer: goal of 250,000 acre foot/year; build out effective recharge areas, especially for the upper valley; need to develop better method to measure reach/gains of the river.

Cloud Seeding Program: collaborated with Idaho Power in the Boise River, Wood River and Upper Snake River Basins; identifying areas to expand program such as the Bear River and Lemhi Basins; creates a 5-10% increase in rainfall; need a better benefit analysis system to properly allocate the original funding of efforts.

Bear Lake and Bear River Project: state of Utah and Idaho filed a joint application for storage; created a working group with Utah, Wyoming, and Pacific Corp. (operates Bear Lake) to determine whether more water could be held there and how to do it; study found that more water could be held rather than allowed to run off; working with property owners to provide easement to allow more water to be held.

Priest River Project: determined that surcharging the lake by additional six inches in dry years would provide flexibility for later flows; rebuilding outlet dam and gates; breakwater area was dredged effectively for boat travel.

Lemhi River Basin Project: all members of original working group have signed the agreement; providing option for all water users to sign on; allows a water right for the high-flow water needs; minimum water-flow rights retained by the department with the option to flush out sediment over five year intervals; considering a cloud seeding project within the basin.

Other Projects: Upper Salmon Water Transactions Program; statewide water supply bank; low-interest loan program; flood management program; robust aquifer modeling program.

- Sen. Patrick asked whether putting surface water into the ground for recharging cheated the river. Mr. Raybould responded that it was effective when done at the right time of the season.
- Sen. Patrick asked about the 10% of water designated as federal use at Anderson Ranch. Mr. Raybould surmised it would be used for fish and game purposes.

IDAHO DEPARTMENT OF WATER RESOURCES (IDWR)

At 9:42 a.m., Gary Spackman, Director of the Idaho Department of Water Resources, provided his comments to the committee on the many projects within his department.

New Full Time Positions (FTPs): Legislature funded 15 new FTPs for the department; [summary](#) on fulfillment of positions at this time.

Bear River Adjudication: estimated 10 years to complete; opened an office in Preston with a number of the new positions to assist with the process.

NOAA Climate Outlook: three month prediction shows above average temperatures for lower portion of the state and above average precipitation for the northern portions; anticipates a drier year with inability to fill reservoirs.

Wood River Joint Management Endeavor: two calls for water were filed and dismissed; water users met bimonthly for solutions; to protect senior water rights, the director initiated a contested case and issued a curtailment, which resulted in a 20 cfs increase; litigation directed at the director's actions were in progress.

Eastern Snake Plain Aquifer: water calls by senior surface water users; litigation resulted in rights and obligations standards for department to adopt; anticipating another controversial year if weather and temperatures occur as predicted, in addition to increased consumption for agricultural needs.

Spring Flows: reminded committee of obligation for state to maintain minimum flow at Murphy Station.

- Sen. Stennett inquired how long the positions had been open and whether applicants were adequate in number and qualifications. Mr. Spackman responded that the money for those positions was available at the beginning of July with the beginning of the new fiscal year so not much time had elapsed since the positions were advertised. The department is actively trying to fill the positions but the department was having difficulty finding qualified candidates.
- Rep. Moyle inquired about the Treasure Valley aquifer model. Mr. Spackman expressed frustration that the plan was not completed as anticipated but expected it to be completed by the end of the year.

IDAHO DEPARTMENT OF FISH AND GAME (IDFG)

At 10:12 a.m., Ed Schriever, Director of the Idaho Department of Fish and Game, began his presentation on the [Lifetime Licensing Program](#). He noted that the presentation was to explain, per an inquiry brought to the commission, the privileges of lifetime-license holders who were no longer residents of the state. Mr. Schriever explained that approximately 1% of all hunters/anglers possessed a lifetime license, which had to be reactivated every year. Of those lifetime license holders, 65% were still residents; those nonresident lifetime certificate holders paid nonresident fees and were not subject to nonresident quotas/limit. He then provided very intricate data to explain how large animal tags were distributed among resident and nonresident hunters and among resident and nonresident lifetime certificate holders.

- Rep. Moyle inquired whether the 10% limitation on nonresident hunters was in rule or in statute. Mr. Schriever believed it to be in rule. Rep. Moyle commented that the outfitter allocation should come out of that 10% and requested that the limitation be clarified. He surmised that most residents preferred to keep the number under 10%. Mr. Schriever cautioned that an attempt to include the outfitter allocation within the 10% cap of controlled hunts would not fit and would take opportunities away from businesses who rely on those allocated tags. He further explained that recent changes to the rule specified that nonresident tags be set aside per designated unit for better distribution; the outfitter allocations were set aside before the nonresident tags and the remainder of tags were then held to the 10% rule for nonresidents. Cochair Gibbs cautioned making any changes in statute because it was easier/quicker to pivot with rules.
- Sen. Stennett asked for clarification about activating a lifetime license and the costs. Mr. Schriever summarized that there was no fee to activate a lifetime license and it could be done in person, by mail, or by email. The three categories and costs were: 0-1 year of age combo \$799.50, fishing \$601.75, or hunting \$276.75; adult (>1/<51 years old) combo \$1113.00, fishing \$841.00, or hunting \$386.75; and senior (51+) combo \$636.00, fishing \$481.00, or hunting \$221.75.
- Rep. Blanksma inquired whether a companion hunt was provided for in statute or in rule. Mr. Schriever responded that it was in rule and provided for the commission to consider allocations.

At 10:53 a.m., Mr. Schriever began on the department's presentation [Idaho Wolf Management](#). His presentation focused on various methods of population management and conflict management.

- Cochair Vick inquired about the reasons the director would deny a night vision/use of lights permit for wolf hunting. Mr. Schriever explained that there was no cost for the permit but the issuance helped the department regulate how many individuals were hunting in that manner and within an area. He noted that he issued 260 permits last year and denied none; a denial may occur due to previous nefarious or illegal activity by the individual.

IDAHO DEPARTMENT OF LANDS (IDL)

At 11:25 a.m., Dustin Miller, Director of Idaho Department of Lands, summarized the department's charge to maximize revenue on the state's 2.5 million acres of endowment trust lands. Revenue was generated through timber harvesting and leasing activities such as grazing, mineral production and recreation. Also, the department provided fire protection for the 6.2 million acres of state, private, and federal land. Mr. Miller provided comments on the following issues:

Abandoned Mines: by FY2027 the abandoned mine reclamation fund will become insolvent; proposed legislation for 2023 in order to address financial needs for the fund; 8,800 abandoned mines exist under the department's purview.

Fire Season: about 4600 acres under IDL protection burned from 280 fires; 410,000 acres burned over all ownerships, but mostly national forest; suppression costs of \$22 million with \$7.4 million due in reimbursement from partners (to date); fire management program evaluation led to

modernization of tools/equipment, staffing structure, and a recently acquired electronic fire business system to reconcile/issue payments.

FY2024 Goals: request funding/staffing to reestablish Cottonwood protective district in eastern Idaho; staff five additional engines in key areas of the state; request \$2.5 million from reserve funds to assist with site preparations and replanting of timber stands after harvesting and fires.

- Rep. Blanksma asked for more details of the proposed abandoned mine reclamation program legislation and whether the Idaho Mining Association (IMA) had been consulted. Mr. Miller explained that the proposed legislation would allow ongoing funding to evaluate and provide reclamation of abandoned mines. He noted that IMA was supportive of the proposal. Rep. Blanksma asked whether the funds would be for additional staffing or for actual cleanup efforts. Mr. Miller explained that it would be more for the reclamation work, not for additional staffing. Scott Phillips, IDL Assistant Director, added that the legislation would propose an additional \$10 fee per federal mining claim (filed annually) to raise funds for the reclamation program; this would create approximately \$400,000 for efforts to close abandoned mines due to safety issues.

IDAHO WATER USERS ASSOCIATION (IWUA)

At 11:40 a.m., Paul Arrington, Executive Director and General Counsel of the Idaho Water Users Assoc., provided an update on various issues regarding the association.

Forest Fires: commented that the amount of land burned by forest fires directly affected water quality.

Legislative Water College: held in effort to educate next leaders; to be held every election year with a smaller tour to be held in non-election years; started leadership program among water community called *Headgate*.

Columbia River Treaty: expires 2024 and shifts to a "called upon" agreement which is very vague.

Breaching of Snake River Dams: consider loss of hydroelectric power both as a supply and in value; consider how to make those downstream whole if flooded.

Columbia Basin Collaborative: established among ID, OR, MT, and WA ; consider mitigation rather than litigation.

Reintroduction of Salmon/Steehead: commented that any reintroduction plan required legislative and executive approval; required a government work group of stakeholders to establish fisheries standards.

Water Resource and Development Act (WRADA): congressional act that speaks to Corps of Engineers projects.

With no further business before the committee, the meeting was adjourned at 12:00 noon.