

MINUTES
Approved by the Committee
Natural Resources Interim Committee
Monday, September 27, 2021
9:00 A.M.
Room WW02
Boise, Idaho

Cochair Bair called the meeting to order at 9:02 a.m.; a silent roll call was taken.

Members in attendance: Cochair Senator Steve Bair and Senators Jim Patrick, Steve Vick, and Michelle Stennett (via Zoom); Cochair Representative Marc Gibbs and Representatives Scott Bedke (Speaker), Mike Moyle (via Zoom), Terry Gestrin, Ilana Rubel (via Zoom), and Megan Blanksma (ad hoc); LSO Staff Katharine Gerrity, Rob Sepich, and Jennifer Kish. Absent and excused: Senators Lee Heider and Ali Rabe.

Audience sign-in: Ed Schriever, Scott Reinecker, Jim Fredericks - Idaho Department of Fish and Game (IDFG); Benn Brocksome - Idaho Sportsmen; Brian Patton, Mat Weaver, Gary Spackman - Idaho Department of Water Resources; Aaron Lieberman - Idaho Outfitters and Guides Assoc.; John Richards-Office of Species Conservation; Norman Semanko - Aberdeen--Springfield Canal Snake River Storage; Braden Jensen - Idaho Farm Bureau; Dennis Becker, Steven Hacker - University of Idaho; Peter Stegner - Riley Stegner and Assoc.; Dustin Miller-Idaho Department of Lands.

NOTE: Presentations and handouts provided by the presenters/speakers are posted to the Idaho Legislature's website <https://legislature.idaho.gov/sessioninfo/2021/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.

After welcoming remarks, Cochair Bair requested a motion on the previous meeting's minutes. **Cochair Gibbs made a motion to accept the minutes of the October 15, 2020, meeting; Sen. Vick seconded the motion. Sen. Patrick requested an edit on page 1, first bullet, to read "the Middle Snake area"; Cochair Gibbs and Sen. Vick agreed to the edit per their motion. The motion passed unanimously.**

IDAHO DEPT. OF FISH AND GAME

At 9:05 a.m., **Ed Schriever**, Director of the Idaho Dept. of Fish and Game (IDFG), was invited to the podium to begin the department's presentation on [Wolf Management](#).

- Sen. Vick inquired about the loss of the department's helicopter. Mr. Schriever reported that it had been lost in a crash while collaring wolves. He noted that another helicopter had been acquired.
- Cochair Bair asked whether camera data included wolf population estimates within the Frank Church Wilderness Area and other wilderness areas. Mr. Schriever responded that cameras were not in wilderness areas but that estimates from those areas, identified as high-occupancy zones, were included. Cochair Bair inquired how accurate the estimates could be without that camera data. Mr. Schriever reported that the high-occupancy zones were very consistent and believed the data to be very accurate.
- Sen. Stennett asked whether the US Fish and Wildlife Service had a clear estimate of the wolf population in those wilderness areas where it was implementing population control. Mr. Schriever clarified that the USDA Animal and Plant Health Inspection Service (APHIS), tasked with removal duty, was not performing any population estimates or population control in designated wilderness areas, rather it occurred in conjunction with grazing allotments on private, national forest, and Bureau of Land Management (BLM) lands. He summarized that no wolves had been taken from

Idaho wilderness areas for population control. Sen. Stennett asked whether the federal agencies were collecting population data. Mr. Schriever stated that wolf population estimates were performed solely by the IDFG with no data from the federal agencies. Sen. Stennett wondered how the data supported the department's estimated rise in population (slide 10). Mr. Schriever explained that past data, which considered natural mortality, human mortality, and newborn pups, supported the expected rise in population.

- Cochair Gibbs inquired why cameras were not placed in wilderness areas to collect population data. Mr. Schriever stated that cameras were used in wilderness areas in cooperation with federal agencies to study wolverines and lynx, but no agreement had been reached with federal agencies for the study of wolves. Cochair Gibbs asked whether incidental wolf data was able to be used from the cameras set up for wolverines and lynx. Mr. Schriever explained that the study of wolves required cameras to be placed in the summer, whereas the study on wolverines and lynx required placement in the winter; hence, there was an insignificant amount of overlapping incidental data.
- Sen. Stennett inquired about the percentage of the population being pups. Mr. Schriever reported that the pup population was approximately one third of the population. Sen. Stennett asked whether ranchers could kill wolves on state and federal lands where leasing agreements were held when livestock were harmed. Mr. Schriever clarified that an individual could take a wolf when it was caught in the act of harming livestock or any private property (pet, self, etc.) on any type of land. Sen. Stennett asked for clarification on the department rules and [SB1211 \(2021\)](#) in regard to an incident that occurred in her district. Mr. Schriever requested that they speak outside of the meeting on that issue due to the essence of time.
- Sen. Vick asked how many wolves were harvested from the approximately 47,000 tags issued. Mr. Schriever reported that approximately 450 wolves were harvested.

At 10:00 a.m., **Scott Reinecker**, Deputy Director - Operations for IDFG, provided a report on [Crap Depredation Prevention and Compensation](#).

- Cochair Bair summarized that the fund was behind due to the inability to reimburse it at 100% for the previous years. Mr. Reinecker agreed and reported that the department prorated claims for FY2020 at 60% and for FY2021 at 67%. He expected the FY2022 fund to be just shy of \$1 million and anticipated the department to prorate claims again this year.
- Cochair Gibbs asked how much was needed to pay the claims at 100%. Mr. Reinecker explained that the annual appropriation was \$1.1 million and that the department anticipated \$990,000 within the fund by end of year but that the previous year's claims were \$1.58 million. Mr. Schriever clarified that the revenue allocated annually was closer to \$900,000 than \$1.1 million.

At 10:10 a.m., **Jim Fredericks**, Deputy Director - Programs and Policy for IDFG, provided an update on [Outfitter's Set Aside Tags and Allocations](#).

- Cochair Gibbs inquired about the response from outfitters and guides on these changes. Mr. Fredericks conveyed that most were satisfied with the changes and were looking forward to changes as needed to continue balancing out the use.

IDAHO DEPT. OF WATER RESOURCES

At 10:20 a.m., **Mat Weaver**, Deputy Director for the Idaho Department of Water Resources (IDWR), was called to the podium for his presentation [Idaho Water Resource Administration and Regulation](#).

- Sen. Patrick asked whether there was a flowchart to explain how the many water boards, committees, state agencies, and users groups interacted. Mr. Weaver reported that there was a chart explaining how the department interacted with the Idaho Water Resource Board (IDWR): the department was responsible for day-to-day business on water rights issues and the board planned out the state's water needs and projects to ensure that need. He added that the water districts, typically run by a water master, were in charge of the local communities and water users

(ground water and surface water); a water master, elected by the water users but who reports to the department director, was typically in charge of the district.

- Rep. Bedke asked whether the number of water users to be curtailed (slide 6) was outside the mitigation agreement. Mr. Weaver stated that it was. Cochair Bair asked whether those individuals received a curtailment letter. Mr. Weaver reported that they had; in fact, multiple types of correspondence were issued and meetings were attempted to attain compliance.

At 11:00 a.m., **Gary Spackman**, Director of the Idaho Department of Water Resources, commended his staff on their performance during the summer's water issues. He noted that the department's budget request would seek 15 additional staff members, as well as the funding for projects that would need to be completed to ensure water levels and delivery for the state.

IDAHO WATER RESOURCE BOARD

At 11:08 a.m., **Jeff Raybould**, Chairman and Member-at-Large of the Idaho Water Resources Board, provided brief comments to the committee and introduced **Brian Patton**, Executive Officer for the IWRB and Bureau Chief for the IDWR, to present the [IWRB Report](#) on various issues.

- Rep. Blanksma inquired whether there was any prohibition on the use of federal funds, such as American Rescue Plan Act (ARPA) funds, for the nonfederal cost share on the Anderson Ranch Reservoir project. Mr. Patton explained that it was not yet clear whether available ARPA funds would qualify for such use. He noted that the guidelines for use seemed to be very narrow regarding water expenditures, but that the possibility may be expanded by Section 40909 of the currently proposed congressional infrastructure bill (Senate version). Mr. Raybould commented that there may be a limit of 50% federal funds to be used on the Anderson Ranch Reservoir project.
- Rep. Bedke asked whether cloud seeding was included on all upcoming projects. Mr. Raybould explained that studies on its efficiency were in progress in other basins and would be added later to upcoming projects.

Mr. Raybould provided closing remarks regarding the benefits of the recharge efforts, especially in light of the dry summer; the continued efforts of the IWUA and IGWA to negotiate water rights; and the importance of creating the water project list.

At 11:45 a.m., the committee recessed for lunch.

IDAHO WATER USERS ASSOCIATION

At 1:33 p.m., the committee reconvened for the remainder of the agenda and Cochair Bair called upon **Paul Arrington**, Executive Director and General Counsel for the Idaho Water Users Association (IWUA), for his presentation [Water Users Update](#). Mr. Arrington introduced Bob Carter (Project Manager for Boise Project Board of Control - New York Canal, Treasure Valley), Carl Hayes (Black Canyon Irrigation District - Southwest Idaho), and Aaron Dalling (Freemont-Madison Irrigation District - Eastern Idaho) to co-present specifics of their own territories. Mr. Arrington also commented on administrative rules to be filed by IWUA.

- Sen. Patrick appreciated a recent tour of the New York Canal and wondered how it was possible to fix a huge break within the residential area. Mr. Carter responded that the current equipment was more advanced and there was always a plan and skilled workers to complete the project. He cautioned that there was the possibility that a rebuild could be affected by the Bureau of Reclamation, which was always a concern.

- Cochair Gibbs asked about the annual operating budget for the New York Canal system. Mr. Carter reported that for the canal it was approximately \$450,000, but for the whole system it was \$10-11 million.
- Rep. Blanksma inquired about the prioritization of projects per the canal companies and whether there was any data/research on whether any had issued assessments to deal with the repair issues/projects. Mr. Arrington responded that he did not have that information but would research the issue.

IDAHO DEPT. OF LANDS

At 2:30 p.m., **Dustin Miller**, Director for the Idaho Department of Lands (IDL), began his [report](#) on the 2021 fire season and the department's FY2023 budget request.

- Sen. Vick asked for clarity on unassessed acres. Mr. Miller responded that unassessed acres were basically non-timbered acres such as farmland, cropland, or rangeland - lands that don't meet the definition of forestland - and were within IDL's protection.
- Rep. Bedke, in reference to the Snake River Complex fire, requested that local citizens be part of the fuel management discussion regarding Wildlife Management Areas (WMAs) in order to prevent such large incidents from happening again. Mr. Miller explained that the Snake River Complex fire, the largest fire of 2021, consumed lands that were in mitigation land - land managed for the protection of wildlife - managed by IDFG. He noted that IDL had pledged to assist IDFG in updating the management action plans in certain areas, offering assistance with timber and grazing management. Rep. Bedke summarized that future land management decisions made by IDFG within those WMAs would include consultation from IDL. Mr. Miller confirmed that it would.
- Rep. Blanksma asked about a timeline for consultations. Mr. Miller stated that the department had started conversations with IDFG but that there was no established timeline.

GOVERNOR'S SALMON WORK GROUP

At 3:03 p.m., **Mr. Arrington** made a second appearance on the agenda to discuss the governor's Salmon Work Group. He was joined by **Michael Gibson**, Field Coordinator for Idaho Trout Unlimited.

- Sen. Patrick asked why California and Alaska's fish were not returning, being that there were no dams impeding the fish's travel. Mr. Gibson explained that there were many factors that influence the return of salmon and steelhead, such as ocean and river conditions (temperature of the water, strength of the current, etc.). He shared that Idaho's return needed to be 2% or greater to be successfully sustained.

With no further business, the meeting was adjourned at 3:30 p.m.