

PROGRESS REPORT

Natural Resource Interim Committee HCR 8 (2015)

Members of the Committee:

Senator Steve Bair, Co-chair
Senator Jeff Siddoway
Senator Lee Heider
Senator Bert Brackett
Senator Michelle Stennett

Representative Dell Raybould, Co-chair
Speaker of the House Scott Bedke
Representative Mike Moyle
Representative Marc Gibbs
Representative Donna Pence

Ad Hoc Members of the Committee:

Senator Shawn Keough
Senator Jim Patrick
Senator Roy Lacey

Representative Ken Andrus
Representative Paul Shepherd

Staff: Katharine Gerrity, Ray Houston, Jackie Gunn

Table of Contents

	<u>Page No.</u>
Charge	3
Meetings	4
Scope of Study and Recommendations	4
Speakers.....	6

**NATURAL RESOURCES
INTERIM COMMITTEE**

2015

PROGRESS REPORT

Charge

The Natural Resources Interim Committee is a two-year committee formed in 2015 pursuant to the authority of HCR 8. The resolution authorized the committee to undertake and complete a study of various natural resource issues of importance to the State of Idaho. The committee was directed to make a progress report to the Second Regular Session of the Sixty-third Idaho Legislature.

Meetings

The Committee met in Boise on October 16, 2015.

Scope of Study and Recommendations

Members had an extensive briefing by the Attorney General's Office and the Department of Water Resources addressing efforts to resolve Eastern Snake Plain Aquifer issues. The presentation was similar to one that was given to the Water Resource Board in mid-September. The aquifer has been in decline since 1952 due to a number of factors including increases in ground water diversions, drought cycles and surface water efficiencies, flow augmentation releases and winter water savings. As a result of the decline, there have been numerous delivery calls.

The parties to these calls have been working together toward a settlement agreement. An agreement was entered into on June 30, 2015 and finalized August 1, 2015 between participating members of the Surface Water Coalition and the Idaho Ground Water Appropriators, Inc. The objectives of the agreement are to mitigate for material injury to senior water users in the Surface Water Coalition Delivery Call, provide safe harbor to participating ground water users in participating ground water districts, minimize economic impact to water users and the state economy, increase reliability and enforcement of water use, measurement, and reporting across the Eastern Snake Plain, and develop an adaptive management plan to stabilize and enhance the Eastern Snake Plain Aquifer ground water levels to meet existing water right needs.

The Idaho Department of Lands gave a presentation relating to policy alternatives regarding public access to endowment lands that are being discussed. Seventy percent of Idaho's 2.4 million acres of endowment lands are legally accessible and used by the public for recreation. The Land Board currently has no formal policy for dispersed recreation on endowment lands. Other states such as Montana, Utah and Washington keep their endowment lands open, but they charge a fee for use. The department believes there is a need for the board to adopt a formal policy for dispersed recreation. The options that are being discussed are to retain the current approach, retain most of the current approach but consider exclusive use leasing for recreation purposes, such as hunting, or keep the lands open but charge for recreational use.

Fish and Game and the Office of Species Conservation presented a Sage Grouse update. This fall, U.S. Fish and Wildlife determined the species did not warrant listing under the Endangered Species Act. Prior to that determination, the Interior Department developed new management restrictions and a new habitat zone outside of the collaborative process that the state has been involved with for years. Those restrictions and habitat zone were included in the Final Environmental Impact Statement. In September, the state filed suit challenging the new management restrictions and habitat zone asserting that the last-minute, internal process used by the federal government to make the changes violates federal law.

David Groeschl, Idaho's State Forester and Deputy Director at the Department of Lands, informed the committee about our fire season this year and the associated costs. Costs to the suppression account were \$78,113,000. Idaho will be reimbursed close to \$18 million from other agencies such as the BLM. Approximately 764,010 acres have burned this year, 78,571 of which are in IDL protection.

The committee also heard updates on the North Idaho Adjudication, the Clean Water Act, the Columbia River Treaty, oil and gas activities in Payette County, suction dredge mining and rangeland fire protection districts.

The committee has no specific recommendations at this time.

Speakers

The following is a list of people, groups or agencies that testified or provided comments during the Committee meeting:

Mr. Mathew Weaver, Deputy Director, Idaho Department of Water Resources

Mr. Brian Patton, Chief of Planning Division, Idaho Department of Water Resources

Mr. Clive Strong, Division Chief, Natural Resource Division, Office of the Attorney General

Mr. Norm Semanko, Executive Director, Idaho Water Users Association

Ms. Sharon Kiefer, Deputy Director, Idaho Fish and Game

Mr. David Groeschl, State Forester and Deputy Director, Forestry & Fire Division, Idaho Department of Lands

Ms. Emily Callihan, Communications Officer, Idaho Department of Lands

Mr. John Peiserich, AM Idaho, LLC

Mr. David Claiborne, Idaho Recreation Council

Mr. Dustin Miller, Administrator, Governor's Office of Species Conservation

Mr. Doug Conde, Deputy Attorney General, Department of Environmental Quality

Ms. Julia Sullens, South Idaho Fire Program Liaison

Mr. Doug Rutan, Chair, Owyhee Rangeland Fire Protection Association

Mr. Charlie Lyons, Chair, Mountain Home Rangeland Fire Protection Association

IN THE HOUSE OF REPRESENTATIVES

HOUSE CONCURRENT RESOLUTION NO. 8

BY RESOURCES AND CONSERVATION COMMITTEE

A CONCURRENT RESOLUTION

1
2 STATING FINDINGS OF THE LEGISLATURE AND AUTHORIZING THE LEGISLATIVE COUNCIL
3 TO APPOINT A COMMITTEE TO UNDERTAKE AND COMPLETE A STUDY OF NATURAL RE-
4 SOURCE ISSUES.

5 Be It Resolved by the Legislature of the State of Idaho:

6 WHEREAS, the First Regular Session of the Sixty-second Idaho Legis-
7 lature adopted House Concurrent Resolution No. 31, which authorized the
8 appointment of a committee to undertake and complete a two-year study of
9 natural resource issues, including issues relating to water, throughout the
10 State of Idaho; and

11 WHEREAS, the committee's official term expired on November 30, 2014,
12 and numerous natural resource-related issues continue to pose concerns for
13 the future of Idaho and the quality of life our citizens enjoy; and

14 WHEREAS, issues of continued concern include, but are not limited to,
15 stabilization of the water distribution system, the status of aquifers
16 throughout the state and wildlife.

17 NOW, THEREFORE, BE IT RESOLVED by the members of the First Regular Ses-
18 sion of the Sixty-third Idaho Legislature, the House of Representatives and
19 the Senate concurring therein, that the Legislative Council is authorized to
20 appoint a two-year committee to undertake and complete a study of natural re-
21 source issues of importance to the State of Idaho. The committee shall con-
22 sist of ten legislators, with five from the Senate and five from the House
23 of Representatives. The Legislative Council shall authorize the committee
24 to receive input, advice and assistance from interested and affected parties
25 who are not members of the Legislature.

26 BE IT FURTHER RESOLVED that the Legislative Council is authorized to
27 also appoint ad hoc legislative members to serve on the committee.

28 BE IT FURTHER RESOLVED that the cochairmen of the committee are autho-
29 rized to appoint advisors with technical expertise in the water supply arena
30 and are expected to receive input from stakeholders in the water rights sys-
31 tem of Idaho to attempt to stabilize the water delivery system in this state.

32 BE IT FURTHER RESOLVED that any advisors to the committee who are not
33 legislative members shall not be reimbursed from legislative funds for per
34 diem, mileage or other expenses and shall not have voting privileges regard-
35 ing the committee's recommendations and proposed legislation.

36 BE IT FURTHER RESOLVED that the committee shall make a progress report
37 to the Second Regular Session of the Sixty-third Idaho Legislature and shall
38 make a report detailing its findings, recommendations and proposed legisla-
39 tion, if any, to the First Regular Session of the Sixty-fourth Idaho Legisla-
40 ture.