

**FINAL REPORT**

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**LEGISLATIVE COUNCIL INTERIM COMMITTEE**

**NATURAL RESOURCES**

**2010**

# **FINAL REPORT**

## **Natural Resources Interim Committee HCR 13 (2009)**

### Members of the Committee:

Senator Gary Schroeder, Co-chair  
Senator Charles Coiner  
Senator Jeff Siddoway  
Senator Lee Heinrich  
Senator Clint Stennett

Representative Dell Raybould, Co-chair  
Representative Bert Stevenson  
Representative Scott Bedke  
Representative Mike Moyle  
Representative Donna Pence

### Ad Hoc Members of the Committee:

Senator Steven Bair  
Senator Dean Cameron  
Representative JoAn Wood  
Representative Jim Patrick  
Representative Jim Clark

Staff: Katharine Gerrity, Toni Hobbs, Jackie Gunn and Ray Houston

IN THE HOUSE OF REPRESENTATIVES

HOUSE CONCURRENT RESOLUTION NO. 13

BY RESOURCES AND CONSERVATION COMMITTEE

1 A CONCURRENT RESOLUTION  
2 STATING FINDINGS OF THE LEGISLATURE AND AUTHORIZING THE LEGISLATIVE  
3 COUNCIL TO APPOINT A COMMITTEE TO UNDERTAKE AND COMPLETE A  
4 STUDY OF NATURAL RESOURCE ISSUES.

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

6 WHEREAS, the First Regular Session of the Fifty-ninth Idaho Legislature adopted House  
7 Concurrent Resolution No. 12 which authorized the appointment of a committee to undertake  
8 and complete a two-year study of natural resource issues, including issues relating to water,  
9 throughout the state of Idaho; and

10 WHEREAS, the committee's official term expired on November 30, 2008, and numerous  
11 natural resource-related issues continue to pose concerns for the future of Idaho and the quality  
12 of life our citizens enjoy; and

13 WHEREAS, issues of continued concern include, but are not limited to, stabilization of  
14 the water distribution system, the status of aquifers throughout the state, management of wolves  
15 in Idaho, and the study of the implementation of the Comprehensive Aquifer Management Plan  
16 for the Eastern Snake Plain Aquifer.

17 NOW, THEREFORE, BE IT RESOLVED by the members of the First Regular Session of  
18 the Sixtieth Idaho Legislature, the House of Representatives and the Senate concurring therein,  
19 that the Legislative Council is authorized to appoint a committee to undertake and complete  
20 a study of natural resource issues of importance to the state of Idaho. The committee shall  
21 consist of ten legislators, with five from the Senate and five from the House of Representatives.  
22 The Legislative Council shall authorize the committee to receive input, advice and assistance  
23 from interested and affected parties who are not members of the Legislature.

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

26 BE IT FURTHER RESOLVED that the cochairmen of the committee are authorized to  
27 appoint advisors with technical expertise in the water supply arena and are expected to receive  
28 input from stakeholders in the water rights system of Idaho to attempt to stabilize the water  
29 delivery system in this state.

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

34 BE IT FURTHER RESOLVED that the committee shall make a progress report to the  
35 Second Regular Session of the Sixtieth Idaho Legislature and shall make a report detailing its  
36 findings, recommendations and proposed legislation, if any, to the First Regular Session of the  
37 Sixty-first Idaho Legislature.

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# **NATURAL RESOURCES INTERIM COMMITTEE**

**2009-2010**

## **FINAL REPORT**

### ***Charge***

The Natural Resources Interim Committee was a two-year committee formed in 2009 pursuant to the authority of HCR 13. 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 final report to the First Regular Session of the Sixty-first Idaho Legislature.



## ***Meetings***

The Committee met in Boise on July 31, 2009, September 24, 2009, December 15, 2009 and September 23, 2010.

## ***Scope of Study and Recommendations***

During the July, 2009 meeting, the Committee received an update regarding conjunctive management cases before the Idaho Department of Water Resources. The presentation summarized the status of the delivery calls involving A & B Irrigation District, the Surface Water Coalition and Thousand Springs.

The Committee was briefed on the proposed federal Wild Free-Roaming Horses and Burros Act. There are a number of issues of concern relating to the Act and the bill's potential impact on the use of public lands.

The Working Lands Coalition also made a detailed presentation to the Committee relating to the Coalition's work over the last three years. During the presentation, the Committee was provided with an overview to encourage legislative conversation, questions and suggestions on how to maintain Idaho's working ranches, farms and forests. The Committee was informed about the ways in which other western states are attempting to address working lands concerns, such as conservation easements and market-based incentives.

During the September, 2009 meeting, personnel from the Department of Water Resources, the Water Resource Board and CDR Associates updated the Committee on the status of the Comprehensive Aquifer Management Program (CAMP), which included a presentation of the various funding options that have been identified.

As a final matter during the September meeting, the Committee was updated on wolf management in Idaho following delisting. Presenters advised the Committee of the expressed concern of Judge Donald Molloy, U.S. District Court for the District of Montana, regarding the delisting, given the removal of Wyoming from the three-state analyses at the time wolves in Idaho and Montana were delisted.

During the December, 2009 meeting, the Committee received additional information relating to the CAMP Implementation Committee's efforts relating to an ESPA CAMP funding mechanism.

In addition, during the December meeting, the Committee received an update regarding ongoing Water Storage Project Studies. In relation to the Minidoka Enlargement Study, the Committee was informed that in 2008, an agreement was entered into between the Water Resource Board and the Bureau of Reclamation to undertake a study of raising the dam by 5 feet. There appear to be no significant technical issues associated with raising the dam by 5 feet. The raise would result in about 67,000 acre-feet of additional storage. The costs are estimated at \$186 million (\$2,780 per acre-foot). The Board also,

in 2009, entered into an agreement with the Bureau to undertake a study of rebuilding Teton dam. The study is to be completed in 2011. The Boise River Study will evaluate water storage options for flood control and water supply and the benefits from reducing flood damages. It is scheduled to be complete in early 2012. Finally, the Galloway Project would be a reservoir of up to 900,000 acre-feet on the Weiser River. It could be used to replace flow augmentation water released from the Upper Snake and Boise River basins, allowing more water to be retained in those basins for their needs.

During the meeting on September 23, 2010, Interim Director Gary Spackman, Idaho Department of Water Resources, provided the Committee with an update regarding numerous Eastern Snake Plain Aquifer conjunctive management orders that are now pending before the Idaho Supreme Court.

Mr. Clive Strong, Office of the Attorney General, and Mr. Rich Rigby, Idaho Department of Water Resources, addressed the Committee regarding the Comprehensive Aquifer Management Plan (CAMP) process and various funding alternatives that have been considered. They informed the Committee that there are two options that a subcommittee of the CAMP Implementation Committee is recommending for further consideration. Both options revolve around the creation of aquifer improvement districts.

Mr. Steve Strack, Office of the Attorney General, also addressed the Committee regarding a decision by Judge Molloy, which returned wolves in Idaho and Montana to the endangered species list. The Judge held that when you have a distinct population segment, as we do in the Northern Rocky Mountains, listing cannot be split along state lines. Wolves in Idaho and Montana were previously delisted, but wolves in Wyoming were not, in that Wyoming does not have an approved management plan. That decision is now on appeal to the 9<sup>th</sup> Circuit. Mr. David Hensley, Office of the Governor, told the Committee that the state is proceeding with an administrative approach, a congressional approach and a judicial approach to try to resolve the wolf issue at this time and to reach the Governor's goal of restoring state management as quickly as possible under our approved plan.

Ms. Sharon Kiefer and Mr. Jim Unsworth, Idaho Department of Fish and Game, as well as Mr. Tom Perry with the Governor's Office of Species Conservation, also addressed the Committee with an update regarding wolves. The Committee was provided with information relating to the 2009–2010 hunting season, where 181 wolves were legally taken by hunters, as well as information regarding livestock and ungulate depredation in Idaho.

The Committee has discussed possible legislation but is awaiting recommendation from the CAMP Implementation Committee, as well as the Water Resource Board, relating to proposals for funding associated with the CAMP.



## ***Speakers***

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

Office of the Governor  
Mr. David Hensley

Idaho Attorney General's Office  
Mr. Clive Strong  
Mr. Steve Strack  
Mr. Chris Bromley  
Mr. Phil Rassier  
Mr. John Homan

Idaho Department of Water Resources  
Interim Director Gary Spackman  
Mr. Hal Anderson  
Mr. Brian Patton  
Mr. Rich Rigby

Idaho Water Resource Board  
Mr. Jerry Rigby

Idaho Department of Agriculture  
Mr. Ron Kay  
Mr. Brian Oakey

Idaho Department of Lands  
Ms. Kathy Opp  
Mr. David Groeschl

Idaho Department of Fish and Game  
Ms. Sharon Kiefer  
Mr. Jim Unsworth

Office of Species Conservation  
Mr. Nate Fisher  
Mr. Michael Edmondson  
Mr. Tom Perry

Mr. Jonathan Bartsch, CDR Associates

Association of Idaho Cities  
Mr. Ken Harward



Idaho Association of Counties

Ms. Kerry Elliott  
Ms. Debbie Kaufman  
Ms. Valdi Pace

Idaho Groundwater Users Association

Mr. Lynn Tominaga

Idaho Working Lands Coalition

Former Senator Laird Noh  
Dennis Murphy  
Suzie Budge  
Ms. Kristin Troy  
Ms. Emma Atchley  
Mr. Kennon McClintock  
Mr. Tim Breuer  
Mr. Jeff Burwell

Mr. Lloyd Hicks, Great Feeder Canal Company

Mr. Randy Bingham, Burley Irrigation District

Former Senator Stan Hawkins, Harrison Canal Co.

Mr. Lyle Swank, Water District 1

Mr. Randy MacMillan, Clear Springs Foods

Mr. Darrell Kerr

Mr. Brian Olmstead, Twin Falls Canal Company

Mr. Dean Stevenson, Magic Valley Ground Water District and CAMP Committee

Mr. Jim Peterson, Idaho Falls Insurance Co.