

**MINUTES**  
(Subject to Approval by the Committee)  
**Natural Resources Interim Committee**  
**Thursday, September 12, 2019**  
**9:00 A.M.**  
**Rms 276/277 Taylor Bldg**  
**Twin Falls, Idaho**

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

Members present: Cochair Senator Steve Bair and Senators Jim Patrick, Lee Heider, Bert Brackett, Michelle Stennett, and Maryanne Jordan (Ad Hoc); Cochair Representative Marc Gibbs and Representatives Terry Gestrin, Ilana Rubel, and Britt Raybould (Ad Hoc); Legislative Services Office (LSO) staff Katharine Gerrity, Rob Sepich, and Jennifer Kish. Absent/excused: Speaker Scott Bedke and Representatives Mike Moyle and Paul Shepherd (Ad Hoc).

Other attendees: Bert Stevenson, Roger Chase - Idaho Water Resource Board (IWRB); Lynn Janes - Ag Proud (Idaho); Scott Reinecker, Paul Kline, Craig White - Idaho Dept. of Fish and Game (IDFG); John Simpson - Barker Rosholt & Simpson LLC; John Williams - Bonneville Power Administration (BPA); Carol Dumas - Capital Press; Dustin Miller, Trevor George, Chelsee Sanders - Idaho Dept. of Lands (IDL); Sam Eaton - Governor's Office; Shelley Keen - Idaho dept. of Water Resources (IDWR); Dan Davidson - Minidoka Irrigation District; Pat McMahon - Sun Valley Water/Sewer; Paul Arrington - Idaho Water Users Assoc. (IWUA); Bob Naerebout - Idaho Dairymen's Assoc.; Braden Jensen - Idaho Farm Bureau; Luke Kilcup - Lobby Idaho LLC.

NOTE: Presentations and handouts provided by the presenters/speakers are posted to the Idaho Legislature website <https://legislature.idaho.gov/sessioninfo/2019/interim>; and copies of those items are on file at the Legislative Services Office in the State Capitol.

After welcoming remarks by the cochairs, Mr. Scott Pugrud, Administrator for the Office of Species Conservation (OSC), was called to the podium for his presentations. Mr. Pugrud explained that the OSC was tasked with the coordination and implementation of state policies and programs related to the conservation, recovery, and delisting of species that were listed as threatened or endangered by the Endangered Species Act. He reported on coordinated efforts with other agencies to implement the 2015 plan to assist sage grouse and the adoption of a mitigation manual. Mr. Pugrud noted that sage grouse populations - within the four designated areas ([chart](#)) - were down due to loss of habitat and wildfires. A hard trigger was explained as a 20% decline in the population within the three-year average and a soft trigger was a 10% decline. He provided a [map](#) of the four designated areas noting key wildfires that impacted the habitat of each region. A project assisting the sage grouse habitat was the removal of encroaching juniper trees through the Bruneau-Owyhee Sage Grouse Habitat (BOSH) program; junipers compete with sage-steppe vegetation for water, nutrients, space, and sunlight and provide perches from which raptors hunt the sage grouse.

- Cochair Bair asked about the term co-location in regard to habitat study. Mr. Pugrud explained that when one power source existed within a designated habitat, another power source may request installation within the same area, but the impact to the space had to be studied before co-location could be granted.
- Cochair Gibbs inquired about fuel break efforts. Mr. Pugrud spoke of the "Paradigm Project," which implemented a variety of methods for fuel breaks for the southern areas of the state.
- Sen. Patrick asked about the OSC's take on the West Nile virus, noting that it was impacting the magpie population and infecting equine. Mr. Pugrud noted that there were studies available about the occurrence and impact in the state and that he would make those available to the committee members.

Mr. Pugrud then spoke on the Governor's Salmon Workgroup, where OSC was tasked with forming a collaborative work group from diverse stakeholders to develop policy recommendations to assist salmon and steelhead recovery efforts. It was prescribed that the workgroup find potential solutions other than breaching dams. The group will focus on habitat, hydro, hatchery, and harvest issues. Mr. Pugrud reported that there already had been a few meetings held with presentations and public comment and that more were scheduled.

- Cochair Bair requested that a list of the workgroup members be provided to the committee.
- Sen. Stennett requested that Mr. Pugrud also provide information about the workgroup's expectations, time frame, and a schedule of the additional meetings. She inquired whether any federal stakeholders were involved with the workgroup. Mr. Pugrud reported that representatives from the offices of both Congressman Fulcher and Simpson had been in attendance, as well as other federal stakeholders.

At 9:33 a.m., staff members from the Idaho Department of Fish and Game (IDFG) settled in at the podium for multiple presentations. Director Ed Schriever introduced fellow staff: Deputy Director (Operations) Scott Reinecker, Deputy Director, Operations, Deputy Director, Programs and Policy, Paul Kline, Regional Supervisor Craig White, and Bureau of Wildlife Chief Toby Boudreau.

Director Schriever spoke on aspects of the department's big game depredation program, bolstered with the passage of HB230 in 2017. Prevention aspects occur year-round; winter feeding was utilized to separate wildlife and stock and to lure game away from citizen's stored crops. Director Schriever reported on a single claim within the Magic Valley which exceeded \$1 million. This claim was due to the extensive damage and the value of a specialty crop. As a result, proposed legislation was passed by the Legislature (SB1151) in 2019 so that no single claim could exceed 10% of the department's depredation appropriation for that year.

Mr. White spoke to issues related to the Magic Valley. He noted that the region had the highest amount of private property, as well as the highest amount of private property dedicated to agriculture. The region was "at or above" the expected population for elk, hence the commission will be requesting additional harvest numbers for 2019 and 2020 to reduce/maintain the population at reasonable levels. Mr. White reported that the region was able to hire a full-time depredation coordinator, which enabled the department to interact with more landowners about the depredation program and resolution/prevention strategies. He provided charts depicting the increase in claims per elk, per claim value, and per crop value ([IDFG Depredation](#)). He stated that tools to reduce depredation included landowner permission hunts (different from landowner appreciation permits), emergency depredation hunts, kill permits, high-fence construction, herding wildlife, and taste-based repellents.

- Sen. Stennett inquired about the cost effectiveness for the department to remove the elk rather than doing so with depredation tags. Mr. Craig explained that it was difficult to make that comparison. He noted that the large singular depredation claim had a time-factor to it; the sheer number of elk involved were destroying the crop "post-haste" and an immediate resolution was needed. There were other mitigating factors such as the herd's behavior to be nocturnal and the land owner not wishing to have hunters on the land.
- Sen. Stennett asked, per the charts provided, whether there were more elk causing more damage or was it the value of the crop that was damaged or more crops being grown. Director Schriever explained that the value in the claims increased due to the number of claims and the price of the commodity.
- Cochair Bair asked whether the increase in depredation was occurring due to the type of crop being tastier or due to the mountains not having enough natural feed. Director Schriever stated that overall it was an increase in the elk population, noting that Montana was having the same issues. He also noted that all animals were of a "smarter not harder" mentality when foraging for food.

- Sen. Brackett inquired whether the presence of wolves were influencing the behavior of elk. Director Schriever remarked that wolves definitely affect the behavior of elk no matter the department's efforts to haze and harass the elk.

Chief Boudreau reported on chronic wasting disease (CWD), which was recently identified in the town of Libby, Montana, about 20 miles east of the Idaho panhandle ([CWD map](#)). CWD has been identified in deer, elk, moose, and caribou; it affects the brain tissue and is always fatal. It is believed that the local deer population of Libby came into contact with an infected carcass from another area of the state. Additional tags were issued to reduce the population and allow for testing (tests are done on the brain tissue of deceased animals). Idaho has been surveying its deer population for over 20 years to prevent/isolate the introduction of CWD into the state. Hunters may request an animal to be tested free of charge. The department has proposed administrative rules to regulate the transportation of animal carcasses in order to mitigate the threat of CWD being introduced into Idaho.

- Cochair Gibbs asked whether there was any known transmission of CWD to humans by consuming meat from an infected animal. Chief Boudreau stated that there was not.
- Sen. Stennett inquired how long Wyoming had recognized CWD within its borders. Chief Boudreau reported that its first detection was over 20 years ago; moving from the eastern border to the west. He noted that there existed a monitoring zone along the Idaho-Wyoming border, which found CWD in 2008 and again in 2012. While there was no fence along the border, the departments tracked migration of the animals with radio collars. He noted that CWD had been identified last year in Grand Teton NP. Sen. Stennett asked whether the national park system was cooperative on this issue. Chief Boudreau noted that the park system was working with Wyoming, Montana, and Idaho.

At 10:25, Dustin Miller, Director of the Idaho Dept. of Lands, introduced Craig Foss, Division Administrator for Forestry and Fire, and Andy Brunelle, Coordinator of Reg. 1 and 4 for the US Forest Service. His PowerPoint presentation [Idaho's Good Neighbor and Shared Stewardship Efforts](#) summarized the department's duties and provided an overview of continuing efforts on the many projects in which the department is involved. Mr. Foss provided in-depth details of the [Good Neighbor Authority](#), and Mr. Brunelle provided in-depth details on related issues with the [Farm Bill and Federalism](#) and provided a [Statewide Fire Update](#).

- Cochair Bair asked about a recent lawsuit(s) filed by an NGO(s). Mr. Foss reported that there were two different sales involved in litigation: the Windy Shingle and the Hanna Flats timber sales. Both were prepared to have the jobs bid out but with the caveat to the buyer that each was involved in litigation.
- Sen. Stennett inquired whether the value of a stand included the salvage of diseased timber in addition to the prime timber. Mr. Foss noted that salvage was important to capture the total value; sometimes the retrieval was divided up as two separate bids.
- Cochair Bair inquired about limiting factors in promoting and expanding the good neighbor program. Mr. Brunelle reported that the GNA parameters originally did not permit IDL to make road improvements - but now there was an avenue to do that by Congress. A previous limiter was poor roads which limited access to reach areas to do the harvesting.
- Sen. Patrick asked whether minimum bids were placed on sales and what were the reasons for "no sale" results. Mr. Brunelle stated that timber prices were down because housing production was down; likewise, supply was satiated. Additionally, stumpage fees are fixed whether the economy trends up or down, so the retrieval costs don't reward the removal.
- Sen. Brackett asked for an explanation on the opportunity to work with BLM on GNA projects. Director Miller responded that he would like to see GNA apply to rangelands and create a relationship with BLM. He noted that generating revenue was the appeal with GNA, and hence, timber sales worked well for GNA projects. He was investigating whether BLM timber sales

could be directed to rangeland funds with GNA projects. Sen. Brackett inquired whether the department could contract with BLM to fund additional FTE to work on the rangeland projects. Director Miller reported that the current position in IDL that focused on rangelands was funded through BLM, and he was in discussions to extend that position's duration.

- Cochair Gibbs summarized that, if the data reported 6.1 million acres needing treatment and that the department was hopeful to get 4,120 acres treated this year, the math didn't add up. Director Miller explained that the scope of the project was rather insurmountable and that the department was prioritizing the projects as best it could in regard to community safety.
- Sen. Stennett asked for clarification on the designation of acres burned (slide 13 - IGN & SSE). Mr. Foss stated that such acres were burned by wildfires - fires that were not planned.

At 11:29 a.m., members of the Southern Idaho Water Quality Coalition (SIWQC) - Dr. Randy MacMillan; Jason Brown, City of Twin Falls; and Brian Olmstead, Twin Falls Canal Company - began their [presentation](#). They encouraged the Legislature to continue funding for flood risk reduction and flood prevention projects, as well as water quality data collection, monitoring, and modeling of the Middle Snake River.

- Sen. Stennett inquired whether SIWQC worked with other state agencies for its data collection. Dr. MacMillan reported that it was a difficult process, even the Department of Environmental Quality was challenged to collect data. The big concern was to determine the new TMDL [total maximum daily load], but yes, SIWQC did collaborate with state agencies.
- Sen. Patrick commented that the quality of the Middle Snake River was considerably improved, per his own experience; but often in the attempt to clean up one problem another was created. He wondered, what was the focus of SIWQC's study. Dr. MacMillan agreed that the condition of the river had improved, but it was difficult to determine "what is the new normal." He lamented that no complete study had been completed since the 1990's.
- Rep. Raybould inquired how many years the allocated \$200,000 would cover and how much additional money was needed to complete the study. Dr. MacMillan stated that the USGS study, which started in July, would need additional money. However, SIWQC did not know the amount needed but predicted that the study needed three years to be completed.
- Rep. Rubel wondered whether the city had discussed water quality pollutant trading, credits allocated for discharge cleanup. Mr. Olmstead reported that it had been considered, but the quickest and least expensive fix was to create wetlands, which had additional benefits to the land.
- Rep. Gestrin inquired whether it had been discussed to create a wetlands mitigation bank, in the event the land was taken for other use in the future; he noted that he had some experience with that topic. Mr. Olmstead had not heard of such a tactic but thought it deserved a look.

At 12:05 p.m., the committee recessed for lunch until 1:33 p.m.

Upon the committee's continuation, Gary Spackman, Director of the Idaho Department of Water Resources, gave an update on the Basin 63 Refill and related adjudication. He noted that all agreements of the settlement had been satisfied and that there would be a request to dismiss the appeal. He reported that there were currently some mechanical issues, per the Bureau of Reclamation, occurring at Arrowrock and Lucky Peak that may cause problems in controlling the water.

At 1:45 p.m., Shelley Keen, Water Allocation Bureau Chief for the Idaho Department of Water Resources, began the first of his three presentations [IDWR's Water Right Transfers Within the Eastern Snake Plain Aquifer \(ESPA\)](#), followed by the [Northern Idaho Adjudications](#), and then the [Status Update on ESPA Ground Water Management Area\(GWMA\)](#).

- Sen. Patrick inquired how the department measured the transfer impact. Chief Keen explained that the department calculated the flow within the river between the reaches.

- Rep. Raybould asked whether any one area was under more pressure than others due to development or other type of impact. Chief Keen noted that there wasn't data on that but it could be researched.
- Cochair Gibbs wondered whether there was the ability for an individual to file online or for someone to file online on behalf of someone else for water transfer rights. Chief Keen noted that the department could not tell if someone else was filing for an individual but since most were small claims it was probably the owners.
- Cochair Gibbs asked about the atmosphere at the public meetings. Chief Keen reported that the meetings had lively discussions and that there was a healthy and professional "give and take" with attendees. He noted that some meetings had state legislators in attendance and that seemed to help the discussion. Chief Keen observed that once the reality of the situation was explained that most individuals were appeased.

At 2:46 p.m., Brian Patton, Planning and Projects Bureau Chief of IDWR, stepped to the podium for his presentation [Update from the Water Board - Various Topics](#).

- Sen. Patrick inquired about the pumping station needs at Mtn. Home Air Force Base and noted that nearby irrigation wells had been offered to the base to assist the water needs. Chief Patton agreed that the power needed for pumping from the Snake River would be extensive. On the issue of the nearby irrigation wells, it was found that the additional water right would not solve the problem.
- Sen. Heider asked about efforts to raise the dam in Island Park. Chief Patton reported that efforts to raise the dam were delayed due to the realization that a good amount of developed property had been built in the existing right-of-way of the reservoir, which should have been policed by the Bureau of Reclamation. Upon further evaluation, it was determined that the dam could only raise water levels 1-2 feet, rather than the original 4-foot goal, without causing damage to established property .

With the instruction from Cochair Bair for LSO staff to provide a summary report to the appropriate standing committees, the meeting was adjourned at 3:45 p.m.