

MINUTES
SENATE RESOURCES & ENVIRONMENT COMMITTEE

DATE: Monday, March 08, 2021

TIME: 1:30 P.M.

PLACE: Room WW55

MEMBERS PRESENT: Chairman Vick, Vice Chairman Johnson, Senators Bair, Heider, Patrick, Guthrie, Burtenshaw, Stennett, and Rabe

ABSENT/ EXCUSED: None

NOTE: The sign-in sheet, testimonies and other related materials will be retained with the minutes in the committee's office until the end of the session and will then be located on file with the minutes in the Legislative Services Library.

CONVENED: **Chairman Vick** called the meeting of the Senate Resources and Environment Committee (Committee) to order at 1:30 p.m.

GUBERNATORIAL REAPPOINTMENT: **Vice Chairman Johnson** moved to send the Gubernatorial Reappointment of James Yost to the Northwest Power and Conservation Council for a term commencing January 15, 2021 and expiring January 15, 2024 to the floor with recommendation that he be confirmed by the Senate. **Senator Heider** seconded the motion. The motion carried by **voice vote**. Vice Chairman Johnson will be the floor sponsor.

SJM 103 **Columbia-Snake River System.** **Senator Regina Bayer** presented **SJM 103**, which opposes the removal or breaching of the dams on the Columbia-Snake River system and its tributaries. She said U.S. Congressman Mike Simpson proposed a \$33 billion dollar plan to breach the lower Snake River dams, which ignited a firestorm in the Pacific Northwest. Governor Brad Little stated on February 18, 2021, "that breaching the dams would have devastating impacts on Idahoans and vital segments of Idaho's economy."

Senator Bayer provided some historical facts regarding the Columbia-Snake River system:

1. The four lower Snake River dams were constructed under the Flood Control Act of 1944.
2. The federal government built the river system to control flooding, generate hydroelectricity, store municipal and irrigation water supplies, and enable vessels to travel from the mouth of the Columbia River to the most inland port in the nation, which is Lewiston, Idaho.
3. The U.S. Army Corps of Engineers owns and operates 12 dams on the Columbia-Snake River system, including the four dams on the lower Snake River.
4. The Bonneville Power Administration markets and transmits the electricity generated by the hydroelectric dams.

Senator Bayer said all four dams are multiuse facilities that provide navigation, hydropower, recreation, irrigation, and fish and wildlife conservation benefits.

Senator Bayer stated the total commerce from the Columbia-Snake River system is second only to that on the Mississippi River. Wheat is the number one crop in the Pacific Northwest, is grown in 42 of Idaho's 44 counties, and is the State's number two crop in terms of total revenue. Almost half the wheat grown in Idaho is exported through the Columbia-Snake River system, which is the third-largest grain export gateway in the world. If the dams were breached, Pacific Northwest wheat growers would have to pay about another 50 to 80 cents per bushel in transportation costs.

Senator Bayer said without the ability to barge goods down the river, diesel fuel consumption would increase by nearly 5 million gallons per year as barges would be replaced by less efficient trucks. A typical barge tow consists of a towboat and four barges and moves the same amount of cargo as 140 rail cars or 538 semi-trucks. The river system is also a top West Coast system for forest products, mineral exports, and auto imports. A cruise industry is also on the river with 8 vessels bringing approximately 28,000 travelers to the ports of Lewiston and Clarkston. Those passenger numbers are predicted to increase to 33,500 next year, significantly boosting Idaho's economy.

Senator Bayer gave information regarding power, noting the dams provide enough clean energy to power 187 million homes. Removing the dams would destabilize the power grid, increase overall greenhouse emissions, and more than double the risk of regional power outages. **Senator Bayer** said replacing the peaking electrical power capacity of 3,489 megawatts from the four dams would take 3 nuclear or 14 gas-fired or 6 coal-fired power plants.

Next, Senator Bayer noted that in 2008, 2014, and 2020, the National Oceanic and Atmospheric Administration produced opinions that stated breaching the four lower Snake River dams was not a necessary action for salmon recovery. Even the Congressional proponent of breaching the dams said he wanted to be clear that he is not certain removing them will restore Idaho's salmon and prevent their extinction. West Coast wild salmon and steelhead runs are struggling, and the common denominator, according to the scientific community, is the condition of the ocean itself, including the salmon predators.

DISCUSSION:

Senator Stennett said so far, \$17 billion has been spent for fish recovery, and it is projected over the next 30 years another \$20 billion will be spent. Science indicates salmon are more imperiled than ever before. **Senator Stennett** asked why are we pretending to really care about the fish and what about the people who depend on these fisheries. **Senator Bayer** replied that the economy of the Pacific Northwest is contingent upon the dams. Also, there has been some fish recovery on the rivers and the biggest enemy to the salmon is in the ocean. The warming of the ocean, the acidity of the ocean, and the predators are preventing the salmon from getting up the Columbia River.

Senator Stennett inquired about the river's water quality. **Senator Bayer** replied that she has not read any documentation that says the dams have hindered water quality.

Chairman Vick announced that testimony will be limited to two minutes, due to the number of people signed up to testify.

TESTIMONY: **Nathan Small**, Fort Hall Business Council member, testified on behalf of the Shoshone-Bannock Tribes in opposition to **SJM 103**. He said each Legislative Session offers Idaho a chance to envision sound public policy that will improve the delivery of services across the State and develop comprehensive solutions to promote a transition into an uncertain future. **Mr. Small** said **SJM 103** meets neither of those goals. The Tribes recommend engaging directly with Congressman Simpson on his proposal to develop legislation that transitions the Northwest to a more sustainable future, rather than focusing on preserving an antiquated unsustainable piece of energy infrastructure located in Washington and Oregon.

Mr. Small said the intent of developing the current hydro system was to provide for the needs of the region at that time. Many of those facilities were constructed, and in the intervening decades, those needs have changed dramatically.

DISCUSSION: **Senator Patrick** inquired if the salmon ever made it to Fort Hall. **Mr. Small** replied they have not because of natural barriers.

Senator Stennett asked how much opportunity the Tribes have had to participate in the discussion on the dams and fisheries. **Mr. Small** replied the Tribes receive updates every Friday afternoon with Congressman Simpson's staff about what is going on and if progress has been made.

TESTIMONY: **Paul Arrington**, Executive Director, Idaho Water Users Association (IWUA), testified in support of **SJM 103**. He said IWUA represents canal companies, irrigation districts, groundwater districts, and other similar water management organizations throughout Idaho. As a water user organization, they rely heavily on a developed river system to provide water and low-cost hydropower to Idaho's farming and ranching communities. In the past, the water users have supported similar legislative memorials, recognizing the value of the rivers of the river system. **Mr. Arrington** said SJM 110, adopted last year, expressly states opposition to removing the dams, recognition of Idaho's sovereignty over its water resources, prohibition against contributions of water from Idaho's reservoirs for flow augmentation, contention that fish recovery efforts must be based on sound science, support for the maintenance and multiuse benefits of the river system, and finally, the support for the Port of Lewiston, Idaho. **Mr. Arrington** said IWUA supports each of those statements.

DISCUSSION: **Senator Stennett** said there are about 487,000 acre feet of water that is being moved down to help salmon to be able to push through those four dams. If not for the dams, couldn't the water be used for agriculture or for recharge and not have to leave the state. **Mr. Arrington** said 487,000 acre feet of water was part of a bargain and there is an agreement for a 30-year biological opinion on the Upper Snake River that lasts until 2034 with an option to renew for another 30 years.

TESTIMONY: **Brian Brooks**, representing the Idaho Wildlife Federation (Federation), stated it is opposed to **SJM 103** because the bill has several false or misleading statements: 1.) The dams produced thousands of megawatts a year; 2.) Breaching the dams won't help the salmon; 3.) The Governor's Salmon Workgroup excluded the lower Snake River dams removal; 4.) The lower Snake River dams will provide flood control and irrigation; and 5.) The Memorial states there is a 95 percent survival rate at each of the dams. According to Bonneville Power Administration and the Army Corps of Engineers' numbers, over half of Idaho's juvenile fish perish during their migration through the hydro system. Another 15 percent of returning adult fish die from hydro power-related causes.

In closing, **Mr. Brooks** said the Federation did not attend the meeting to challenge support for the lower Snake River dams, but he came to say that if Idaho's people are serious about recovering Idaho's fish, or supporting the hydro system as it stands now, there needs to be honesty about the benefits and drawbacks of the status quo or make a change. If **SJM 103** passes as is, then the people are furthering themselves from the honest work ahead that needs to be done to help the hurting communities.

DISCUSSION:

Senator Stennett asked Mr. Brooks to address the issue of lawsuits that is costing the taxpayers millions of dollars that nobody wants to talk about. **Mr. Brooks** replied the federal agencies have had to recommit to find a new management plan to do no harm to the fish and that resulted in new litigation. The judge found validation in those arguments and the taxpayers have been in this endless litigation process for over 20 years and it will get more restrictive.

Senator Rabe asked about the factual statements in the bill, specifically lines 38 through 40, which say 4 of the 13 listed salmon have a 95 percent survival rate past the dams. **Mr. Brooks** said according to the Bonneville Power Administration and the Army Corps of Engineers' own numbers, over half of Idaho's juvenile fish perish during their migration through the hydro system. It's a combination of water, transport time, powerhouse interactions, hot and stagnant water, and predators. All that put together contributes to one out of two of Idaho's fish dying before they even get below Bonneville Dam, which is the lowest dam in the system. Once they are there is what is referred to as delayed mortality, the stress of that system.

Senator Rabe inquired if Mr. Brooks participated in the proposal and to what extent. **Mr. Brooks** said he went to Washington D.C. a few times for a number of issues that pertain to wildlife, and hunting and fishing, on public lands. On one occasion, he traveled with some guides, outfitters, and business owners from the Clearwater region to specifically talk about Congressman Simpson's proposal. They talked about what the changes would be from the headwaters of the Salmon River all the way to the Pacific Ocean and the costs of replacing power and transportation.

Senator Stennett wanted to know how sport fishing and fisheries being intact and thriving are contributing to Idaho's economy. **Mr. Brooks** said in 2017 or 2018 when the steelhead season closed, the Clearwater region lost \$8.6 million a month. There's a lot more than just outfitters and guides impacted by lower fish returns – it is hotels, bars, restaurants, gas stations, and boat shops.

TESTIMONY:

Will Hart, Executive Director, Idaho Consumer-Owned Utilities Association (ICRA), said they are in support of **SJM 103**. ICRA represents 22 rural electric cooperatives in the U.S. Power is distributed to over 147,000 Idahoans, mostly in rural parts of the state. About 96 percent of the power that is distributed comes from Bonneville Power Administration. This is valuable to their consumers, not only because it is low cost, but because it is reliable emission-free power, green power, renewable energy. **Mr. Hart** said ICRA is actively at the table and is working with Congressman Simpson's office on what changes could be made to the system. ICRA was also at the table with the Governor's Salmon Workgroup and many other collaborative measures across the region over the last 20 years. **Mr. Hart** said ICRA stands in support of calling for protection of the system at this time.

DISCUSSION:

Senator Stennett asked how much of the power actually comes from those dams for ICRA's system. **Mr. Hart** replied it is approximately 1,000 megawatts a year.

TESTIMONY:

Aaron Lieberman, Idaho Outfitters and Guides Association (IOGA), said he represents an industry that has long been impacted negatively by the decline in sport fishing opportunities for salmon and steelhead. There are between 1,500 and 2,500 outfitters and guides across Idaho licensed for and reliant on salmon and steelhead fishing. Approximately 80 percent of the outfitters and guides live in and contribute to the economies of communities with an average population of 500. He stated **SJM 103** does not address or even acknowledge these impacts or their plight.

Braden Jensen testified in support of **SJM 103** on behalf of the Idaho Farm Bureau Federation (Federation). He stated the agriculture industry is the backbone of the State's economy and is only made possible by its reliable and functional water systems. The State relies heavily on its water resources and the Federation recognizes them among its most valuable assets. **Mr. Jensen** said the Federation supports the continued existence and current usage of all the dams on the Columbia-Snake River system and opposes any effort to destroy or decrease the production of those dams.

Nic Nelson, Executive Director, Idaho Rivers United, testified in opposition to **SJM 103**. He stated the legislation disregards the interests of entire communities and thousands of Idahoans. In 2020, the Federal Environmental Impact Statement and Analysis said the most effective way to recover Idaho's salmon and steelhead is through a naturally free-flowing river. The dams offer no flood control or provide storage for irrigation as **SJM 103** indicates. **Mr. Nelson** said the notion that dams provide thousands of megawatts of energy is factually inaccurate. Over the last 15 years, the lower Snake River dams have produced an average of 963 megawatts of the most expensive power in the Columbia River system. **Mr. Nelson** requested the Committee to vote no and embrace the regional dialogue that will consider how best to restore salmon and steelhead to abundance and ensure all stakeholder interests are addressed.

DISCUSSION:

Senator Stennett asked Mr. Nelson to address what the dams do to the ecosystem and habitat. **Mr. Nelson** replied, claiming that by removing the dams, cold water would be provided up and down the Columbia River corridor. In 2015, when summer temperatures were exceptionally hot, 95 percent of the returning sockeye population were killed due to hot water temperatures produced by the dams. **Mr. Nelson** said since then, the state of Washington became legally mandated to do a TMDL analysis on the effects of and how to mitigate for temperature and other pollutants.

TESTIMONY:

Richard Durrant indicated that he is Vice President of the Idaho Farm Bureau Federation, but decided to testify on behalf of himself. He produces agricultural commodities in Ada County on 1,500 acres. **Mr. Durrant** said there are several issues to be discussed regarding **SJM 103**, but issue number one is transportation of commodities and barges are the most economical way to ship grain. He said power is talked about a lot. Congressman Simpson's plan of creating safe, renewable nuclear power on untested, untried principles leave a lot to be desired.

Mr. Durrant said he toured Lower Granite dam last year and met with their fish biologist who estimated the survival rate of the fish going through that plant was 98 percent, which is due to the new turbines and infrastructure that has been installed. **Mr. Durrant** said the predators in and around the ocean were to be considered when discussing the survival of salmon and steelhead. He urged the Committee's passage of **SJM 103**.

Scott Hauser, Executive Director, Upper Snake River Tribe Foundation, said Mr. Small could not complete his testimony due to the time limitations, so he is taking the opportunity to address the remaining two paragraphs of Mr. Small's testimony. **Mr. Hauser** said **SJM 103** presents the concept of modifying the hydro system infrastructure located on the Snake River as inherently negative for Idaho. This approach is disingenuous and counter productive to achieving a more reliable system for end users of the Snake River. Each issue identified in the Memorial can be addressed collaboratively and improve the delivery of services to every resident in the State. Energy can be replaced and located near population centers that are experiencing significant growth and will actually benefit the citizens of Idaho for decades to come.

Mr. Hauser said water resources are currently being sent down the river to mitigate for effects from the Columbia River system and it seems like that water would be put to better use in the Upper Snake from the Tribes' perspective. Recreation experiences can be enhanced on the Snake River through restoration actions similar to the numerous wild and scenic river reaches that made Idaho iconic. Transportation issues can be resolved with a system that provides Idaho's exports with reliable access to global markets.

In closing, **Mr. Hauser** said **SJM 103** offers an approach making the past infrastructure a permanent fixture. The Tribes encourage every member of the Idaho legislature to put aside the current Memorial in favor of actively engaging in discussions with Idaho's delegation in Congress to comprehensively resolve issues surrounding the lower Snake River dams in Washington and Oregon.

DISCUSSION:

Senator Stennett inquired as to how the fisheries, the river system, and their economic benefits serve the Tribes. **Mr. Hauser** said he is not a Tribal member, but has worked over nine years for four Tribes. He said the salmon and Tribal members are as one, the rate of unemployment is incredibly high, diabetes is rampant, and obesity is due to the loss of the salmon and unemployment issues.

Chairman Vick inquired if the Upper Snake River Tribes support the removal of the other dams on the Snake River as well. **Mr. Hauser** replied that he could not speak to that issue.

TESTIMONY:

Wyatt Prescott testified on behalf of the Idaho Grain Producers Association in support of **SJM 103**. **Mr. Prescott** reiterated the importance of the Columbia-Snake River system to Idaho's grain industry and the State economy. He also acknowledged Senator Bayer for her efforts in presenting the Memorial.

**WRITTEN
TESTIMONY:**

Jonathan Oppenheimer, Idaho Conservation League (ICL), submitted written testimony stating ICL is concerned that **SJM 103** misses the mark again. ICL strongly supports efforts to promote recovery of salmon and communities.

Jon Kittell, via Zoom, testified in opposition to **SJM 103**. He said he resides in Riggins, Idaho, and is a fishing guide. Due to the lack of the salmon and steelhead population dwindling, he is looking for work elsewhere. Riggins' economy has depended upon tourism and fishing and now the community is struggling economically.

DISCUSSION:

Senator Stennett said Idaho Department of Fish and Game did a study about 20 years ago as it pertained to Riggins, and just for Chinook, it was \$40 million in revenue that the community was able to do because of the fishery. **Senator Stennett** asked what the monetary decline in revenue has been for Riggins. **Mr. Kittell** replied many businesses are for sale and community members find it difficult to have the income necessary to live there.

TESTIMONY:

Kerry Brennan said via Zoom that he has been a steelhead and salmon fishing guide, outfitter, and business owner for the last 35 years and resides in Riggins, Idaho. He urged the Committee to vote no on **SJM 103**.

Greg Branson, Nezperce Prairie Grass Growers Association, supports **SJM 103**. He suggested the money Congressman Simpson would use to apply for the removal of the dams and compensation to the cities affected would be better spent to make the dams more fish-friendly, improve the rail system, and study the impacts of predators and over fishing in the oceans.

Kelsey Helfrich said she is a fourth-generation owner and outfitter of her family's fly-fishing and whitewater rafting company and next year will be their 100-year anniversary. **Ms. Helfrich** said the family business depends on the health of the rivers and ecosystems. Salmon and steelhead are vital to the ecological health and the economic health of the State. She urged the Committee to vote no on **SJM 103**.

Jerry Myers, a retired river outfitter, requested **SJM 103** be tabled until the Committee has a hearing with Congressman Simpson on his proposal. **Mr. Myers** is opposed to the Memorial.

Chairman Vick said there were seven more people signed up to testify via Zoom, but there wasn't time to hear them, and he apologized for that. **Chairman Vick** said it appears they are all outfitters and all were opposed to **SJM 103**. He then asked Senator Bayer to close the debate.

Senator Bayer said scientific data shows destroying the four lower Snake River dams would have high environmental and economic costs, and very likely would not accomplish the intention of saving salmon, according to the Pacific Northwest Waterways Association. A recent environmental impact study also found that breaching the dams would require massive investments to replace the barging system with rail and trucking infrastructure. Barging is the safest, lowest-cost, and most environmentally friendly mode of transportation for trade. No amount of money can protect the lifestyle and economies of the communities that depend upon the Columbia-Snake River system.

MOTION:

Senator Patrick moved to send **SJM 103** to the floor with a **do pass** recommendation. **Senator Heider** seconded the motion.

DISCUSSION:

Senator Patrick said the effects on marketing hadn't been discussed and he reflected on that issue.

Vice Chairman Johnson said he served on the Governor's Salmon Working Group (Working Group) and recounted extensive discussions about the dams. It is noted in the Working Group's report the impact on fisheries efforts to mitigate these impacts and breaching. **Vice Chairman Johnson** reviewed the Working Group's other recommendations that can improve salmon survival. The Working Group asked that other stakeholders and states be engaged, and that is why, the Working Group is sending **SJM 103** to other delegations.

Senator Rabe stated she is concerned there is misleading information in the Memorial and said a more thoughtful and collaborative approach with more carefully crafted language is needed.

Senator Stennett said there need to be earnest discussions about how the State can make improvements on this issue and not keep the status quo. It is important to remember all the people who earn a living through tourism and sports fishing.

VOICE VOTE:

Voting aye were **Senators Burtenshaw, Guthrie, Patrick, Heider, Bair, Vice Chairman Johnson**, and **Chairman Vick**. Voting nay were **Senators Stennett** and **Rabe**. The motion carried by **voice vote**.

Chairman Vick announced that **H 182** and **H 185** will be added to Wednesday's agenda.

ADJOURNED: There being no further business at this time, **Chairman Vick** adjourned the meeting at 3:00 p.m.

Senator Vick
Chair

Juanita Budell
Secretary