

MINUTES
Approved by the Committee
Natural Resources Interim Committee
Monday, November 06, 2023
9:00 A.M.
Lincoln Auditorium
Boise, Idaho

Members in attendance: Cochair Senator Van T. Burtenshaw and Senators Jim Guthrie, Lori Den Hartog, Mark Harris, Carrie Semmelroth, and Geoff Schroeder (Ad Hoc); Cochair Representative Britt Raybould and Representatives Megan Blanksma, Ron Mendive, Ilana Rubel, Melissa Durrant (Ad Hoc) and Ned Burns (Ad Hoc); Absent/Excused: Representative (Speaker) Mike Moyle. Legislative Services Office (LSO) staff: Katharine Gerrity, Janet Jessup, and Baylie Moore.

Audience sign-in: John Williams - Bonneville Power Administration; Benn Brocksome - Idaho Sportsmen; Will Patterson - Nampa and Meridian Irrigation District; Brad Carlson - Capitol Press; Shelley Keen, Matt Anders, and Cynthia Clark - Idaho Department of Water Resources; Jonathan Oppenheimer - Idaho Conservation League; John Simpson - Marten Law; Mick Thomas, Dustin Miller, and Craig Foss - 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/2023/interim/natr/natr-materials/> 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.

OPENING REMARKS / APPROVAL OF MINUTES

Cochair Raybould called the meeting to order at 9:00 a.m.; a silent roll call was taken. **Representative Blanksma made a motion to approve the minutes of the October 6, 2022, meeting. The motion passed unanimously.**

QUAGGA MUSSEL RESPONSE - ONGOING COLLABORATION AND COORDINATION

Director Chanel Tewalt, Idaho State Department of Agriculture (ISDA), began her presentation on the [Snake River Quagga Mussel Reponse](#).

- Senator Burtenshaw asked what the yellow and orange dots represent. Director Tewalt stated white dots represent where sampling was conducted; yellow dots represent where a low concentration of veligers were found; orange dots represent where a medium concentration of veligers were found; and red dots represent where a high concentration of veligers were found. Senator Burtenshaw then asked why the highest concentration of veligers were found in a place where there is no accessibility to the public. Director Tewalt stated that because veligers were found at both the Twin Falls Dam and the Shoshone Pool, she believes there was a conveyance carrying veligers placed in the water at the Twin Falls Dam and the conveyance was carried down stream and eventually settled in the Shoshone Pool.
- Representative Blanksma thanked Director Tewalt's team for its efforts and mentioned the operation was well timed, well done, and the appropriate people were involved very early on.
- Senator Guthrie asked if the product used in the treatment had been used before and if it was effective. Director Tewalt stated Matrix was the name of the product used and it has never been used at this scale before. Senator Guthrie then asked if the fish mortality rate was one hundred percent and if there could be Matrix residue in the meat that may be consumed later. Director Tewalt stated her team did not see a one-hundred percent fish mortality rate, but there was a one-hundred percent mortality rate for white sturgeon.

Director Jim Fredericks, Idaho Department of Fish and Game, began his presentation on [Fisheries Monitoring](#). Director Susan Buxton, Idaho Department of Parks and Recreation, stated her team was responsible for sharing information and communicating with the public about the presence of veligers in the Snake River.

- Cochair Raybould asked the directors what areas of concern they have that the Legislature needs to be thinking about for the future, how the state can ensure projects are successful moving forward, and what recommendations the directors have to improve collaboration. Director Tewalt mentioned a private security team had to be hired because local law enforcement was not large enough to handle this project on such short notice. Cochair Raybould asked if Director Tewalt's team saw anything in statute that the Legislature needs to clarify, add, or remove to make ISDA's job easier. Director Tewalt said the Invasive Species Act looks at fouled conveyances very critically, but does not look at fouled water. She stated there were also personnel issues because of ISDA's responsibility to keep boating stations open.
- Representative Burns thanked Director Tewalt and every other agency and company involved in this project.
- Representative Blanksma mentioned the Governor's Office already has a plan to see what is needed moving forward.
- Senator Guthrie asked what the overall cost of this project was. Director Tewalt stated the cost for the product was \$1.3 million and the application cost was roughly \$3 million.
- Representative Rubel asked what time of the year Director Tewalt's team will know if the veligers are gone. Nicholas Zurfluh, Bureau Chief, Idaho State Department of Agriculture, stated the team will know if the veligers are gone around April/May, but it depends on water temperature.

GRIZZLY BEARS - UPDATE ON ADMINISTRATIVE, LEGISLATIVE, AND JUDICIAL EFFORTS TO WORK TOWARD GRIZZLY BEAR DELISTING AND IDAHO FISH AND GAME EFFORTS TO MANAGE CONFLICT / ANTLER SEASON SETTING

Director Fredericks began his presentation on [Grizzly Bears](#). Kathleen Trever, Deputy Attorney General, Idaho Department of Fish and Game (IDFG), detailed the history of the administrative and legislative process regarding grizzly bears.

- Representative Rubel asked if the population of grizzly bears in North Idaho within the Selkirk Mountains is known. Ms. Trever stated the grizzly bear population in North Idaho is estimated to be around one hundred. Representative Rubel then asked if there are grizzly bears being relocated outside of the Yellowstone region. Ms. Trever mentioned additional efforts are made in communities surrounding state and national forests to ensure grizzly bears cause little disruption when they pass through.
- Representative Raybould asked what criteria IDFG uses for bear removal and if the criteria is created independent of federal policy or if the criteria needs to be approved by Fish and Wildlife Services (FWS). Director Fredericks stated IDFG has the authority to remove bears on private land but not on federal land.
- Representative Burns asked if IDFG had contemplated how the species would be managed moving forward if delisting of the grizzly bear is successful. Director Fredericks stated in order to delist grizzly bears, there must be a conservation strategy in place as well as a plan regarding how IDFG would manage the grizzly bear population in regards to hunting.
- Senator Guthrie inquired if IDFG is obligated to let the community know when a problematic grizzly bear has been relocated to a different area of the state. He continued by asking what the liability for the state looks like if someone is attacked by this relocated problematic grizzly bear. Director Fredericks stated IDFG would not relocate the grizzly bear to an area that does not already have grizzly bears present, so IDFG would not be obligated to let the community

know. Ms. Trever stated there are unique situations where the state would be liable for grizzly bears attacking after being relocated.

The committee took their scheduled break.

After the break, Director Fredericks began his presentation on [Antler Season Setting](#).

- Chairman Burtenshaw asked if each part of the state would be managed differently. Director Fredericks replied yes and this would be used on an as-needed basis.
- Representative Raybould asked for clarification and stated that just because a season has been adopted in one year does not guarantee the exact same conditions and curtailment would exist in the following year, and it is a season by season decision. Director Fredericks confirmed that was correct.

INTRODUCTION OF DIRECTOR MATHEW WEAVER

Director Mathew Weaver, Idaho Department of Water Resources (IDWR), introduced himself to the committee and detailed his work history and background. Director Weaver announced he appointed Brian Patton and Shelley Keen as Deputy Directors at IDWR. He then discussed administrative rule making and the water appropriation rule IDWR will be presenting to the Legislature during session.

- Representative Blanksma asked about an administrative rule IDWR brought to the Legislature last session regarding language relating to a water bank and continued by asking if she needed to look for this rule again. Director Weaver stated the water board decided not to move forward with any rule making relating to water supply banks. Representative Blanksma then asked if the committee members could get a copy of the rule that will be brought forward during session.

UPDATE OF IDAHO WATER RESOURCE BOARD PROJECTS AND EXPENDITURES

Brian Patton, Executive Officer, Idaho Water Resource Board (IWRB), provided his comments on projects under the board's purview.

Anderson Ranch Reservoir Enlargement: this project will raise the water level by six feet, resulting in 29,000 acre feet of additional water storage; the cost estimate for this project is \$124 million; eleven percent of this project will be paid for by the federal government through the Water Infrastructure Investments for the Nation (WIIN) Act; American Rescue Plan Act (ARPA) funds have been allocated to IWRB for this project; construction for this project is expected to begin in the fall of 2025.

Mountain Home Air Force Base Water Project: pumping Snake River water to Mountain Home Air Force Base; state will fund and construct the pipeline and pumping station and will transfer those assets to the Air Force; Air Force is responsible for constructing a water treatment plant and operating the system once it is complete; the state retains the water rights; the entire project is worth over \$100 million and is eligible for ARPA funds.

Cloud Seeding Program: collaborated with Idaho Power, the state, and water users in the Boise River, Wood River, and upper Snake River Basins; estimated the annual runoff created by the cloud seeding program is about 1.2 million acre feet across the Snake River Basin, and costs about \$3.22 per acre foot; currently working to complete an analysis of the benefits and impacts of the program; average annual recharge is about 236,000 acre feet per year, and working on ways to increase this number.

Bear Lake and Bear River Project: Idaho, Utah, and Pacific Corp. collaborated to create a model of the lower Bear River; this model showed that in some years more water can be held in Bear Lake and carried over, which would create more reliable water storage supplies for existing water users.

Priest Lake Project: rehabilitation of the thoroughfare structure and the outlet dam; the thoroughfare structure was completed on time and on budget in 2022; the construction of the outlet dam is underway and should be completed by spring.

Lemhi River Basin Project: worked with water users and other entities to complete the comprehensive Lemhi Basin settlement agreement; participation in this agreement is voluntary.

Flood Management Grant Program: grants for flood management projects, flood damage reduction, and repair of flood-damaged stream channels; annual budget of \$1 million through IDWR budget.

Aging Infrastructure Grant and Loan Program: grants up to one-third of a project cost, capped at \$2 million per grant; in the first two grant cycles, IWRB has received ninety grant applications and has funded twenty-eight projects.

Regional Water Sustainability Projects: an additional ten projects have been awarded funds.

- Representative Raybould requested clarification that the reappropriation was requested because of a technical issue on the budget side and not an execution issue. Mr. Patton responded that was correct.
- Senator Semmelroth asked what the plan was to replace the dispersed campgrounds that surround the lake at Anderson Ranch Reservoir. Mr. Patton stated this is currently being evaluated through the design process to see what needs to be done to accommodate these dispersed campgrounds.

TREASURE VALLEY GROUND WATER MODEL

Matt Anders, Technical Services Bureau Chief, Idaho Department of Water Resources, began his presentation on the [Treasure Valley Groundwater Flow Model](#).

- Representative Blanksma asked for clarification as to why the model boundary border was drawn at the Simco Road Exit. Mr. Anders replied that this is an arbitrary boundary and at the time the idea was to not extend the model down to Mountain Home. Representative Blanksma stated the application for Elmore County to be included in the study area was denied and asked if in the future there will be a separate study for areas around Mountain Home. Mr. Patton stated this is where the line has always been drawn, but through comparing the Treasure Valley Ground Water Model and the Mountain Home Aquifer, IDWR is getting a better understanding of whether this really is an arbitrary boundary.
- Senator Den Hartog asked if this model helps IDWR have a better understanding of what is going on regarding personal wells drying up in certain areas of the Treasure Valley. Mr. Anders replied the model could help us have a better understanding of what is happening in these areas.
- Representative Blanksma expressed her concern with the model boundary border due to multiple developments going in around the area. She asked if there was a way to fast track the Elmore County water project so community members understand what is going on. Director Weaver mentioned multiple years of data collection are needed to create these models. He explained that around the Treasure Valley IDWR has good monitoring networks, but in Mountain Home IDWR lacks these networks. IDWR is currently under contract to build out these networks and develop characterization reports. Director Weaver mentioned these characterization reports are needed in order to build a theoretical water budget that IDWR then builds a model off of. Representative Blanksma stated Elmore County wants to divert some water for recharge. She mentioned she has concerns that once the water from Elmore County is allocated, it won't be diverted due to the lack of understanding. Representative Blanksma asked how to move forward to ensure all these parts will sync up. Director Weaver stated once the model is developed, the benefits of recharge and where to do recharge are questions the model will be well suited to answer.
- Representative Raybould asked what the updating and renewal process for the model to continue being relevant looks like. Mr. Anders stated once IDWR starts using the model, it will become evident where and when the model needs to be enhanced. Representative Raybould asked once it is known that the model needs updated, how long does IDWR have to provide these updates. Mr. Anders stated it would most likely take a couple of years to provide updates.

WATER RIGHTS ADJUDICATION UPDATE

Shelley Keen, Deputy Director, Idaho Department of Water Resources, began his presentation on [Water Rights Adjudication Updates](#).

- Representative Raybould asked if in light of the fact that Montana has already pursued adjudication on its side of the Kootenai River there is additional pressure on Idaho to adjudicate its side. Mr. Keen replied he does not know if it places additional pressure on Idaho, but he mentioned it is always prudent to have adjudicated water rights in case there ever is a dispute.
- Senator Burtenshaw mentioned there are almost 159,000 water rights in the Snake River Basin, and he asked if an end is in sight. Mr. Keen stated the United States has petitioned the court to set a deadline for adjudicating deferred domestic and stock water rights.

EASTERN SNAKE PLAIN AQUIFER GROUND WATER MANAGEMENT AREA ADVISORY COMMITTEE AND MANAGEMENT PLAN

James Cefalo, Eastern Region Manager, Idaho Department of Water Resources, began his presentation on the [Eastern Snake Plain Aquifer Ground Water Management Area](#).

- Senator Semmelroth asked if designations like ground water management areas affect the consideration of proposals like the Lava Ridge Project. Mr. Cefalo stated these designations can affect such proposals.
- Senator Guthrie asked what protections and what level of involvement the tributaries in these models have. Mr. Cefalo replied there is no plan to include tributaries at this time, but tributaries could be included at some time in the future.
- Representative Blanksma asked if IDWR is creating a pragmatic way of mapping aquifers so the state doesn't end up with arbitrary lines. Director Weaver stated when model boundaries are created, they are created through a technical advisory committee, which is made up of water user groups. He mentioned a lot of factors go in to determining these boundaries, which include: geology, hydrology, and practical decisions such as where data is provided. Director Weaver mentioned different models use different criteria to establish boundaries, but he said there needs to be consistency.

2023 WILDFIRE SEASON MASTER FIRE AGREEMENT / GOOD NEIGHBOR AUTHORITY

Director Dustin Miller, Idaho Department of Lands (IDL), began his presentation on the [Good Neighbor Authority](#).

- Representative Raybould mentioned there was a large increase in human-caused fires in 2023 and asked what the reason is. Craig Foss, State Forester, Idaho Department of Lands, stated there was less moisture in 2023 and a lot of these human-caused fires were caused by campfires that were not properly extinguished. Representative Raybould then asked how many human-caused fires were started with criminal intent. Mr. Foss stated that he would get that number for the committee.
- Senator Burtenshaw asked if it was too early to say whether the fire retardant was working. Director Miller replied IDL has seen some positive results, but will conduct more testing to verify the effectiveness.

ADJOURNMENT AT THE CALL OF THE COCHAIRS

With no further business before the committee, the meeting was adjourned at 3:09 p.m.