

MINUTES
SENATE RESOURCES & ENVIRONMENT COMMITTEE

DATE: Wednesday, February 01, 2023

TIME: 1:30 P.M.

PLACE: Room WW55

MEMBERS PRESENT: Chairman Burtenshaw, Senators Guthrie, Den Hartog, Harris, Okuniewicz, Schroeder, Semmelroth, and Taylor

ABSENT/ EXCUSED: Vice Chairman Adams

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

AGENCY UPDATE: **Idaho Water Resource Board. Jeff Raybould**, Chairman, Idaho Water Resource Board (IWRB), reviewed the status of IWRB's grant and loan program, including regular revolving development account loans, other loans that accompany their grant program, and the Aging Infrastructure and Flood Management programs created last year. He provided the status of the Anderson Ranch Reservoir enlargement, the Mountain Home Air Force Base Water Sustainable Water Project, and the Priest Lake Water Management Project. He stated IWRB updated criteria for their Regional Water Sustainability Projects priority list, sought applications or requests to be added to this list, and updated the list with projects that met the criteria. He expected next they would develop criteria on how to prioritize projects and allocate funding for this list. He provided an update of ongoing programs, including of the Eastern Snake River Plain Aquifer (ESPA) managed recharge, cloud seeding, and aquifer modeling. He reviewed the settlement agreements completed for the Lemhi River Basin and the Wood River Basin, and the ongoing discussions regarding operations of Bear Lake in the Bear River. He noted their Upper Salmon Water Transactions Program, their statewide water supply bank, and their plans to review the state water plan this year to determine if revisions were needed. If revisions were needed, he expected to present a revised plan to the legislature at the beginning of 2024.

DISCUSSION: **Senator Okuniewicz** asked if cloud seeding in Idaho might be capturing water that would otherwise go to a neighboring state. In response, **Mr. Raybould** stated about 1% of the moisture in the atmosphere falls and cloud seeding enhanced that to possibly 1.1%, so the difference was negligible. He was not aware of any data that would indicate that cloud seeding mined water out of a cloud that would otherwise fall somewhere else. In response, **Senator Okuniewicz** asked if this showed that cloud seeding does not work, and with a clarification from **Chairman Burtenshaw**, asked how the additional acre feet obtained from cloud seeding was measured. **Mr. Raybould** responded that calculations regarding additional acre feet obtained from cloud seeding were made by Idaho Power, and he reviewed how IWRB documented that cloud seeding worked before they started investing resources in the program. He stated this documentation was recorded on video. **Senator Okuniewicz** requested information on how to access that video, and for more information on

how the particulates used for seeding clouds were distinguished from actual moisture on radar.

Senator Taylor asked if the Priest Lake Dam improvements mentioned by Mr. Raybould would work hand-in-hand with the proposed siphon project. **Mr. Raybould** responded that IDWB was making improvements to outlet gates to be able to surcharge the lake safely and to hold additional water, which they would only do in a year where there was lower runoff and possible problems maintaining a minimum flow in the East River, but these improvements had nothing to do with the siphon project. **Senator Taylor** thanked Mr. Raybould for his assistance with the Big Wood River Groundwater Users Association and stated what happened in the Basin 37 area showed that there was a chance for collaboration and respect across all entities when negotiating water.

In response to a question from Senator Harris, **Mr. Raybould** stated he believed the State of Idaho would own the Bear River flood easements, but depending on how the landowners were willing to construct those easements, there may be a provision that the power company could encroach upon the property owners land to do a spinning reserve flow. **Senator Harris** asked if there were any plans to dredge the river where it was shallow to reduce flooding. **Mr. Raybould** responded that they were looking at this and he thought it was an important component.

Senator Guthrie asked for an update on the East Snake River Plain groundwater issues. **Mr. Raybould** explained they were in discussions to amend or create a new settlement agreement, which would focus on improving the reach gains between Blackfoot and Milner Dams to get surface water coalition members their surface water in such a way that this did not completely decimate the groundwater users. **Senator Guthrie** then shared some frustration that Water District 29 had not been involved in these negotiations. **Mr. Raybould** responded that he did not know if they could be involved in this agreement, but they would look at involving them in the future.

AGENCY UPDATE: **Idaho Department of Water Resources. Gary Spackman**, Director, Idaho Department of Water Resources (IDWR) spoke about the Eastern Snake River Plain Aquifer and surface water coalition delivery call, which was a call by senior surface water right holders against junior priority groundwater right holders, which could result in the curtailment of groundwater rights in times of shortage. He shared some maps of the Eastern Snake River Plain Aquifer and its boundaries (Attachment 1). He provided some history on the surface water coalition delivery call, starting with the petition filed with the IDWR by the Surface Water Coalition in 2005 to the Settlement Agreement in 2015 and the Fourth Amended Methodology Order in 2016. He shared that in 2021, he determined the 2015 Settlement Agreement was breached, so the Fourth Methodology Order was being reviewed and would be revised. He concluded with the status of the fifteen new full time IDWR positions approved by the Legislature last year.

DOCKET NOS.
37-0203-2201,
37-0304-2201,
37-0305-2201,
37-0306-2201,
37-0310-2201

Chairman Burtenshaw stated the Idaho Department of Water Resources rules will be considered in a future meeting.

AGENCY UPDATE: **Idaho Department of Fish and Game. Ed Schriever**, Director, Idaho Department of Fish and Game (IDFG) provided an agency update and regularly referred the Committee to his PowerPoint presentation (Attachment 2). His update included a wolf management update, including a review of how wolf numbers were counted using trail cameras, wolf abundance projections, current wolf capture and harvest numbers, and wolf mortality. He spoke about IDFG's draft Wolf Management Plan, which he thought would be implemented with 2023 as year one of a six year plan.

He reviewed IDFG's strategy for addressing chronic wasting disease (CWD), which was found last year on Idaho's western border in Unit 14. He reviewed the results of CWD testing in Units 14 and 15, and statewide. He provided specific details of testing results within Unit 14, which contained all positive results found in mule deer and white tailed deer, with none in any other species. He identified potential strategies to reduce the spread of CWD.

He then reviewed changes in depredation claims since changes passed by the Legislature last year. He reviewed IDFG's tools to prevent depredation, which include controlled hunts, landowner permission hunts, increased kill permits, building stack-yards to protect hay storage, and increased seeding on public land adjacent to private grazing land to make it more favorable for elk to stay on public land.

He provided an overview of changes in non-resident hunting tags as a result of changes passed by the Legislature last year. This included a reduction in total non-resident tags and the redistribution of non-resident tags to be more evenly distributed throughout the state. He shared that these changes had significant implications to the outfitting industry in Idaho, but IDFG worked diligently with the Outfitters and Guides Licensing Board, the Outfitters and Guides Association, and individual outfitters to establish allocations based on historic use, which meant they provided some flexibility on nonresident deer hunting numbers in the backcountry.

DISCUSSION: **Senator Semmelroth** asked if there were any private hunting areas near where CWD was found in Unit 14. **Mr. Schriever** responded that there was an elk farm near Riggins, but the Department of Agriculture had been testing there and had not found any CWD. He opined that the situation in Unit 14 was unique and possibly due to contamination from an animal with CWD that was transported into Idaho. In response to a request for clarification from Senator Semmelroth, **Mr. Schriever** confirmed there was 10 percent testing in this area.

Senator Okuniewicz asked when they would achieve their target wolf population. **Mr. Schriever** responded that their plan outlines a six year time frame. **Senator Okuniewicz** asked when that six year time frame would begin. **Mr. Schriever** responded that IDFG drafted their plan, but was waiting for the Fish and Wildlife Service to answer a question related to the 12 month status review they were sued to produce. His opinion was that based on this year's sample, it would appear they were already into year one of the plan.

Senator Harris asked about the reduction in tag revenue due to reduced non-resident tags. **Mr. Schriever** responded that he did not know the specific revenue loss due to reduced non-resident tags, but licenses, tags, and permits represented about 47 percent of their budget and about 54 percent of that 47 percent came from nonresidents. He added that a local elk tag costs \$38, but a non-resident tag costs \$650. **Chairman Burtenshaw** thanked Mr. Schriever for his 39 years of service to the IDFG.

ADJOURNED: There being no further business as this time, **Chairman Burtenshaw** adjourned the meeting at 2:56 p.m.

Senator Burtenshaw
Chair

Shelly Johnson
Secretary