

MINUTES
SENATE RESOURCES & ENVIRONMENT COMMITTEE

DATE: Wednesday, March 01, 2023

TIME: 1:30 P.M.

PLACE: Room WW55

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

ABSENT/ EXCUSED: Senator Okuniewicz

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 1:33 p.m.

GUBERNATORIAL REAPPOINTMENT VOTE: **Senator Schroeder** moved to send the Gubernatorial Reappointment of Jeffery Raybould of St. Anthony, Idaho to the Idaho Water Resources Board to the floor with the recommendation that he be confirmed by the Senate. **Senator Harris** seconded the motion. The motion carried by **voice vote**.

GUBERNATORIAL APPOINTMENT VOTE: **Senator Harris** moved to send the Gubernatorial Appointment of Marc Gibbs of Grace, Idaho to the Idaho Water Resources Board to the floor with the recommendation that he be confirmed by the Senate. **Senator Adams** seconded the motion. The motion carried by **voice vote**.

GUBERNATORIAL APPOINTMENT VOTE: **Senator Taylor** moved to send the Gubernatorial Appointment of Pat McMahon of Sun Valley, Idaho to the Idaho Water Resources Board to the floor with the recommendation that he be confirmed by the Senate. **Senator Den Hartog** seconded the motion. The motion carried by **voice vote**.

GUBERNATORIAL REAPPOINTMENT VOTE: **Senator Schroeder** moved to send the Gubernatorial Reappointment of Jo Ann Cole-Hansen of Lewiston, Idaho to the Idaho Water Resources Board to the floor with the recommendation that he be confirmed by the Senate. **Senator Taylor** seconded the motion. The motion carried by **voice vote**.

GUBERNATORIAL REAPPOINTMENT VOTE: **Senator Den Hartog** moved to send the Gubernatorial Reappointment of Dale Van Stone of Hope, Idaho to the Idaho Water Resources Board to the floor with the recommendation that he be confirmed by the Senate. **Senator Harris** seconded the motion. The motion carried by **voice vote**.

DOCKET NO. 37-0310-2201 **Well Driller Licensing Rules (ZBR Chapter Rewrite, Fee Rule) - Proposed Rule.** **Erik Boe**, Ground Water Protection Manger, Idaho Department of Water Resources (IDWR), presented **Docket No. 37-0310-2201**, which was a fee rule that established the requirements and procedures for obtaining and renewing authorization to drill wells in Idaho and for obtaining authorization to operate drilling equipment under the supervision of a licensed driller. **Mr. Boe** stated this was a fee rule, but IDWR did not modify any fees associated with this rule. He referred the Committee to the final form of this Docket in the Pending Fee Rule Book posted on the Idaho Legislature website starting on Page 64, IDWR's handout summary of changes to this Docket (Attachment 1), and IDWR's handout of a red-lined version of this Docket (Attachment 2). He reviewed the significant changes made through the rulemaking process, which included removal of unnecessary definitions, obsolete provisions, and unnecessary provisions, and

modification to rules governing how operators were regulated to be consistent with both statute and recommendations from industry.

DISCUSSION: **Senator Den Hartog** asked where continuing education requirements and applicable number of credit hours were specified, as they were not specified in Section 70. **Mr. Boe** responded the statutory requirements were referenced in Section 35.03, but specifics would be outlined in a Memo of Understanding.

MOTION: **Senator Harris** moved to approve **Docket No. 37-0310-2201**. **Chairman Burtenshaw** seconded the motion. The motion carried by **voice vote**.

DOCKET NO. 37-0305-2201 **Mine Tailings Impoundment Structures Rules (ZBR Chapter Rewrite, Fee Rule) - Proposed Rule**. No further testimony will be taken. **Mat Weaver**, Deputy Director, IDWR returned for further discussion on **Docket No. 37-0305-2201**, which governed the design, review, bonding, and inspection of the construction and operation of maintaining impoundment structures. This Docket was presented to the Committee on February 15, 2023 and testimony was heard at that meeting. **Mr. Weaver** briefly reviewed the rulemaking process and changes to this Docket. He explained the two changes made to this rule related to the inspection interval for maintaining impoundment structures were struck because they were inconsistent with statute. He reminded the Committee that as standard practice, IDWR visits all 19 independent structures annually.

DISCUSSION: **Senator Schroeder** stated his prior concern with this Docket was that striking the language regarding a two year inspection interval was inconsistent with statute, but upon reviewing the statute, he agreed that it was actually the original rule language that was inconsistent and he now supported the changes made to this Docket.

MOTION: **Senator Schroeder** moved to approve **Docket No. 37-0305-2201**. **Chairman Burtenshaw** seconded the motion. The motion carried by **voice vote**.

PRESENTATION: **The Value of Hydropower and Cloudseeding to the State of Idaho**. **Kresta Davis**, Senior Manager Water Resources and Policy, Idaho Power, shared with the Committee a presentation on hydropower and cloud seeding in Idaho (Attachment 3). She provided some background on Idaho Power and their move from hydropower only to using hydropower to back up resources such as solar and wind. She reviewed a map of hydropower facilities in Idaho, and Idaho Power's focus on Idaho's water supply for hydropower and other needs. She spoke about Idaho's increase in population and planning for increased energy demand. She reviewed changes in water volume storage and discharge for the Eastern Snake Plain Aquifer and changes in water inflow volume to the Brownlee Reservoir. She spoke about mitigating Idaho's water supply decline using aquifer recharge and cloud seeding. She reviewed the history of Idaho's cloud seeding program, what cloud seeding was, and the results of environmental safety studies on cloud seeding. She concluded with Idaho Power's cloud seeding annual benefit estimates and operating costs.

DISCUSSION: **Senator Semmelroth** asked what Idaho Power was doing to address the decreasing water discharge in Thousand Springs. **Ms. Davis** responded they were looking at management strategies and some preventative measures that would reverse the downward trend. **Chairman Burtenshaw** asked if they could calculate how much snow was created by cloud seeding. **Ms. Davis** explained they used their Snow Telemetry (SNOTEL) stations, which had a historical record before cloud seeding began. Some of those stations were located outside of the cloud seeding target area, and some of those stations were located inside of the target area. They compared the historical relationship between those stations before and after cloud seeding started, which showed a divergence in that historical relationship. So far, that divergence showed stations within the target area received more snow, which they attribute to cloud seeding.

Senator Guthrie asked if we should be concerned about filing a water right for the water we received due to cloud seeding. **Ms. Davis** responded that this had been a topic of conversation. **Senator Schroeder** asked, with respect to water rights or some potential damage to someone downwind, if they could measure the total amount of water in seeded clouds. **Ms. Davis** responded this was a broad speculative quantification, but overall, the amount of moisture that exits the atmosphere during any one storm was less than a percent of the amount of moisture that was in the atmosphere. She added that when a storm system was moving, it was continuously accumulating moisture, so to be able to quantify how much was exiting would be a challenge beyond modeling.

ADJOURNED: There being no further business as this time, **Chairman Burtenshaw** adjourned the meeting at 2:20 p.m.

Senator Burtenshaw
Chair

Shelly Johnson
Secretary