

MINUTES
HOUSE RESOURCES & CONSERVATION COMMITTEE

DATE: Thursday, March 09, 2023

TIME: 1:30 P.M.

PLACE: Room EW40

MEMBERS: Chairman Mendive, Vice Chairman Shepherd, Representatives Boyle, Vander Woude, Blanksma, Manwaring, Yamamoto, Raybould, Durrant, Hill, Mickelsen, Nelsen, Pickett, Raymond, Burns, Necochea, Galaviz

**ABSENT/
EXCUSED:** Representative Tanner

GUESTS: The sign-in sheet will be retained in the committee secretary's office; following the end of session the sign-in sheet will be filed with the minutes in the Legislative Library.

Chairman Mendive called the meeting to order at 1:30 P.M.

MOTION: **Rep. Durrant** made a motion to approve the minutes of March 7, 2023. **Motion carried by voice vote.**

S 1021: **Sen. Scott Herndon**, District 1, introduced the bill, which addresses the Priest Lake outlet dam. The bill would amend a section of Idaho code which specifically addresses the dam, a state-owned asset managed by the Idaho Water Resource Board (IWRB). The waters of Priest Lake, along with Lake Pend Oreille and Lake Coeur d'Alene, are state property. The bill would make slight modifications to Idaho statute to ensure the dam would be under the sole and exclusive control of the IWRB. The legislation would ensure no other outlet structure can be built without the approval of the legislature and the governor, which created the dam originally. The change is necessary because another outlet structure is under consideration. The Kalispell tribe in 2014 studied the possibility of creating a fishery on the Priest River by injecting cold water from the bottom of Priest Lake to cool the river enough to serve as trout habitat. In 2018, some \$300,000 was spent by the Clark Fork Settlement Agreement Fund to study the possibility of a siphon system to bypass the dam to feed water directly into the river. Sen. Herndon said opponents may cite ongoing local efforts to continue studying the problem, and noted the bill will not interfere with any of those efforts.

Sen. Herndon then introduced **Norm Semanko**, an attorney representing a group called Stop the Priest Lake Siphon, for additional technical expertise. He said the bill would not interfere with IWRB's ability to improve or maintain Priest Lake Dam, and IWRB has no concerns with the legislation. Nothing in the legislation alters existing law regarding water rights or permits. The system as currently constructed limits the releases from the dam to what is needed to sustain existing water rights; the secondary outlet system would give another vehicle for releasing water to maintain minimum stream flow for fish habitat. The bill would not dictate an outcome.

In response to questions from the committee, **Sen. Herndon** said the bill would not change the status quo, so no further breach of any treaty rights to tribes in the area would be caused. **Mr. Semanko** added he is not aware of any treaty rights which would be implicated, and the Kalispell tribe is in favor of improving the fisheries, though not necessarily of the siphon.

Amy Anderson, of the Selkirk Conservation Alliance, testified **in opposition** to the bill on grounds of unnecessary oversight.

Betty Gardner of Priest River testified **in opposition** to the bill.

Stephen Pfeiffer of Idaho Rivers United testified **in opposition** to the bill.

Jonathan Quinn-Hurst testified **in opposition** to the bill.

Allan Songstad of Stop the Priest Lake Siphon testified **in support** of the bill.

Eric Johnson of the West Priest Lake Cabin Owners' Association testified **in support** of the bill.

Jennifer Ekstrom of the Idaho Conservation League testified **in opposition** to the bill.

Ken Hagman of Nordman testified **in support** of the bill.

Kyle Maki of Potlach testified **in opposition** to the bill.

Jennifer Pegg of Priest River testified **in opposition** to the bill.

Paul Arrington of the Idaho Water Users Association testified **in support** of the bill.

Sen. Herndon closed debate by stressing the bill is an approval mechanism, not the solution, and the bill will not prevent the local communities from continuing their work toward solutions. The legislation is necessary because the state owns the dam and the governor owns the water rights, so the legislature must be involved.

MOTION: **Rep. Raybould** made a motion to send **S 1021** to the floor with a **DO PASS** recommendation. **Motion carried by voice vote. Reps. Burns, Necochea, and Galaviz** requested to be recorded as voting **NAY. Rep. Sauter** will sponsor the bill on the floor.

S 1032: **Rep. Britt Raybould**, District 34, presented the bill. It would adopt intent language from a past appropriation bill, which expires at the end of the fiscal year the appropriation passed, in perpetuity, and reorganize the section of code and update language.

MOTION: **Rep. Yamamoto** made a motion to send **S 1032** to the floor with a **DO PASS** recommendation. **Motion carried by voice vote. Rep. Raybould** will sponsor the bill on the floor.

S 1033: **Rep. Stephanie Mickelsen**, District 32, presented the bill, which would allow the Idaho Department of Water Resources to use a policy already in code to condition new groundwater applications.

MOTION: **Rep. Raybould** made a motion to send **S 1033** to the floor with a **DO PASS** recommendation. **Motion carried by voice vote. Rep. Mickelsen** will sponsor the bill on the floor.

ADJOURN: There being no further business to come before the committee, the meeting was adjourned at 2:38 P.M.

Representative Mendive
Chair

Cameron Douglas
Secretary