

MINUTES
SENATE RESOURCES & ENVIRONMENT COMMITTEE

DATE: Monday, January 20, 2025

TIME: 1:30 P.M.

PLACE: Room WW55

MEMBERS PRESENT: Chairman Burtenshaw, Vice Chairman Hart, Senators Guthrie, Harris, Okuniewicz, Cook, Kohl, and Taylor

ABSENT/ EXCUSED: Senator VanOrden

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.

RS 31883 **Relating to Winter Feeding Advisory Committees. Dexton Lake**, representing the Idaho Farm Bureau Federation, explained this legislation required that at least one member of each Idaho Fish and Game (IDFG) Winter Feeding Advisory Committee be an agricultural producer, and that each committee consist of members who reside in the district for which the committee was formed.

DISCUSSION: **Senator Okuniewicz** asked how many Winter Feeding Advisory Committees there were. **Mr. Lake** responded that there were five districts and IDFG tried to have at least one for each district, but he thought at that time they only had four. **Senator Okuniewicz** asked if this requirement might create problems finding members. **Mr. Lake** responded that IDFG did not raise that concern and his opinion was that this might make filling these positions easier. **Senator Guthrie** asked for the definition of an agricultural producer and for the makeup of the other four members. **Mr. Lake** responded that in the rule that referenced the feeding committees, the definition of an agricultural producer was very broad. It stated that members of the committee should generally represent landowners and sportsmen. He added that IDFG stated they would rely on Farm Bureau and other agricultural organizations to provide recommendations.

MOTION: **Vice Chairman Hart** moved that **RS 31883** be sent to print. **Senator Harris** seconded the motion. The motion carried by **voice vote**.

RS 31921 **Relating to the Idaho Depredating Wildlife Appeals Board. Mr. Lake** explained this legislation created the Depredating Wildlife Appeals Board and an appeal option for individuals who experienced depredation from wolves, grizzly bears, black bears, or mountain lions. This option allowed individuals to appeal the determination made by a federal investigator from APHIS-Wildlife Services, a branch of the United States Department of Agriculture (USDA). Wildlife Services generally focused on observation of the animal remains and made a determination with no opportunity for appeal. The Depredating Wildlife Appeals Board, which would be comprised of three experts appointed by the Governor, would review all evidence, including evidence submitted by the individual who experienced the loss.

DISCUSSION: **Senator Okuniewicz** asked if the idea behind this legislation was to sidestep the federal government's ruling and potentially receive a determination that would enable a producer to be reimbursed. **Mr. Lake** responded that this legislation was intended to create a shared responsibility between the entities. He explained that Wildlife Services would remain the first point of contact and would complete the initial investigation. He believed that creating an appeal option would allow more individuals access to reimbursement funds and assist IDFG with control efforts.

Senator Taylor asked who would be responsible to complete a follow up investigation. **Mr. Lake** explained there would not be a secondary investigation of the remains. The appeals process would allow individuals to submit additional documentation, such as pictures of paw prints, game cam footage, or telemetry data. **Senator Taylor** asked for clarification on how an appeals board that had not seen the body or explored the site itself provided an equitable process. **Mr. Lake** responded that adding the appeal process allowed individuals to submit additional evidence that may not have been considered in the initial report.

Senator Taylor asked how much time an appeal might take, and how much money it might cost to go through the appeal process. **Mr. Lake** responded that they did not anticipate a significant cost because the responsibility for submitting additional evidence was on the individual. He added that the Governor's Office of Species Conservation (OSC) paid reimbursements once at the end of the calendar year, so there was no need for urgency, as long as appeals were addressed prior to OSC's end of year deadline. He noted IDFG, the Idaho State Department of Agriculture, and OSC felt that they could process appeals quickly.

MOTION: **Senator Cook** moved that **RS 31921** be sent to print. **Senator Harris** seconded the motion. The motion carried by **voice vote**.

RS 31922 **Relating to Fish and Game.** **Mr. Lake** explained this legislation added to Idaho Code what must be taught in a trapping education course, and the requirement that trapping students must receive instruction on trespassing and personal and real property tampering laws. This legislation also allowed individuals to trap under the supervision of a certified guide without being certified themselves.

MOTION: **Senator Guthrie** moved that **RS 31922** be sent to print. **Vice Chairman Hart** seconded the motion. The motion carried by **voice vote**.

GUBERNATORIAL REAPPOINTMENT: **Committee Consideration of the Gubernatorial Reappointment of Linda Mitchell of Sagle, Idaho to the Lake Pend Oreille Basin Commission** to serve a term commencing July 24, 2024 and expiring July 24, 2027. **Ms. Mitchell** presented before the Committee and shared she had served on the Lake Pend Oreille Basin Commission (Lakes Commission) since its inception 22 years ago. She had lived in Sandpoint since 1977. She had a degree in environmental studies, which helped her understand the environmental issues related to Idaho's lakes and rivers. She had been the co-owner of Lake Pend Oreille Cruises for 25 years, which allowed her to spend thousands of hours on the lake. She was proud of the work done by the Lakes Commission and that the original members had served together for the last 22 years.

DISCUSSION: **Senator Harris** asked Ms. Mitchell what she saw as a major issue faced by Lake Pend Oreille. **Ms. Mitchell** responded that they have two major issues. One was that the lake had 10 gates with a life span of 50 years that were now 70 years old, and one gate had cracks in the steel. They had one spare gate to replace the gate being repaired, but all the gates needed to be replaced, and it would likely be 2032 before that happened. She listed some concerns about what would happen if one of the gates failed. The second issue was the unprecedented growth in North Idaho, which caused concerns about erosion, sewage in the lake from septic tanks, water quality, the lake level, and wildlife habitats. **Senator Harris** asked for an idea of what it would take to replace the gates. **Ms. Mitchell** responded that the Army Corps of Engineers owned the dam and was in charge of replacing the gates, but pressure from the State was always helpful.

GUBERNATORIAL REAPPOINTMENT: **Committee Consideration of the Gubernatorial Reappointment of Craig Hill of Priest Lake, Idaho to the Lake Pend Oreille Basin Commission** to serve a term commencing July 24, 2024 and expiring July 24, 2027. **Mr. Hill** presented before the Committee and shared he was a lifelong resident of Priest Lake. He was the owner of Hill's Resort and Priest Lake Golf Course. He had served on the Lakes Commission since its inception and had only missed one meeting. He believed it was a good educational committee for the residents in the area. He thought they were on top of the gates and the dam, as Ms. Mitchell explained. He was involved in the community and on the fire department.

DISCUSSION: **Senator Cook** asked what knowledge and experience Mr. Hill brought to the Lakes Commission, and what some of the upcoming challenges were, other than the gate issue. **Mr. Hill** responded that he brought his knowledge based on being a long term resident of the area. He had experience dealing with a low precipitation year, with losing the kokanee salmon population, and with the failure of the old wooden breakwater. **Chairman Burtenshaw** encouraged Mr. Hill to be vigilant against a possible invasion of the quagga mussel and the zebra mussel. **Mr. Hill** agreed.

GUBERNATORIAL REAPPOINTMENT: **Committee Consideration of the Gubernatorial Reappointment of Dean Stevenson of Paul, Idaho to the Idaho Water Resource Board** to serve a term commencing January 1, 2025 and expiring January 1, 2029. **Mr. Stevenson** presented before the Committee and shared he represented District Three on the Idaho Water Resource Board (IWRB). He was a farmer in Minnetonka and Lincoln Counties.

DISCUSSION: **Senator Taylor** shared that he had worked closely with Mr. Stevenson as part of the Big Wood River Groundwater Users Association, and his knowledge had been appreciated during their meetings. **Senator Harris** asked for the biggest issues or successes Mr. Stevenson had seen as part of IWRB. **Mr. Stevenson** responded some big successes were the Priest Lake breakwater structure and the deals with the people in the Bellevue Triangle, but they still faced challenges with the Eastern Snake River Plain Aquifer.

Senator Guthrie asked for IWRB's rationale for the curtailment of surface water used for groundwater recharge above Milner Dam and for an explanation of what appeared to be a lack of transparency by IWRB as they made those curtailment decisions. **Mr. Stevenson** stated that IWRB may have erred in being transparent about these decisions and they would work on being more transparent. He added that if they were going to honor their surface water coalition agreements to get to 350,000 acre feet of annual recharge above Milner's Bypass and continue their cloud seeding program, they were going to have to cooperate with hydropower to make that work. **Senator Guthrie** replied the rationale or justification for spilling water was one argument or one point of discussion, but the bigger issue was the lack of transparency of how the activity or the action took place. **Mr. Stevenson** agreed IWRB probably needed to work on being

more transparent by reaching out and explaining the rationale behind what they were doing and why they were doing it.

GUBERNATORIAL REAPPOINTMENT: **Committee Consideration of the Gubernatorial Reappointment of Marc Gibbs of Grace, Idaho to the Idaho Water Resource Board** to serve a term commencing January 1, 2025 and expiring January 1, 2029. **Mr. Gibbs** presented before the Committee and shared he had 57 years of experience working with water delivery and management. In 1999, Governor Kempthorne appointed him to the Idaho Fish and Game Commission, where he served until 2008. He then served as an Idaho State Representative where he served for 12 years on the Natural Resource Committee, where he was Chairman for six years.

DISCUSSION: **Senator Harris** asked Mr. Gibbs what he wanted to accomplish while he was with IWRB. **Mr. Gibbs** responded that IWRB's common goal was to restore the aquifer. He was excited about the possibility of raising a storage dam and believed that Idaho's future depended on their ability to continue to cloud seed. **Senator Guthrie** repeated his question to Mr. Stevenson and asked for IWRB's rationale for the curtailment of surface water used for groundwater recharge above Milner Dam and for an explanation of what appeared to be a lack of transparency by IWRB as they made those curtailment decisions. **Mr. Gibbs** responded that IWRB probably erred on the transparency issue and the best they could do was to correct themselves going forward. He did not believe their decisions related to the curtailment were in violation of the Two River Doctrine. He explained the State relied extensively on Idaho Power's knowledge, their cloud seeding efforts, and their existing infrastructure, so Idaho Power was entitled to some return on their investment in cloud seeding. He hoped that IWRB could heal the wounds created by the transparency issue and he looked forward to trying to build relationships going forward.

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

Senator Burtenshaw
Chair

Shelly Johnson
Secretary