

MINUTES
SENATE RESOURCES & ENVIRONMENT COMMITTEE

DATE: Wednesday, March 19, 2025

TIME: 1:00 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 1:01 p.m.

GUBERNATORIAL APPOINTMENT: **Committee Consideration of the Gubernatorial Reappointment of Jeffery Allen of Star, Idaho to the Northwest Power and Conservation Council** to serve a term commencing February 19, 2025 and expiring February 19, 2028. **Jeffery Allen** presented before the Committee and provided some background on the Northwest Power and Conservation Council. He explained the Council had two jobs, to ensure that the region had an adequate, reliable, and economic power supply, and to mitigate for the impact of that power generation.

DISCUSSION: **Vice Chairman Hart** asked Mr. Allen what made him qualified to serve in this position. **Mr. Allen** responded that he had more than 25 years of experience in natural resource policy. While working for then Representative Mike Crapo in Washington D.C., he focused on natural resource issues. He worked his way up to State Director of Natural Resources for Senator Crapo, then to Program Manager in the Governor's Office of Species Conservation, and then to State Director of the Northwest Power and Conservation Council. **Senator Cook** asked what Mr. Allen what he thought success for the Council looked like in 15 years. **Mr. Allen** responded if they correctly predicted how much energy the region would need and prepared for it, power bills stayed the same and the lights still went on when users turned the switch, and users did not think about the Northwest Power and Conservation Council or power, then they had done their job. **Senator Kohl** asked Mr. Allen if he had any thoughts or comments about salmon and the lower Snake River dams. **Mr. Allen** responded with a review of evidence that the efforts of the Council had been successful in increasing the number of salmon returning over the dams.

PRESENTATION: **Acknowledgement of Page - Lucy Barton.** **Ms. Barton** thanked the Committee for keeping her busy and Senator Guthrie, for sponsoring her. She shared that she chose to be a Page because she did not really know what she wanted to do, but she was interested in politics. The first thing she learned was that politics and government were not the same thing. She was still interested in government and wanted to go to college, and she asked the Committee if they had any direction for her.

DISCUSSION: **Senator Harris** asked what surprised Ms. Barton the most working as a Page. **Ms. Barton** responded what surprised her the most was the difference between politics and government, but something else was her appreciation of the chaplain's prayers, which she thought set the course of the session. **Senator Taylor** advised Ms. Barton to follow her heart. **Senator Guthrie** thanked Ms. Barton and advised her not to focus on politics, but to have more of a concern about policy and its implications and benefits.

MINUTES APPROVAL: **Senator Okuniewicz** moved to approve the Minutes of February 17, 2025. **Senator Kohl** seconded the motion. The motion carried by **voice vote**.

MINUTES APPROVAL: **Vice Chairman Hart** moved to approve the Minutes of February 19, 2025. **Senator Guthrie** seconded the motion. The motion carried by **voice vote**.

MINUTES APPROVAL: **Senator Cook** moved to approve the Minutes of February 24, 2025. **Senator Harris** seconded the motion. The motion carried by **voice vote**.

PRESENTATION: **Lake Pend Oreille Water Level and Albeni Falls Dam Repairs.** **Senator Woodward** and **Representative Sauter** introduced this presentation and explained it was about two issues, the repair of the gates at the Albeni Falls Dam, which was a corrective maintenance issue, and the water levels of Lake Pend Oreille.

History of Albeni Falls Dam and Agreements. **John Ford Elsaesser**, Chair, Lakes Commission, spoke about a proposed resolution to address the Albeni Falls Dam repairs and the Lake Pend Oreille water level. This would be directed to the Army Corps of Engineers, and indirectly to the administration of the federal government, as well as the Bonneville Power Administration (BPA). The resolution stated that the gates at the Albeni Falls Dam could and should be built and replaced more quickly than planned, and asked that the federal government honor its promise of a full six month recreational season on Lake Pend Oreille, which was made in the legislation that created the Albeni Falls Dam.

Lake Pend O'reille Water Rights and Adjudication. **Norm Semanko**, Attorney, Parsons Behle and Latimer, spoke about the commitment made by the United States Congress to the State of Idaho and the local communities when they authorized the Albeni Falls Dam. He provided some history of the events leading to the authorization of the dam. He shared that the promise of a full lake for six months of the year had never been kept, and the promise to be open by Memorial Day had been kept once, which was in 1957. He spoke about water rights and the Clark Fork-Pend Oreille River Basin adjudication in progress. He shared that the United States filed claims to water rights in this adjudication on behalf of the Kalispel Tribe, what could happen to Lake Pend Oreille if the federal government was given water rights, and the possible related litigation.

DISCUSSION: **Senator Kohl** asked who would bring those adjudication claims. **Mr. Semanko** responded that the United States of America, through the Bureau of Indian Affairs, as the trustee for the Kalispel Tribe, decided that these out-of-state tribal claims should be filed in adjudication. The Idaho Department of Water Resources, who do not evaluate or recommend federal claims, would package the claims and report them to the court. Once that happened, it would trigger a six month process where anybody who was a claimant in the adjudication, including the State of Idaho through the Attorney General's Office, could file objections.

PASSED THE GAVEL: Chairman Burtenshaw passed the gavel to Vice Chairman Hart.

PRESENTATION: **Kendra Kaiser**, Director Idaho Water Resources Research Institute, University of Idaho, spoke about some of the research being conducted on dam and reservoir management. She spoke about what she was learning about federal dam operations, the challenges people had operating the Albeni Falls Dam, and other reservoirs and reservoir management operations that were of concern to people in Idaho. She spoke about possible research she could conduct related to the issues presented, such as on alternative dam management and how climate conditions affected the Lake Pend Oreille water level.

Steven Peterson, Clinical Associate Professor of Economics, University of Idaho, spoke about the recently initiated study of the Corps of Engineers' management of Lake Pend Oreille. This would analyze changing management of the lake from its current focus on hydropower, to managing it for outdoor recreation and wildlife. The study would analyze the relationship between lake levels and the recreation and tourism industries and economic growth. He reviewed a similar study done for Dworshak Dam, which was envisioned to transform Orofino into an international destination resort, but this never materialized. He hoped to have a draft report out in June.

DISCUSSION: **Vice Chairman Hart** asked how the water levels affected the salmon spawning areas in Lake Pend Oreille and Priest Lake. **Mr. Elsaesser** responded that the Idaho Department of Fish and Game was responsible for this effort, although it was the migration of bull trout that was a concern. He added that the spawning of the kokanee salmon, which was planted and not a native species, was protected by bringing the lake to a certain level by a certain date. **Senator Kohl** asked for some of the economic effects of not having a full lake level. **Mr. Peterson** responded that they were at the beginning stages of the study, but some known issues were difficulties in launching boats, access to the lake, a disincentive for visitors from out of the region due to the unpredictability of recreation on the lake, and some safety issues.

PRESENTATION: **Public Safety. Jeff Armstrong**, Fire Chief, Selkirk Fire, spoke about fire and life safety issues due to low lake levels. He spoke about challenges due to lack of access to launch rescue boats, especially with rescues on the ice during winter, low lake levels hampering access to a rural water supply to fight fires, and boaters needing rescue because low lake levels caused changes in terrain.

DISCUSSION: **Senator Taylor** asked how Mr. Armstrong's fire department accessed water in the lake. **Mr. Armstrong** responded that the majority of the time it was direct access with an apparatus that needed to be within 20 feet of the water. He added they also had small portable pumps, but those were slow.

PRESENTATION: **Dam Flood Gate Repairs – Construction Perspective. Wayne Hammon**, CEO, Idaho Associated General Contractors, shared that he had consulted with his members and with other construction companies from around the globe, and it was their opinion that the plans to repair the headgates on the lake could be done much faster, more efficiently, and with less risk.

Jeff Allen, Northwest Power and Conservation Council, believed expediting the Albeni Falls Dam repairs and keeping a higher water level on Lake Pend Oreille was consistent with the regional recommendations for the Columbia River Treaty. He also believed communities in the area had regularly stood up and helped with water management and fish and wildlife mitigation, and they deserved a positive response to this request.

DISCUSSION: **Senator Guthrie** asked for the status of negotiations on the Columbia River Treaty. **Mr. Allen** responded that he only knew that the Trump Administration said they would take a hard look at everything that the previous administration had agreed to related to the Columbia River Treaty.

Senator Okuniewicz asked for the realistic goal for the lake level. **Senator Woodward** responded there were two goals. One was for a quicker repair of the gates because the status of the gates was affecting the operational status of the dam. The other was to keep the water levels on the lake to the summer pool level of 2,062.5 feet for six months out of the year.

ADJOURNED: There being no further business at this time, **Vice Chairman Hart** adjourned the meeting at 1:57 p.m.

Senator Burtenshaw
Chair

Shelly Johnson
Secretary