

TITLE 39
HEALTH AND SAFETY

CHAPTER 85
LAKE PEND OREILLE, PEND OREILLE RIVER, PRIEST LAKE AND PRIEST RIVER
COMMISSION

39-8501. CREATION OF LAKE PEND OREILLE, PEND OREILLE RIVER, PRIEST LAKE AND PRIEST RIVER COMMISSION. There is hereby created in the area in and around Bonner county, the Lake Pend Oreille, Pend Oreille River, Priest Lake and Priest River commission.

[(39-8501) 39-8401, added 2003, ch. 231, sec. 1, p. 591; am. and re-desig. 2004, ch. 318, sec. 7, p. 898.]

39-8502. MEMBERSHIP. The commission shall consist of seven (7) members as follows: a chairman and four (4) members who may be residents of the county of Bonner and shall be selected by the governor; the regional director of the United States fish and wildlife service; and the attorney general of the state of Idaho or the attorney general's designee. The governor of the state of Montana or the Montana governor's designee shall be an ex officio member of the commission. The terms of the members shall be three (3) years with the initial term to be staggered in terms of one (1), two (2) and three (3) years by the governor when he makes the appointment. A majority of the commission shall constitute a quorum for the transaction of business. The chairman and the four (4) members appointed by the governor shall be confirmed by the senate. Members shall be compensated as provided in section [59-509](#)(b), Idaho Code.

[(39-8502) 39-8402, added 2003, ch. 231, sec. 1, p. 591; am. and re-desig. 2004, ch. 318, sec. 8, p. 898.]

39-8503. DUTIES OF THE COMMISSION. (1) The Lake Pend Oreille, Pend Oreille River, Priest Lake and Priest River commission shall have:

(a) The duty to study, investigate and select ways and means of controlling the water quality and water quantity as they relate to waters of Lake Pend Oreille, Pend Oreille River, Priest Lake and Priest River for the communities' interests and interests of the state of Idaho and for the survival of the native species of fish contiguous to the Pend Oreille Priest Basin. Those species are bull trout, westslope cutthroat, mountain white fish, pike minnow and the forage base for bull trout and kokanee salmon;

(b) The authority to study, investigate, develop and select strategies with the department of water resources, the department of environmental quality, the department of fish and game, the department of lands, the United States fish and wildlife service, and the U.S. army corps of engineers for the preservation of the said species of native fish, scenic beauty, health, recreation, transportation and commercial purposes necessary and desirable for all the inhabitants of the state;

(c) The authority to receive and direct any mitigation moneys into the Lake Pend Oreille, Pend Oreille River, Priest Lake and Priest River commission fund created in section [39-8504](#), Idaho Code; and

(d) The authority to designate one (1) or more representatives to participate in proceedings relating to the Columbia River Basin, includ-

ing but not limited to those of the Albeni Falls mitigation work group, the technical management team and other proceedings regarding federal Columbia River power system operations, the Columbia River treaty, and the Idaho invasive species council.

(2) Nothing in this section shall be construed to authorize the commission to establish or require minimum stream flows or lake levels, which may only be established under the provisions of [chapter 15, title 42](#), Idaho Code.

[(39-8503) 39-8403, added 2003, ch. 231, sec. 1, p. 591; am. and re-desig. 2004, ch. 318, sec. 9, p. 899; am. 2018, ch. 63, sec. 1, p. 154.]

39-8504. LAKE PEND OREILLE, PEND OREILLE RIVER, PRIEST LAKE AND PRIEST RIVER COMMISSION FUND ESTABLISHED. There is hereby created in the state treasury the Lake Pend Oreille, Pend Oreille River, Priest Lake and Priest River commission fund. Moneys in the fund may consist of appropriations, federal funds, mitigation moneys, donations or moneys of any source. Moneys in the fund may be dispersed for necessary corrective actions to complete the corrective measures as they pertain to duties of the commission created under this chapter. The release of any mitigation funds from the fund shall be authorized by the state board of examiners. Moneys in the fund may also be used to pay the administrative costs of the commission and to provide for participation in proceedings relating to the Columbia River Basin, as authorized under the provisions of section [39-8503](#), Idaho Code.

[(39-8504) 39-8404, added 2003, ch. 231, sec. 1, p. 592; am. and re-desig. 2004, ch. 318, sec. 10, p. 899; am. 2018, ch. 63, sec. 2, p. 155.]