



Idaho Council on Industry and the Environment

Saturday Summary

January 14, 2008

This is a weekly roundup of some of ICIE's activities in and around the Idaho Legislature. Staffing limits mean we can't cover every meeting. If there's an item of interest to you at an upcoming meeting of one of the environment or agriculture committees, let us know and we'll try to cover it. Agendas are available at www.state.id.us. Click on "Legislative" and click on "Calendars and agendas.")

The 2nd Session of the 59th Idaho Legislature began with Governor Otter's State of the State message on Monday, January 7th.

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While most committees this week did not meet or had organizational session, the Senate Resources & Environment Committee, chaired by Sen. Gary Schroeder, (R-District 6) held two meetings.

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Update on Resource Issues

Clive Strong discussed some significant legal issues facing the state—giving what he called an overview from the “50,000 foot level.”

He discussed two lawsuits in Judge Redden's court in Portland. Judge Redden has thrown out the biological opinions developed in 2000 and 2004 which cover the operation of the 4 Lower Snake River dams. While he seemed have wanted to combine the biological opinion (bi-op) on the Lower Snake dams with the bi-op on the Upper Snake River Bureau of Reclamation projects, he just asked for a new biological opinion on the Upper Snake projects. This all has the potential to wreak havoc on Idaho's irrigated agricultural base in the name of saving salmon. The Governor's office has filed comments on both opinions. The U.S. Supreme Court has ruled that in an Arizona case that ESA does not require consultation when the federal agency action is non-discretionary. The state is arguing that since the Bureau projects must comply with state

water law, the project operations are non-discretionary. There could be another two to three years of litigation on these issues.

Another case revolves around the definition of “all”. Under the 1996 agreement between the State of Idaho and the Department of Energy, all transuranic waste stored at INL was to be removed. DOE has argued over the definition of the word “all”. Judge Lodge agreed that all means all, that all the waste must be removed consistent with human health and safety. The case is now before the 9th Circuit Court of Appeals which may rule on the definition of “all.”

The 9th Circuit decision on field burning in Idaho has shut down the practice until appropriate rules are in place. Both sides are negotiating an agreement that would lead to a resolution on this issue.

Strong also reported on the Snake River Basin Adjudication. 150,349 claims have been reviewed and water rights have been decreed in 132,524 of the claims. There are about 17,000 cases pending. He said that 95 to 98% of those cases will be resolved without litigation. There is still a significant work load to finish this project.

The Swan Falls Agreement is back in the courts. There is a dispute between Idaho Power Company and the state over water rights. There will be arguments for summary judgment on February 21st.

Another issue revolves around the Eastern Snake River Plain Aquifer management plan. The Idaho Board of Water Resources will review the plan sometime this month. The plan will suggest both short and long term measures.

There are two emerging issues which could impact grazing on federal land: the first has to do with grazing limits on federal ground on domestic sheep grazing because of the fear that domestic sheep transmit disease to wild bighorn sheep. Second is the potential listing of the sage grouse.

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Dave Tuthill, Director of the Idaho Department of Water Resources reported that 1, 2007, that we have the beginning of a good water year but not necessarily enough infrastructure to take advantage of it. There is the need for more water storage. Potential sites being studied as suitable for storage are Teton, Minidoka, Lost Valley, Twin Springs, and Galloway.

He said that we are moving toward a conjunctive management plan. There is an issue of the federal government being named on the water right on the Boise River. The Bureau of Reclamation filed for a water right for the water considered as maintenance storage which is used for stream flow.

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Update on Wolves, Delisting and the Wolf Management Plan.

Fish & Game Department Director, Cal Groen, reported estimates of the 2007 wolf population: 750 to 800 wolves in Idaho, 83 confirmed packs and 44 breeding pairs, 112 monitored radio-collared wolves, 8 GPS collars and 60 packs being monitored. The bottom line is that based on these numbers, we have done it—wolves have been biologically recovered.

The wolf population has been growing at 30 to 40% with a 10% removal rate. There are 112 radio collared wolves in 60 packs. 57% of the wolf depredation takes place on private land. 34 packs have been in trouble. There are 13 packs that are chronic trouble makers. Some of the conflict has occurred because wolves are plentiful enough to start moving into less than optimum habitat.

These figures were challenged by some of the committee members with one referring to them as a joke because they have so few wolves that are collared. Director Groen agreed that the official figures are just estimates and that there are more wolves. The increasing population has forced wolves into the front country where they can cause more trouble. Wolves cause more depredations than bears and lions combined.

Jeff Allen of the Office of Species Conservation reported on the state's wolf management plan. The federal government will publish a new 10J rule by the end of the month. This was requested by the state of Wyoming and applies to wolves south of I-90 and in states with a valid wolf management plan. The new rule will give sportsmen and citizens more rights to protect stock and pets. It would also remove wolves that have an impact on ungulate herds. When the wolves are among the main causes of decline of these animals, they can be removed. The state would present a peer reviewed proposal to the federal wildlife managers.

The delisting rule will be published on February 28th and would take effect 30 days after but there is sure to be a lawsuit. The feds say that 10 breeding pairs constitute recovery which means that we in Idaho have achieved recovery.

Wolves will be treated just as other game species in the recovery plan. The plan was drawn up in consultation with 7 stakeholder groups and the public. It establishes 14 zones called data analysis units. There will be a briefing next week and another in March.

Fish & Game plans to have brochures ready this fall. Draft regulations will be presented to the Commission in March. Wolves will be managed like bears and lions are.

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From the Idaho Council on Industry & the Environment (ICIE), *a private, nonprofit organization whose mission is to facilitate the use of science and facts in shaping public policy on environmental issues.*

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