

ARTICLE PUBLISHED JUN 5, 2004

## Water deal faces political struggle, tight timeline

### Rep. Simpson raises concerns about funding

Rep. Mike Simpson is reserving judgment on a comprehensive \$193 million water agreement between the Nez Perce Tribe, water users, the state of Idaho and the Bush administration.

Simpson, a member of the House Appropriations Committee, which controls federal spending, is concerned about the money. "The total costs are enormous," Simpson said Friday. "The potential impact of this politically is it may hamper our ability to get funds for other important projects in Idaho."

His reservations about a deal that has the backing of Idaho irrigators and Gov. Dirk Kempthorne underscore the tough political fight supporters face in getting the water agreement approved. The deal would provide benefits for endangered salmon, legal cover for Idaho water users, and cash, water and land for the tribe.

For the deal to be finalized, Congress, the Idaho Legislature and the Nez Perce Tribal Executive Committee must approve it by March 31, 2005. With Congress deadlocked, only non-controversial legislation is moving during this election year. Ranchers, loggers, salmon advocates and conservation groups are worried about how the deal affects their interests because details of the agreement are not widely known — it was negotiated in secret for five years.

Idaho's two Republican U.S. senators, Mike Crapo and Larry Craig, are expected to co-sponsor the water bill in the Senate. A bill could be introduced in the next two weeks, Craig said.

"I'm handed a timeline in a very short legislative year that may be impossible to meet," Craig said. Idaho U.S. Rep. C.L. Butch Otter said because of the complexity of the agreement, it will take time to evaluate it. But still he expects to support it.

"I look forward to introducing and fighting for passage of a bill," he said. Idaho's Republican delegation is usually united behind legislation that has such strong support from water users, one of the most powerful political forces in the state. But a state judge required the water negotiations to be secret, even to the delegation. That left them little opportunity to shape the deal.

That has left Kempthorne, who was at the center of the negotiations, to lead the effort to promote the bill. He's convinced the delegation will come around.

"We all have the same constituents," Kempthorne said. Getting the diverse water interests and the tribe to reach an agreement was a major accomplishment itself, he said.

"Now we need to expand the team," Kempthorne said. The major threat to congressional approval is environmental groups. Save Our Wild Salmon, which represents fishermen, fishing businesses and environmental groups, has yet to express support or opposition. The Nez Perce Tribe and other Northwest tribes are among the most powerful and strident advocates for salmon.

Pat Ford, Save Our Wild Salmon executive director, said his organization has reserved judgment on the deal until they have had full briefings with tribal officials and seen the legislation. "It's very much about the powerful and close alliance we have with the Nez Perce Tribe over restoring salmon abundance," Ford said.

If the federal legislation threatens the Endangered Species Act or other environmental laws, national environmental groups could weigh in and bottle up the bill in the Senate. But even in the Idaho Legislature, passage of the bill is not guaranteed. One lawmaker, conservative Rep. Lenore Hardy Barrett, R-Challis, already has come out against the agreement. Sen. Skip Brandt, R-Kooskia, and many of his north-central Idaho constituents have clashed with Nez Perce officials over taxes, land use and other issues. He is skeptical they would win their claim to Idaho water if it were to go to court.

But Brandt knows that the risk of tribal control of most of southern Idaho's water is a critical state issue, so he's not opposing the measure yet. But he said he's hearing from loggers and ranchers who are worried that provisions of the deal threaten their livelihood.

"My biggest concern is the details haven't been in the light of day," Brandt said. "People need to see what's at stake for them."

The Idaho Farm Bureau expressed similar concerns.

"It is vitally important for Idaho Farm Bureau Federation members to be fully informed and given the opportunity to have their questions answered and concerns addressed," wrote Judy Bartlett, Farm Bureau public affairs director. The agreement will face opposition from some tribal members as well, said Rebecca Miles, a newly elected member of the Nez Perce Tribal Executive Committee.

"It will definitely be a challenge," Miles said. "It always will be because our people elect us to protect our heritage."