

MINUTES
SENATE RESOURCES & ENVIRONMENT COMMITTEE

DATE: Friday, February 03, 2012

TIME: 1:30 P.M.

PLACE: Room WW02 (Auditorium)

MEMBERS PRESENT: Chairman Pearce, Vice Chairman Bair, Senators Cameron, Siddoway, Brackett, Tippetts, and Stennett

ABSENT/ EXCUSED: Senators Heider and Werk

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.

CALL TO ORDER: **Chairman Pearce** called the meeting to order at 1:30 P.M. He explained that prior to hearing the presentation on the "Winter Feeding of Elk, Deer and Antelope", there is some Committee business to take care of.

MOTION: **Senator Brackett** made the **motion** to approve the minutes of January 23. The motion was **seconded** by **Senator Stennett**. The motion **passed** by unanimous voice vote.

MOTION: **Senator Tippetts** made the **motion** to approve the minutes of January 25. The motion was **seconded** by **Senator Siddoway**. The motion **passed** by unanimous voice vote.

The following RS's were submitted by **Norman Semanko, Idaho Water Users Association**.

RS 21114: This legislation would authorize cities to establish or extend a city irrigation system.

RS 21115C1: This legislation relates to flood protection.

RS 21120: This legislation relates to irrigation districts.

RS 21121: This legislation relates to drainage districts.

Mr. Semanko provided the Committee with a two page letter explaining the problems and the reasoning to correct those problems. His closing paragraph of the letter states: "This is regulatory overreach, pure and simple, based upon a strained and unprecedented interpretation of the requirements of the National Flood Insurance Program by the State Floodplain Administrator at IDWR and the City of Meridian. Unfortunately, the consequences will be Statewide if not addressed. The impacts will be felt by nearly all local governments and all irrigation delivery entities in the State." A copy of his letter is on file.

MOTION: **Vice Chairman Bair** made the **motion** to **print RS 21114, RS 21115C1, RS 21120, and RS 21121**. The motion was **seconded** by **Senator Siddoway**. The motion **passed** by unanimous voice vote.

INTRO- DUCTIONS: **Chairman Pearce** welcomed **Mr. Virgil Moore, Director, Idaho Department of Fish and Game (IDFG)**, who, in turn, introduced some of his **staff**. In attendance were **Butch Olson, Randy Moser, Jeff Gould, Sharon Kiefer, and Jim Unsworth**. He said that **Jeff Gould, Chief of Wildlife**, would present the program on "**Idaho's Emergency Winter Feeding Program**."

SPEAKER: Mr. Gould presented a PowerPoint program which included the **Statutes, Policy, and Program, as well as pictures of various scenes** of the Winter Feeding Program.

The **Statutes** are as follows:

36-111 (Fish & Game Set-Aside Account - 1984);

\$1.50 from each deer, elk, and pronghorn tag;

\$.75 dedicated to winter feeding & winter range rehabilitation (only if balance exceeds \$400,000).

36-123 (Winter Feeding Advisory Committees - 1993/94);

Five member committee in Regions 3-7;

Appointed by Commission (2 year terms);

Provide advice and recommendations;

Liaison between Commission, Department, interest groups, and public;

Developed regional criteria to define "emergency".

022-207A (Private Feeding of Big Game Animals - Rules for Disease Control 2003/2004);

Division of Animal Industries (ISDA) authorized to promulgate rules for the regulation and prohibition of the private feeding of big game animals;

IDFG cooperate with ISDA regarding spacial separation of big game and livestock in areas requiring disease control methods;

Restrictions do not apply to emergency feeding activities conducted by IDFG.

The **Policy** is as follows:

FW-10.00 (Big Game Feeding Policy - 1996)

"**Policy** recognizes that the big game population should be maintained under natural conditions and by naturally available forage."

"The Department will work with the appropriate land management agencies in an effort to maintain winter ranges in a condition suitable to meet big game management objectives..."

"Big game numbers must be controlled through adequate harvest."

"...do not sanction any wide-spread supplemental winter feeding."

Concentrating animals (wild & domestic) increases disease transmission.

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"...do not sanction any wide-spread supplemental winter feeding."

Concentrating animals (wild & domestic) increases disease transmission.

Policy: "The Department is authorized to feed big game only if..."

To prevent property damage or for public safety when other methods have failed;

To prevent excessive mortality in drainages that would affect the recovery of the herd. Some mortality should be expected.

Program:

Southwest Region Criteria

Snow >18 inches for 5 or more days, or maximum daily temperature <0 degrees (F);
No feeding prior to January 15 (to prevent short-stopping);
Also consider snow crusting and animal condition.

Southeast Region Criteria

Snow >18 inches;
Animal condition - fall carcass weights of fawns (>52 pounds males, >46 pounds females); Yearling xiphoid fat depth (>5-6 mm);
Maximum daily temperature 0 degrees F for ≥ 10 days;
Deer present on winter ranges;
Local citizen input;
Local range conditions (drought, fire, etc.).

Program:

Average number of deer fed 1984-2012 = 1,650/year
Average number of elk fed 1984-2012 = 1,318/year
Average number of pronghorn fed 1984-2006 = 72/year

Winter Range Rehabilitation:

Shrub cutting and juniper abatement projects;
Seed for fire rehabilitation;
Bitterbrush seedlings;
Noxious weed control;
Winter range fertilization;
Volunteer contribution substantial and increasing.

Mr. Gould reviewed the budget and expenditures for the Committee. Regarding the budget, Chairman Pearce previously asked Ray Houston, Legislative Budget Analyst, if "the Winter Feeding Set-aside can be used for other purposes?" Mr. Houston responded with a memo and the financial analysis for the Winter Feeding Program and also the Depredation Prevention & Habitat Improvement Program. (Copies are attached.)

Some of the colored slides that were shown during the presentation included: Naturally available forage; BLM Juniper Abatement; Blair Fire "Portfolio of Tools"; Deer in the South East, 2010; Deer in the South East 2011 - Drive In Fire; Fertilization; Hand Planting; Tractor Planting; and a winter scene of Elk.

TESTIMONY: **Mr. George Dovel**, editor and publisher of "The Outdoorsman", who lives north of Horseshoe Bend was the first to testify. He did not have any good things to say about IDFG and their winter feeding program. A copy of his testimony is on file. He did offer a solution to the problem which is to "apportion the dedicated fund to the Board of County Commissioners of each of the handful of counties where feeding has taken place in a ratio based on past spending. The county would be required to follow an 'amended IDAPA Rule' to the extent of the funding that is available. If an emergency occurs during the first couple of years, it is doubtful there would be sufficient funds available and it would require soliciting donations, as has occurred in the past, or limiting the response to what can be done with the funding that is available."

TESTIMONY: **Mr. Neill Goodfellow**, from Fruitland, said that he was **representing himself** as a hunter, which he has done since 1974. The game was plentiful then, but since the 90's, there has been a downturn. Improving habitat is important, but it seems to him that what is missing is managing the wolf and the Department seems to be more interested in doing other things. Mr. Goodfellow also noted that revenue is down because the sale of out-of-state tags is down.

- TESTIMONY:** **Mr. Josh Davis**, from Donnelly, said that he is **representing himself** also. He has a ranch at Donnelly and they have been feeding elk about 15 years. The herd started at about 30 head, but currently they feed around 130-150 head. He stated that IDFG provided them with elk fence for their haystacks, but they spend around \$2,000 to \$4,000 for hay each winter that they feed the elk. Mr. Davis stated that the elk are healthy and there are few "die-offs" each winter. He related his favorite story which was about a tiny calf without a mother. It would come right up to the pickup and get fed. She had funny shaped ears, so it was easy to recognize her. For nine years, she came around and had seven calves over the years. He said the point of his talk is that private feeding works.
- TESTIMONY:** **Mr. Dale Thornock** testified that he is **representing himself and also the Bear Lake Chapter for Idaho Wildlife**. He said that he was a city councilman for ten years and was interested in hearing about the budget. During 1998 to 2005, they fed around 550 head of deer in three canyons and the sportsmen want the deer to survive and they need the capability to feed the deer and elk.
- TESTIMONY:** Next to testify was **Mr. Jim Kemery**, Challis, **representing himself**, said that his grandfather was a county extension agent and was in charge of a program to relocate elk from out-of-state to Idaho in the 1930's. Great expense and care was invested in getting the elk in the best condition possible and getting them established. He stated that the issue facing the State is to preserve these animals and to use the funds for anything else, other than for feeding or reimbursing ranchers, should be eliminated.
- TESTIMONY:** **Ms. Billijo Beck**, from Salmon, **represented herself**. She related the events that she witnessed during the winter of 2010-2011 of elk starving to death. She talked to Gary Power, Idaho Fish and Game Commissioner, who told her the closest feeding station was at Stanley. An article was published May 1, 2011 telling of the record number of animals perishing because of unusual heavy snows and the low temperatures during the winter. Ms. Beck said the issue is not growing more elk, but saving the ones we have left.
- TESTIMONY:** **Mr. Kelton Larsen** is the president of Idaho Wildlife, but is just **representing himself** today. He said that he agrees with George that the IDFG does not feed correctly and that it almost takes an act of Congress to get them to feed anything. Mr. Larsen stated that in southeast Idaho, the deer have a lot of problems. If there is a feeding fund, he asked why not turn it over to the counties? He closed his testimony by saying that something different needs to be done.
- TESTIMONY:** Written testimony was submitted by **Ms. Michelle Fosheim** who lives in Sundance, Wyoming. She lamented the fact that "there are almost no deer or elk left in Idaho. Wolves are taking over at an alarming rate. If you don't initiate a more stringent method of eliminating this predator, then feeding the ungulates will just be ringing the dinner bell. The wolves in Jackson Hole came. They came when the ungulates were being fed. They killed. They sport killed and it was a very sad, horrible thing to see. Is that the wish of the Idaho Fish and Game? Do you want to finish off what is left of the ungulate herds? Why do you seem to care so little for the poor ungulates and so much for the wolf?" A copy of her testimony is on file.
- ADJOURN:** **Chairman Pearce** thanked everyone for staying late on a Friday afternoon, then adjourned the meeting at 3:35 P.M.

Senator Pearce
Chairman

Juanita Budell
Secretary