

MINUTES  
**SENATE RESOURCES & ENVIRONMENT COMMITTEE**

**DATE:** Monday, February 20, 2012

**TIME:** 1:30 P.M.

**PLACE:** Room WW55

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

**ABSENT/ EXCUSED:** None

**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 1:35 P.M. and welcomed everyone. He asked the committee secretary to take a silent roll call.

**S 1256** **Vice Chairman Bair** commented bill **S 1256** will generate an approximation of \$200,000 revenue for the Fish and Game Department and attract sportsmen to hunt in Idaho. Since 2006, Idaho big game tags had fallen significantly, as follows: a) Non Resident Deer tag sales, 40%, a loss of \$1.3 million; b) Non-Resident Elk tag sales, 37%, a loss of \$1.4 million; and c) Resident Elk tag sales, 7%. Currently in Idaho statute, the Fish and Game Commissioners have the authorization to issue the tags annually, to choose when to issue the tags, and to determine where those tags will be issued.

**Vice Chairman Bair** commented on several key sections and key verbiage of this bill. Each tag will be signed by the Governor of Idaho prior to auction to the public, and be available to either residents or nonresidents of Idaho. Up to 30% of revenue will be allotted for sportsmen access programs, to encourage land owners to have open access for sportsmen to hunt, provide a balance for wildlife habitat projects and wildlife management projects to increase the quantity and quality of big game herds. Idaho currently auctions annually the following tags: 1 mountain sheep and up to 10 wolves. The department has a request for a proposed mechanism in place for choosing which incorporated nonprofit organizations can qualify to sell these tags and to be sold at their discretion. The nonprofit organization can retain up to 5% from the tag proceeds to cover their advertising and administrative costs. This bill states that none of these funds shall be used to purchase or acquire private property, nor shall be used for matching federal funds to purchase private property, and shall not be used to purchase federal or federal retired managed grazing permits.

**TESTIMONY:** **Douglas Sayer**, President and Chairman of the Board, Premier Technology, Inc., represented himself and other sportsmen in Idaho. He said there was a severe reduction of nonresidents coming to Idaho to participate in hunting and to enjoy our resources. Idaho is in competition with other states for this clientele. This type of clientele wants big game trophies, and to experience and have the opportunity to see high quality multiple big game species to hunt. Idaho needs a program that focuses on the quantity and quality of big game. **Mr. Sayer** stated that these kinds of programs of utilizing minimum nonresident tags to design a mechanism to generate resources gives Idaho the opportunity to leverage for additional National Conversation funds. He further commented, that the Fish and Game Department could change its spending habits of conservation funds and line them up with specific projects. These types of tags mentioned in this bill can be a way to attract the kinds of funds to fund specific projects. Every dollar raised through the Fish

and Game Department comes from big game transactions, by selling tags and licenses. Let's make an investment in Idaho by generating revenue and attracting sportsmen clientele.

**Senator Tippetts** asked which wildlife conservation groups were supporting this legislation. **Mr. Sayer** replied they have the support of the Idaho Wild Sheep Organization. **Senator Tippetts** asked if that was the only organization. **Mr. Sayer** stated yes. **Senator Tippetts** asked if it was the intent in the language referring to a moose tag to be mandatory. **Mr. Sayer** replied he believes this is an oversight. **Senator Tippetts** asked how much the auction prices would be for moose, elk and sheep tags. **Mr. Sayer** stated a moose tag has been sold for \$15,000 to \$50,000, an elk tag sold for \$325,000, and a bighorn sheep tag sold for half a million each. The value of tags is based on how the tags are marketed, and what kind of product is attached to them.

**Senator Werk** asked about the two conditions attached to the Idaho Wild Sheep organization's letter, referring to specific species and conditional support. It appears, he said, that the language of **S1256** does not meet these conditions. **Mr. Sayer** replied the intent was to be in sync with the Idaho Wild Sheep organization. The language in the bill still gives the Fish and Game Commissioners and the Fish and Game Department the authorization to apply the funds raised by elk or deer tags to the specific species that raise the revenue and to ensure some flexibility in case of emergency. **Senator Werk** asked if the intent of the language was to adhere to the second addition of the Idaho Wild Sheep language, and in such cases of an emergency situation, for the Fish and Game Department to utilize these funds for a different purpose. **Mr. Sayer** commented that the species generating revenue by the sale of tags, would be preferred. In the past, there was an issue with a species as there had been a disease that affected those animals and the Fish and Game made the decision to utilize funds for this emergency.

**Senator Brackett** asked if the language referring to not transplanting additional big horn sheep into the portion of southwest Idaho, south of the Snake River, and west of Highway No. 93 applied to this new tag program. **Mr. Sayer** replied yes it did apply. **Vice Chairman Bair** commented this language is already in the statute. **Senator Brackett** commented the language seems to apply to the existing tags, and no reference to the new tags. **Mr. Sayer** stated the intent was to capture the new tag verbiage in the new language. **Senator Heider** asked if our state hunters receive Idaho tags to hunt big horn sheep and mountain goats. **Mr. Sayer** replied yes. **Senator Heider** asked if there would be a difference in the number of tags available to the out-of-state hunters and would these tags come from the nonresident allotment. **Mr. Sayer** replied there would be a difference in the number of tags.

**Senator Siddoway** ask what kind of opposition was there to this concept. **Mr. Sayer** replied it was a philosophical opposition. This plan can work, with everyone's participation to assist with the marketing, to make sure the projects are beneficial and to make a difference with our wildlife. The model for the bighorn sheep has worked very well for two decades. **Senator Siddoway** ask how funds would be used to regulate the bighorn sheep population. **Mr. Sayer** replied what we are facing is a chronic wasting disease problems. A developed plan is needed early on geared towards a solution with the bighorn sheep and migrating with other sheep problem. Without a set plan, there could be some misunderstandings between the sportsmen and land owners. In fact, a coalition of all parties, can bring a positive outcome with these issues.

**TESTIMONY:**

The following people testified in **support** of **S 1256**. A copy of their testimony is attached as appropriate. A general discussion ensued with the Committee members regarding support of **S 1256**. **John Watts, Sharon Kiefer,** Fish and Game Department and **Jonathan Oppenheimer**.

**TESTIMONY:** The following people testified in **opposition** to **S 1256**: A general discussion ensued with the Committee members regarding opposition of **S 1256**: **Jim Numby, Grant Simonds, Burk Mantel, John Caywood, and Angela Rossman**, Idaho Wildlife Association.

**MOTION:** **Senator Heider** made a motion, **seconded** by **Senator Siddoway**, for the Committee to recommend a "**do pass**" for **S 1256**. The motion **passed** by a **roll call vote** of 5 ayes by **Senators Cameron, Heider, Siddoway, Vice Chairman Bair and Chairman Pearce** and 4 nays by **Senators Werk, Stennett, Brackett, and Tippets**. **Vice Chairman Bair** will sponsor **S 1256** on the Senate floor.

**1ST SUBSTITUTE MOTION:** **Senator Brackett** made a motion to send **S 1256** to the 14th amending order. This motion **died** for lack of a second.

**2ND SUBSTITUTE MOTION:** **Senator Werk** made a motion, **seconded** by **Senator Stennett**, to hold **S1256** in committee. The motion **failed** by a **roll call vote** of 4 ayes by **Senators Werk, Stennett, Brackett and Tippets** and 5 nays by **Senators Cameron, Heider, Siddoway, Vice Chairman Bair and Chairman Pearce**.

The Committee moved to Room WW02, Auditorium, to proceed with **S 1305**. **Chairman Pearce** passed the gavel to **Vice Chairman Bair**.

**S 1305** **Chairman Pearce** read the bill language for **S 1305**. This bill would allow a land owner to protect and to defend their property, livestock and domestic animals due to wolf depredation.

**Senator Siddoway** conducted a presentation with pictures and declared his conflict of interest by Senate Rule 39A. He said he was a sheep rancher, and came from a family of sheep ranchers, and wolf depredation has affected his sheep business detrimentally. On the first of November, there were wolf attacks with the result of the loss to his family of a guard dog and 36 sheep. The wolves that run in packs and usually attack in the early hours of the morning. The wolves kill the guard dogs and then they have open access to kill all the sheep they want. The sheepherder hears the wolves killing his sheep and he can shoot in the air and use flashlights to scare the wolves away, but with no success. This predator hides very well within its environment, making it difficult to hunt them. The provision of this bill that seems to excite everyone the most is the use of live bait. There are options referenced in this bill: 1) to build a corral with secure fencing to protect the sheep placed in this area and on the outside of the corral place wolf traps. When the wolves come down, being attracted by the sheep as live bait in the corral, hopefully, one wolf will be trapped, until the entire pack is caught. 2) The other option is for the land owner to stake one of their guard dogs, back 30 to 50 yards, set an electronic call and the guard dog would bark continuously. Then the wolves would come down, like any other hunter sitting in a blind, they would take out the wolf or wolves as they approach the live bait. **Senator Siddoway** said he had no idea that people across the nation would refer to the language in this bill as animal cruelty and that is absolutely not the case. The live bait is happening now with sheep and guard dogs. Wolves leave their fingerprints on its prey just like any other predator animal. This bill is about 300,000 sheep and 2.5 million cattle on the range. Losses to the land owner can be astronomical due to these predators. He commented on the letter from the Attorney General's office, under Idaho code, it is prohibited to kill a wolf for killing livestock and domestic animals. The only tool of success is with a night scope rifle. The Wildlife Services tool to take control of these wolves is with an airplane or a helicopter. This bill has two provisions giving land owners the tools to protect their property, livestock and domestic animals. It is specific in the language that all losses have to be verified. Within the first 36 hours, if there has been a kill on one's property and the loss has been verified, the land owner could pursue the predator, utilizing all the tools mentioned in the bill. After the 36 hours, a

permit would need to be obtained through the local Fish and Game office. That permit would specify geographic areas one can hunt and how many wolves could be taken. Traditionally today, you can obtain these same permits.

**Senator Stennett** asked if hunting for bear was the only live bait reference in this state. **Senator Siddoway** replied yes, that was true. The live bait for bear hunting was in statute. **Senator Stennett** asked that currently to take wolves, was it due to loss of livestock. **Senator Siddoway** replied yes, the losses have to be verified. **Senator Stennett** asked if this bill would allow the land owner to be proactive to kill wolves before the live bait animal was taken. **Senator Siddoway** replied yes, that was correct. **Senator Stennett** asked if this bill was open ended, allowing any predator animal to be taken by the land owner. **Senator Siddoway** commented this is specifically to take action toward wolves. **Senator Stennett** asked if the animals were placed in a secure corral, provided with food and water, and guarded. **Senator Siddoway** replied no. The owner would return everyday to feed and water the animals and check the traps. Usually the guard dog was the first live bait, then the sheep are second. There is nothing to guarantee what animal will set the trap. **Senator Stennett** asked how does one know if one is tracking the wolves that cause harm to their livestock. **Senator Siddoway** stated that the Fish and Game Department would assign an area based on the biologist's directive, to hunt the wolves. If wolves were sighted, then the assumption is that they are the predators that caused the losses. There is no 100% guarantee. **Senator Stennett** asked if there was a conflict with the Federal Hunting Act in reference to aerial hunting. **Senator Siddoway** stated in Idaho Code, the state has ownership of wolves and the Department of Agriculture has the authority to issue the permits to do aerial hunting and there are FFA protocols to follow for aerial hunts.

**Senator Werk** asked was the mechanism in the current law for land owner compensation. **Senator Siddoway** replied, at one time there were three programs in place to provide compensation: a) Defenders of Wildlife program; b) the Farm Service Agency, which compensates for any kind of losses, and; c) the Federal Government, which offers funds to every state. Land owners may apply to be compensated. **Senator Werk** asked, at this point, if there were any current compensation programs available. **Senator Siddoway** commented there was one program for compensation, the Office of Species and Conservation. **Senator Werk** asked if the kind of activity described in this bill fits in the management plan for wolves. **Senator Siddoway** replied, there were provisions and a framework to follow, directed by the Idaho Fish and Game. **Senator Werk** asked why not utilize one tool like the aerial, then ask for several tools and track the impact of this one tool. **Senator Siddoway** commented that aerial hunting is quite expensive and only a few could utilize this tool. The array of tools proposed can be utilized by many land owners and were easier to obtain. A large pack of wolves can kill up to 40 animals in one attack in a very short time span.

**Senator Brackett** asked if the Attorney General's opinion was sought to provide legal guidance relating to the control of wolf depredation specifically for this bill. **Senator Siddoway** replied no. **Senator Brackett** asked what did this bill offer to land owners that they can't do today. **Senator Siddoway** stated the new provisions would allow taking the animals from the air, would allow the right of pursuit, allow the use of live bait, and allow the use of traps. **Senator Brackett** asked if this bill could possibly cause the de-listing of wolves. **Senator Siddoway** commented the Fish and Game Department would have a mechanism in place for the management of the number of wolves that can be taken and hopefully prevent the de-listing of this species. **Senator Brackett** expressed a concern regarding the legal issues of de-listing wolves, and a mechanism for the disposal of them.

**Senator Stennett** asked how could the cruelty to animals issue and the definition of live bait be in conflict with this bill. **Senator Siddoway** replied that at a later time an attachment of a definition of live bait could be presented through the rules process next year, but for now to follow the normal legislative process.

**TESTIMONY:** The following people testified in **support** of **S 1305**, and a copy of their testimony is attached as appropriate. A general discussion ensued with the Committee members in support of **S 1305**: **Larry Orme**, from Squirrel, Idaho; **Harry Soulen**, **Catherine Fehen-Elston**, **Jonathan Oppenheimer**, **Wally Butler**, and **Wyatt Prescott**.

**TESTIMONY:** The following people testified in **opposition** to **S 1305**, and a copy of their testimony is attached as appropriate: **Jim** and **Barb Hagedorn**, Idaho residents; **Lisa Kauffman**, Idaho State Director of the Humane Society; **Ivy Roy**, representing herself; and **Sharon Kiefer**, Department of Fish and Game.

**ADJOURNMENT:** **Vice Chairman Bair** passed the gavel to **Chairman Pearce**. **Chairman Pearce** thanked everyone for their participation and informed the Committee that **S 1305** would be brought to a vote next Wednesday, February 22, 2012. The meeting adjourned at 5:00 P.M.

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Senator Pearce  
Chairman

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Linda Kambeitz  
Secretary