

MINUTES
HOUSE RESOURCES & CONSERVATION COMMITTEE

DATE: Thursday, March 01, 2012

TIME: 1:30 p.m. or Upon Adjournment

PLACE: Room EW40

MEMBERS: Chairman Stevenson, Vice Chairman Shepherd, Representative(s) Wood(35), Barrett, Moyle, Eskridge, Raybould, Bedke, Andrus, Wood(27), Boyle, Hagedorn, Harwood, Vander Woude, Gibbs, Pence, Higgins, Lacey

**ABSENT/
EXCUSED:** Representatives Shepherd, Moyle, Raybould and Higgins

GUESTS: The sign-in sheet will be retained in the committee secretary's office until the end of the session. Following the end of the session, the sign-in sheet will be filed with the minutes in the Legislative Services Library.

Chairman Stevenson called the meeting to order at 2:32 p.m.

Teri Murrison, Administrator, Soil & Water Conservation Commission, thanked the Committee for allowing her to give the report. She said it will be a brief update of their projects and services. She said after the revision to the statute they have done significant updates to the Commission. She said they have had significant staff changes and a major revision of the strategic plan. She said they want to achieve more on the ground for conservation in Idaho. Ms. Murrison gave an overview of their challenges. She said they facilitate and coordinate non regulatory voluntary conservation for soil and water, air, plants and animals through district support services. She said they also coordinate comprehensive conservation and incentive programs. She reviewed their incentive programs including the Idaho OnePlan and water quality programs for agriculture. She said in addition to incentive programs the Commission does conservation programs. She reviewed the conservation programs that have been completed and the ones in progress. She said the Commission works with districts, land owners, federal agents and agencies. Ms. Murrison said one of the important things they do is provide technical assistance to the conservation districts. She gave examples of the conservation outreach efforts around the state. She explained why it is important to have a strong Conservation Commission and districts. She said they find a balance between natural and human environments. She said they offer non regulatory solutions and the Commission is a natural fit in preserving natural resources, local cultures, and contribute to the economy. She reviewed conservation issues that need to be addressed. She said in closing she hoped the Committee would consider their overview of accomplishments and why the Commission is important to Idaho.

Bret Rumbeck, Executive Director, Idaho Association of Soil Conservation Districts, said he hoped the Committee would learn more about the districts in the state and how they are important. He introduced their Board members. He said 47 of the 50 conservation districts are members of the Association, which is a big improvement from last year. He said there have been significant improvements in the districts and with their outreach programs. He also said they have worked with the Commission to develop the new strategic plan and have made a positive effort.

MOTION: **Rep. Lacey** made a motion to approve the minutes of Monday, February 27, 2012. **Motion carried by voice vote.**

S 1291: **Sen. Brackett** said this bill creates in statute the Rangeland Center in the University of Idaho. He said the purpose is to create a new model to fulfill the land grant mission. He reviewed what the Center will do to manage rangelands. He said it will have a director and will be under control of the State Board of Regents. He said the Center will provide a council with a background in rangelands. He reviewed the modern challenges on rangelands. He said the creation of the Rangeland Center is in response to those needs.

Concerns were expressed from the Committee regarding the fiscal impact on the Statement of Purpose. When creating a whole new Center, there would be a fiscal impact, but the Statement of Purpose says there would not be a fiscal impact to the General Fund. In response to Committee concerns, **Sen. Brackett** said the Center is currently operating and the faculty already exists. He said they are not asking for an appropriation for the funding of the Center.

MOTION: **Rep. Pence** made a motion to send **S 1291** to the floor with a **DO PASS** recommendation with clarifying language added to the SOP/Fiscal Note.

In response to Committee questions, **Sen. Brackett** said the University has already downsized and departments were consolidated. He said this is a new concept, but is utilizing the same people. He stated agencies have employment positions in range management and it is important that those range positions are filled by range managers.

In further response to Committee questions, **Sen. Brackett** stated he has advised the University to not seek an appropriation but they fully expect an appropriation if the Center grows. He said the fiscal note reflects the situation today and for the coming year. He said the Center has to prove value and benefit and that will take a few years. He said now is the time to establish the Center and move forward. He said he would be willing to review the fiscal note to ensure that it reflected long term funding.

SUBSTITUTE MOTION: **Rep. Barrett** made a substitute motion to **HOLD S 1291** in Committee.

Rep. Andrus said the effort of the Rangeland Center is to have rangeland use based scientifically, so there will be science based information on rangeland issues. **Rep. Wood(27)** said he didn't see a problem with the fiscal note and any agency has the right to request funding at any time. He said it is the obligation of the Legislature to approve or reject the funding. He said he would support the original motion. **Rep. Wood(35)** said the University of Idaho is a land grant college and she is pleased to see they are going to do something about land. She said she doesn't have a problem with the fiscal note.

VOTE ON SUBSTITUTE MOTION: **Substitute Motion failed by voice vote** with **Rep. Barrett** being recorded as voting **AYE**.

VOTE ON ORIGINAL MOTION: **The original motion carried by voice vote** with **Rep. Barrett** being recorded as voting **NAY**. **Rep. Pence** will sponsor the bill on the floor.

H 496: **Rep. Luker** said this bill exempts currently serving military personnel or veterans from participating in hunter education. He said the Fish and Game Commission have a rule that partially exempts these people but the bill will fully exempt them. He said Idaho is not the first state to have this exemption. He said it is a simple bill and a policy decision.

MOTION: **Rep. Wood(35)** made a motion to send **H 496** to the floor with a **DO PASS** recommendation.

Sharon Kiefer, Deputy Director, Department of Fish and Game, said the hunter education program was generated from consequences across the nation of World War II veterans trying to transition from soldier to hunter. She said they have a very active hunter education program. She explained the bill will exempt a large number of veterans from the program. She said hunting is not just about guns, and there is a substantial difference between military training and hunter education. Ms. Kiefer explained hunter education prepares hunters for the tradition and lifetime sport of hunting. She said it provides instruction in wildlife management, wildlife laws, hunter ethics, survival and first aid. She said hunter education sponsors safe and ethical hunting, respect for wildlife, land and landowners. She explained since hunter education was mandated, the number of hunter accidents has been significantly reduced. She said hunter education does take time to complete but there are online courses as well as traditional classes available. She said there is a required field day with a live fire exercise to be certified in the course. The Commission has a rule exemption for military personnel and peace officers from the live fire exercise. She said the Commission Chairman and the rest of the Commission do not support this bill.

John Hallenberger, Self, spoke in support of the legislation. He said he did take hunter safety when he was young. He said after being in the military there may be some people who will decide after they are older to hunt. He said throughout military training they are taught about the environment, and there are classes about how to take care of the land. He said they are also taught ethics in the military, and core army values and morals to make good choices.

Michael Harris, Idaho National Guard, said he is not against hunter safety, he thinks it is important. He said even when people take hunter safety they may still not abide by the rules. He said in the military they have higher morals and values and will abide by the rules.

Mike Hallenberger, Idaho National Guard, said in the military they are trained to not shoot the things they shouldn't. He said veterans know how to be very careful with weapons. He said those who served in the military have paid a price and deserve to be able to have a hunting license without taking hunter education.

Bill London, Idaho Conservation Officers Assoc., said he has taught hunter education and there is a mix of adults and children in the classes. He said many other states will still require hunter education, if military people want to hunt there. He stated conservation officers have respect for military personnel and many officers are veterans. He said there is a natural brotherhood between law enforcement and military. He explained hunter education goes over a lot of things other than gun safety. He stated hunter education reviews wildlife laws, wildlife education and dealing with different animals. Mr. London said most people raised in Idaho understand these things and hunter education goes through rural manners and ethics. He said military personnel are respectful, but haven't been indoctrinated into the rural ways in Idaho. He also said conservation officers would not be comfortable investigating military personnel and veterans. He believed there would be more conflict with land owners.

Rep. Luker said the hunter safety course people take today is not the same as it was years ago. He said this is a simple bill and he didn't think it was necessary for military personnel to take the hunter education course.

In response to Committee questions, **Michael Harris** reviewed the specialized training on conduct he received in the military. He also described what type of fire arms he has been trained with. He also said he did not know how to dress out game, but thought if he had a pamphlet with instructions and someone hunting with him that had experience, he would be able to field dress an animal.

Rep. Gibbs said he would not support the motion, but that was not a reflection against veterans and what they provide for the country. He said this was an issue of hunter safety and all people taking hunter safety are not created equal. **Rep. Hagedorn** spoke in support of the motion stating this bill does not preclude military people from taking hunter education it only provides them with the opportunity to get a license without taking the hunter education program.

VOTE ON THE MOTION:

Motion carried by voice vote with Reps. Eskridge, Gibbs, Pence and Lacey being recorded as voting **NAY. Rep. Luker** will sponsor the bill on the floor.

H 542:

Rep. Boyle said the idea for this bill came from the interim task force between the House and Senate. She said several members of the Committee were on the task force. She said this bill is regarding the authority of the Fish and Game Commission to impose a rule on federally managed land. She said this bill only concerns roads and trails. It does not concern rivers and lakes. She reviewed the process of the federal government's Travel Management Plan. She said through the planning process 70% of trails are closed to ATVs, with the Fish and Game rule restrictions added, 2100 more trails are closed to access. **Rep. Boyle** said the rules are confusing and the national forests trails are supposed to be available for multiple use, but many are closed. She suggested the bill be sent to General Orders with an amendment for the Committee to consider. The amendment on page 2 line 21 adding after the word use, "on federally managed land".

Rep. Boyle answered questions from the Committee, saying this bill does not prohibit the Fish and Game Commission from working with the Forest Service on travel plans. She said it would only restrict the Fish and Game from closing roads themselves.

Sharon Kiefer, Deputy Director, Idaho Department of Fish and Game, reviewed the background that brought **H 542** to the Committee. She clarified the Department of Fish and Game does not close roads. She said they do restrict the use of ATVs by hunters in designated hunts. She said unless provided by law or commission rules, it is unlawful for any person to hunt any of the game animals or game birds of this state from any motorized vehicle. She said the Commission retains discretion to provide for hunting from any motorized vehicle via rule. However, hunting with the use of any motorized vehicle previously prohibited unless allowed by Commission rule, becomes lawful with **H 542**. **Ms. Kiefer** said the current Commission rule for hunting would be terminated with this bill. She said the bill would prohibit water fowl hunters from shooting birds from a boat and **H 542** would be stricter than the federal rule. She said from the Commission's interpretation of the bill, it does not allow the Commission the ability to enter into cooperative efforts with other agencies to protect wildlife. She said some hunters will appreciate the expanded motorized hunting opportunity, but some will be deeply dissatisfied. **Ms. Kiefer** said the Fish and Game does not agree with this policy approach and does not support this bill.

In response to Committee questions, **Ms. Kiefer** said the Commission has promised no more expansion of the rule, they have evaluated the effectiveness of the rule, they have given direction to technical service people to clarify the rule, and taken the rule with clarifying revisions to hunters and ATV users to get input. She said they reported to the task force and the task force did not make a legislation recommendation.

Nancy Merrill, Director, Idaho Department of Parks and Recreation, said they have a letter of cooperation with Fish and Game and they did make some headway with the issue. She said the Board did agree Idaho belongs to everyone and to keep recreational opportunities. She said they do see more recommendations for roads being closed and this is becoming an on going problem for recreationalists. She said ATV users are losing opportunities. She said they do support seasonal closures to protect wildlife.

Haden Claiborne, Boise ATV Trail Riders, said he is an avid ATV user and his children and grandchildren ride ATVs and carry firearms for protection. He said he supports the efforts of Fish and Game to protect wildlife. But, he said, the rule is confusing and gave an example of being stopped by Fish and Game officers. He questioned how Fish and Game defines the term hunting compared to a persons definition of hunting. He said the question is whether or not travel is an act of hunting or not.

David Claiborne, Idaho State ATV Association, said the state has no authority to decide when and where people can travel on state roads. He said there is a misrepresentation from Fish and Game of what is involved in the management plan process. He said it is not true that consideration of wildlife is not involved in the process. He explain some details of the Travel Management Plan process.

Mark Sauerwald, Idaho State ATV Association, spoke in **support of H 542**. He said he has been involved in this issue for two years. He said he believed a motorized vehicle is a mode of travel, not an aid to hunting or a method of take. He said the Fish and Game has too broad of authority in regulating trail use on federal land. He said the Forest Service and BLM take everyone's input and make recommendations on what trails should be closed. He said the trails in question are not closed according to the Forest Service and BLM, but they are closed to hunters. He clarified he was not talking about hunting from a motorized vehicle and the Fish and Game make statements without having the statistics to back up the statements. He said during the interim committee, the Fish and Game submitted comments that they could regulate camping if needed because it was an aid to hunting.

Rusty Faircloth, Idaho State ATV Association, spoke in **support of H 542**. He said the main reason Fish and Game imposed the rule is because of conflict with hunters and ATV users. He said this is not the situation today. He said Fish and Game have said they will restrict hunting tags and licenses, if they can no longer regulate hunter use of ATVs. He said Fish and Game classifies ATVs as a method of take, but it is a mode of transportation.

Greg McReynolds, Trout Unlimited, said the truth is the motorized vehicle rule only impact sportsman. He said sportsmen like the rule and he opposed the bill. He said sportsmen understand there will be some restrictions. He said the rule is good and the bill should be stopped.

ADJOURN: There being no further business to come before the Committee the meeting adjourned at 5:36 p.m.

Representative Stevenson
Chairman

Susan Werlinger
Secretary