

MINUTES
HOUSE RESOURCES & CONSERVATION COMMITTEE

DATE: Tuesday, January 29, 2013

TIME: 1:30 P.M.

PLACE: Room EW40

MEMBERS: Chairman Denney, Vice Chairman Gibbs, Representatives Wood(35), Barrett, Moyle, Eskridge, Raybould, Andrus, Shepherd, Wood(27), Boyle, Vander Woude, Gestrin, Miller (Barron), Anderson(1), Pence, Erpelding, Ward-Engelking

**ABSENT/
EXCUSED:** Rep. Moyle

GUESTS: Matthew May, ISCAC; Lisa Jean Newbill and Bill Mulder, Tree Top Ranches; Sharon Kiefer, IDFG; Tyler Mallard, Risch Pisca; Dallas Burkhalter, IDFG; Virgil Moore, IDFG; John Robison, ICC; Phil Homel, INSA; Harold Ott, IRSA; Ed Hawley; Wally Butler, IFBF; Norm Semanko, IWUA; Kent Lauer, IFBF.

Chairman Denney called the meeting to order at 1:30 p.m.

MOTION: **Rep. Erpelding** made a motion to approve the minutes of January 21, 2013. **Motion carried by voice vote.**

MOTION: **Rep. Boyle** made a motion to approve the minutes of January 23, 2013. **Motion carried by voice vote.**

DOCKET NO. 13-0102-1201: **Sharon Kiefer**, Deputy Director of Idaho Department of Fish and Game stated the rule will establish a Mentored Hunting Program that was not through negotiated rulemaking, but was a result of public input. The rule change is to create special authorization to take wildlife and to establish a description for the mentee and mentor.

MOTION: **Rep. Pence** made a motion to approve **Docket No. 13-0102-1201**. **Motion carried by voice vote.**

DOCKET NO. 13-0104-1201: **Sharon Kiefer**, stated this rule does not address the issuance of tags. The rule allows for equitable adjustments in resident and nonresident elk tag allocation where resident demand exceeds tag availability and non resident tags are undersubscribed. Also, the rule will update the dates to sell leftover nonresident deer or elk tags as a second tag to residents and non residents to August 1st.

Ms. Kiefer, in response to committee questions, clarified that some citations are in another docket and will be addressed, and that because of the number of hunters, it was not possible to have negotiated rulemaking.

MOTION: **Rep. Wood(35)** made a motion to reject **Docket No. 13-0104-1201**. **Motion carried by voice vote.**

DOCKET NO. 13-0104-1202: **Ms. Kiefer**, stated this rule is in response to comments regarding equitable distribution of Landowner Appreciation Tags (LAP). It describes valid designations for LAP tag.

Wally Butler, Range and Livestock Specialist, Idaho Farm Bureau, stated his concerns with the limitations of the tags, and the narrow definition of designated agent. Landowners do not seem represented as well as sportsman's groups.

Ms. Kiefer, in response to committee questions, clarified that this rescinds the rule for upland game animals and was represented by several interest groups on clarification of these rules.

- MOTION:** **Rep. Shepherd** made a motion to reject **Docket No. 13-0104-1202. Motion carried by voice vote.**
- DOCKET NO. 13-0107-1201:** **Ms. Kiefer**, clarified that this rule specifically addresses upland game animals, primarily rabbit. She said references to motorized vehicle use restrictions in this rule would be rescinded.
- Ms. Kiefer**, in answer to committee questions clarified motorized travel restrictions. She also said, there was not negotiated rulemaking but the Commission has been working with several interest groups on these rules.
- John Robison**, Public Lands Director for the Idaho Conservation League, **spoke in opposition to Docket No. 13-0107-1201.** He said there are concerns that this only applies to hunters, not other recreationists. The effects of driving cross country are the same no matter what you are hunting. They are particularly concerned about the impact of the sage grouse population and increased threat with cross country travel spreading noxious weeds, causing vegetation damage, and an increased threat of wildfires.
- MOTION:** **Rep. Raybould** made a motion to accept **Docket No. 13-0107-1201. Motion carried by voice vote . Reps. Pence, and Ward-Engelking** requested to be recorded as voting **NAY.**
- DOCKET NO. 13-0108-1201:** **Ms. Kiefer** stated this rule is to allow the use of a rimfire weapon to dispatch a wolf in a trap or snare, and allows wolves to be dispatched in a trap or snare outside of big game hunting hours.
- MOTION:** **Rep. Gibbs** made a motion to approve **Docket No. 13-0108-1201. Motion carried by voice vote.**
- DOCKET NO. 13-0108-1202:** **Ms. Kiefer** said there was legislation passed in 2012 allowing the Commission to promulgate rules to a minor child if child is eligible for the tag and allowing a process for creating rules to exempt the rules to a disabled hunter to aid in the dispatch of an animal without having a tag and putting the tag on the animal. Idaho has not had a disabled companion rule in the past while other states have.
- In answer to committee questions, **Ms. Kiefer** clarified the minor child language.
- MOTION:** **Rep. Eskridge** made a motion to approve **Docket No. 13-0108-1202. Motion carried by voice vote.**
- DOCKET NO. 13-0108-1203:** **Ms. Kiefer** stated that this was a companion docket needed to govern the use of the new Governor's Wildlife Partnership Tags. This rule will also clarify control hunt use, eligibility, and other limitations.
- In answer to committee questions, **Ms. Kiefer**, clarified that they have always had a waiver on the bighorn sheep tag.
- MOTION:** **Rep. Wood(27)** made a motion to approve **Docket No. 13-0108-1203. Motion carried by voice vote.**

DOCKET NO. 13-0108-1204: **Ms. Kiefer**, said this rule deals specifically with the taking of big game animals. This is where we find application for motorized hunting rules as it applies to the taking of big game. She said motorized hunting itself has not changed. The key change is how we are designating the rule which was confusing to the hunters and to motorized recreationists. She said they continue to work with hunters and recreationists and the Fish and Game rules do not override land management vehicle guidance rules.

Ms. Kiefer, in answer to committee questions stated that they had addressed many individuals and gathered their input, and brought it forward to the commission. She clarified that this is a motorized hunting rule, not about motorized hunting.

MOTION: **Rep. Wood(27)** made a motion to approve **Docket No. 13-0108-1204**.

SUBSTITUTE MOTION: **Rep. Wood(35)** made a substitute motion to reject **Docket No. 13-0108-1204**.

ROLL CALL VOTE: **Rep Boyle** requested a roll call vote. **Substitute Motion carried by a vote of 9 AYE, and 7 NAY, 2 absent/excused. Voting in favor of the motion: Reps. Wood(35), Barrett, Andrus, Shepherd, Boyle, Vander Woude, Gestrin, Ward-Engelking, Denney. Voting in opposition to the motion: Reps. Gibbs, Eskridge, Raybould, Wood(27), Anderson(1), Pence, Erpelding. Reps. Moyle and Miller were absent/excused.**

DOCKET NO. 13-0108-1205: **Sharon Kiefer**, stated this rule was a continuation of conversation of appreciation of landowner and makes the change to implement a one-year waiting period for antlered deer and elk LAP hunts oversubscribed.

MOTION: **Rep. Wood(35)** made a motion to approve **Docket No. 13-0108-1205. Motion carried by voice vote.**

DOCKET NO. 13-0109-1201: **Sharon Kiefer**, stated that this rule addresses previous rules designated to a minor child or grandchild and tag exemptions for a disabled hunter companion assisting a disabled hunter. The tags apply to big game, but also reference the controlled turkey hunt permits.

Ms. Kiefer, in response to committee questions clarified the technical reason for grandchild versus his and her and written designation requirement for hunter companion.

MOTION: **Rep. Eskridge** made a motion to approve **Docket No. 13-0109-1201. Motion carried by voice vote.**

DOCKET NO. 13-0109-1202: **Sharon Kiefer**, stated this docket specifies that sandhill crane tags must be validated by removing the notches for month and day of kill similar to the requirement for turkey tags.

MOTION: **Rep. Wood(35)** made a motion to approve **Docket 13-0109-1202. Motion carried by voice vote.**

DOCKET NO. 13-0109-1203: **Sharon Kiefer**, said this rule proposes changes to clarify the WMA Permit marking requirement to require non-erasable ink and removal of notch on permits, to require that collared doves have a fully feathered wing or head attached while in the field or in transport, and to allow an exception to the Hagerman WMA hunting closure for Department sponsored waterfowl hunts.

Ms. Kiefer, in response to committee question, stated that you do not have to have the WMA permit to go pheasant hunting.

- MOTION:** Rep. Gibbs made a motion to approve **Docket No. 13-0109-1203. Motion carried by voice vote.**
- DOCKET NO. 13-0109-1204:** Sharon Kiefer, stated this is similar to the rule for upland game animals where the motorized hunting rule was rescinded. This would rescind the motorized hunting rule for upland game birds.
- Ms. Kiefer, in answer to committee questions, stated that this rule was not a part of negotiated rulemaking, but several meetings/surveys with stakeholders was held on this issue.
- John Robison stated he was testifying **in opposition** to this rule for the same reason he stated previously.
- MOTION:** Rep. Gestrin made a motion to approve **Docket No. 13-0109-1204.**
- ROLL CALL VOTE:** Rep. Ward-Engelking requested a roll call vote. **Motion carried by a vote of 11 AYE, 3 NAY, 4 absent/excused. Voting in favor** of the motion: Reps. Gibbs, Wood(35), Barrett, Eskridge, Raybould, Andrus, Wood(27), Boyle, Vander Woude, Gestrin, Denney. **Voting in opposition** to the motion: Reps. Pence, Erpelding, Ward-Engelking. Reps. Moyle, Shepherd, Miller, and Anderson(1) were absent/excused.
- DOCKET NO. 13-0116-1201:** Sharon Kiefer, stated this rule allows for trapping on wildlife management areas with the number of trappers to be limited by Regional Supervisors. She stated the Commission must be equitable in dealing with numbers allowed and equitable allocation must be posted, and reporting requirement must be met.
- Ms. Kiefer, in answer to committee questions, stated that there is an incredible amount of diversity in WMAs, so they cannot prescribe a certain number.
- MOTION:** Rep. Erpelding made a motion to approve **Docket No. 13-0116-1201. Motion carried by voice vote.**
- DOCKET NO. 13-0117-1201:** Sharon Kiefer stated that this rule clarifies baiting for wolves. The docket makes the following changes: consolidation of bear baiting and wolf trapping rules into one rules chapter; establish gray wolf trapping requirements and method of take; to allow the use of legally salvaged road kill as bait for trapping wolves in identified areas; allow the use of a trapped wolf carcass with the hide attached as bait, eliminate requirements in Units 10 and 12 to remove bear baits from the field between summer dog training season and fall season, and to rename the chapter.
- MOTION:** Rep. Gibbs made a motion to approve **Docket No. 13-0117-1201. Motion carried by voice vote.**
- ADJOURN:** There being no further business to come before the committee. The meeting was adjourned at 3:15 p.m.

Representative Denney
Chair

Rosee Winder
Secretary