

MINUTES

SENATE RESOURCES & ENVIRONMENT COMMITTEE

DATE: Monday, March 25, 2013

TIME: 1:00 P.M.

PLACE: Room WW55

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

**ABSENT/
EXCUSED:**

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.

CONVENED: **Chairman Pearce** called the meeting to order at 1:00 P.M. He announced that the meeting can only last until 2 P.M., due to another committee meeting following at that time. He welcomed Representative Boyle who will present **H 278**.

H 278 **Representative Boyle** provided a five page handout (Attachment #1) to help explain **H 278**. Three of the pages are letters of support from the Idaho Farm Bureau Federation, the Idaho Wool Growers Association and the Food Producers of Idaho, Inc., and the other two are charts showing the actual expenditures of the Expendable Big Game Depredation Fund Distribution for fiscal year 2006 to fiscal year 2012.

What this bill does is to remove the Access Yes! program from the depredation program and move it to the Idaho Department of Fish and Game's (IDFG) land acquisition leasing and easements account. This account receives \$2.00 from each fishing and hunting license sold. She stated that the purpose of this legislation is to provide additional funding for the Animal Damage Control Board (ADC) dealing with depredating wildlife.

The reintroduction of wolves has resulted in an increase in depredation on wildlife and livestock. Requests for assistance from ADC have increased, while funding from the federal level has decreased.

Senator Stennett inquired if anything else would be impacted besides Access Yes! **Representative Boyle** said it was her understanding that nothing else would be impacted.

Senator Tippetts asked for more clarification regarding the ADC Board.

Representative Boyle said there are five boards in the state and they are made up of livestock and sheep producers. The money from ADC goes to Wildlife Services who contract to kill the predators. **Senator Tippetts** expressed his view on the Statement of Purpose (SOP), saying he felt it was "woefully inadequate." **Representative Boyle** replied that she was instructed to write a SOP as brief as possible.

TESTIMONY: **Ms. Sharon Kiefer**, Deputy Director of Idaho Fish and Game (IDFG), testified that the IDFG Commissioners are not in support of **H 278**. She said that "this bill's primary action affects the fish and game expendable big game depredation fund, the fish and game set-aside funding for sportsmen's access, and funding for the animal damage control account. Each year, \$200,000 from the fish and game account (license and tag money) is transferred into the depredation fund as are interest earnings from the nonexpendable big game depredation fund. Monies in the depredation fund are for compensation payments to eligible landowner compensation claims for damages from wildlife as directed by Idaho Code 36-1108, 1109, and 1110." **Ms. Kiefer** went on to say "the depredation fund also provides for two other purposes. At the close of each fiscal year, any unexpended and unencumbered balance in the depredation fund that exceeds \$750,000 shall be transferred. First, up to \$100,000 of the 'overage' over \$750,000 is transferred to the fish and game set-aside account referenced in 36-111(b), earmarked for sportsmen access programs. If there is 'overage' in excess of \$100,000 the remainder of the excess is transferred to the Animal Damage Control account. ADC also gets \$100,000 from the fish and game account annually that is separate from any spillover from the depredation fund. This animal damage control account is for the control of predatory animals and birds. Implementation using the funds transferred from IDFG must follow fish and game commission direction on action regarding predatory animals or birds. The animal damage control board does not have latitude to use fish and game funds in the animal damage control account at their discretion."

Ms. Kiefer provided the recent financial history (Attachment #2) for the depredation fund, including the transfers according to I.C. 36-115(c), which directs the transfer for sportsman access and the animal damage control account.

Ms. Kiefer said that "while there might have been opportunity to rebalance financial tools to meet both priorities, this bill was not vetted with the Fish and Game Commission nor the sportsmen whose money is being asked to fund the activity. In fact, the fiscal note does not even mention effects to the fish and game set-aside account for sportsmen's access or the animal damage control account. Because of the lack of collaboration, the Fish and Game Commission does not view this bill as a balanced approach to meet multiple, important priorities and they do not support his bill. However, the Commission, the Fish and Game Department, and the Idaho Department of Agriculture recognize that there are both wolf depredation and compensation issues to be solved that will require financial resources that are sufficient and consistent. The directors of both agencies have tasked the Fish and Game Advisory Committee to work with involved stakeholders, including legislators, to craft solutions for executive and legislative consideration." (A copy of Ms. Kiefer's complete testimony is included in Attachment #2).

TESTIMONY: **Mr. Wally Butler**, Range and Livestock Specialist for the Idaho Farm Bureau, testified in support of **H 278**. He said there are some issues they would like to see fixed, and also that it should be a federal issue with the "feds" stepping up to the plate and taking care of the problem that they thrust upon us.

TESTIMONY: **Mr. Stan Boyd** stated that he is representing the Idaho Cattle Association and the Idaho Wool Growers and both organizations support the bill. Sixteen years ago, there were no wolves in the state and today, the number one predator on sheep and cattle are wolves. The federal dollars have been cut, as well as other funds. He feels that the Access Yes! program is taken care of and is not being left to "hang out to dry".

CONFLICT OF INTEREST: **Senator Siddoway** declared a conflict of interest saying that he hates wolves and the bill could be beneficial to his operation.

MOTION: **Senator Heider** moved that **H 278** be sent to the floor with a **do pass** recommendation. **Senator Siddoway** seconded the motion. The motion carried by a **majority voice vote**. Voting no and asking to be recorded were Senators Stennett and Lacey. **Chairman Pearce** will be the sponsor of this bill.

H 271 **Mr. Roger Batt**, Executive Director of the Idaho Heartland Coalition, presented **H 271**. He said the Coalition's membership is made up of numerous agricultural producers and agricultural organizations across the state.

This bill amends sections of title 39, chapter 36 that deals specifically when the Department of Environmental Quality (DEQ) designates, revises, or assesses Beneficial Uses for Idaho Water Bodies. Some examples of Beneficial Uses may be that a water body supports recreation, or maybe it supports certain aquatic life. There have been several technical corrections made from pages 5 -7. Some of these sections of code were written a long time ago and as a result have been restructured for easier readability.

The new amendments to the statute they are asking to be made are as follows:

- Mandating that DEQ consult with stakeholders when designating, revising, or assessing Beneficial Uses for Idaho Water Bodies.
- Consider hydrologic or atmospheric conditions when designating, revising, or assessing Beneficial Uses for Idaho Water Bodies.

Mr. Batt stated that it is important to relay that DEQ and the Coalition worked together and drafted this legislation, which they both support. The Coalition also worked with Mr. Barry Burnell and Mr. Doug Conde. He also said that there are no fiscal impacts to the General Fund. A copy of Mr. Batt's full testimony is on file (Attachment #3).

MOTION: **Senator Siddoway** moved that **H 271** be sent to the floor with a **do pass** recommendation. **Senator Brackett** seconded the motion. The motion carried by **unanimous voice vote**. **Senator Bair** will be the sponsor of the bill.

MOTION: **Senator Brackett** moved that the minutes of March 18 be approved. **Senator Tippets** seconded the motion. The motion carried by **unanimous voice vote**.

PAGE RECOGNITION: **Chairman Pearce** asked the Committee's Page, Kyra Perron, to come forward so that she could be honored for doing such a good job the last half of the session. He presented her with a letter of recommendation, signed by all the Committee members, and a Senate watch. **Senator Stennett** said it was a pleasure to sponsor Kyra.

Kyra thanked the Chairman and the Committee and said that she enjoyed working here and was reluctant to leave. She plans to go to BYU and perhaps become a math teacher, as math is her favorite subject.

ADJOURNED: **Chairman Pearce** adjourned the meeting at 2 P.M.

Senator Pearce
Chairman

Juanita Budell
Secretary