

MINUTES  
**SENATE RESOURCES & ENVIRONMENT COMMITTEE**

**DATE:** Wednesday, January 15, 2014

**TIME:** 1:30 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.

**CALL TO ORDER:** **Chairman Pearce** called the Senate Resources and Environment Committee to order at 1:31 p.m.

**APPROVAL OF MINUTES:** The first order of business was to approve some minutes. **Senator Lacey** made the motion, seconded by **Senator Bair** that the minutes of January 8, 2014 be approved. The motion passed unanimously by **voice vote**.

**Senator Heider** made the motion, seconded by **Senator Siddoway** that the minutes of January 13, 2014 be approved. The motion passed unanimously by **voice vote**.

**WELCOME:** **Chairman Pearce** welcomed the Idaho Department of Fish and Game Commissioners, Idaho Department of Fish and Game staff, and guests. Commissioners attending were Brad Corkill, Panhandle Region; Fred Trevey, Clearwater Region; Bob Barowsky, Southwest Region; Mark Doerr, Magic Valley Region; Randy Budge, Southeast Region; Kenny Anderson, Upper Snake Region; and Will Naillon, Salmon Region.

**GUBERNATORIAL APPOINTMENT HEARING:** **Brad Corkill** of Catalado, Idaho was appointed to the Idaho Fish and Game Commission to serve a term commencing July 1, 2013 and expiring June 30, 2017. Mr. Corkill provided the Committee with his "bio" and it states that hunting and fishing have been passions of his since childhood. His professional experiences have been a forest engineer for the U.S. Peace Corps, Malaysia; raw materials manager, Weathershed, Inc.; timber buyer and logging foreman, Potlatch Corporation; general manager, Regulus Stud Mills; and owner and president, Whiteman Lumber Company, Inc.

Mr. Corkill attended Oregon State University where he received his Bachelor of Science Degree, Forest Engineering. His professional and community affiliations include St. Maries School District 63, Board of Trustees (3 years); Kellogg School District 391, Board of Trustees (11 years), Board Chairman (6 years); and Shoshone Medical Center Foundation (6 years), Foundation President (2 years). He has also been a CASA volunteer, member of Timber Framers Guild; Timber Frame Business Council; Idaho Public Charter School Commissioner; Idaho Board of Scaling Practices; Board member 1st Judicial CASA; and Chairman, North Idaho Political Action Committee.

Some of the questions asked Mr. Corkill during his interview were his feelings about the landowner appreciation tags, wolves, sage grouse, endangered species, trappers-hunters with wolf permits, and the board that the Governor wants established regarding wolves. **Mr. Corkill** stated that in his area (the Panhandle Region) they do not issue landowner appreciation tags, so he is not familiar with that process. Regarding wolves, he would like to see the wolves reduced to a manageable level so that the elk herds can be more stable. If a board is established to control wolves, he would suggest that they use their money for the removal of wolves where the need is the greatest. In his area, five permits are issued per person (for hunting) and up to ten for trapping. As far as endangered species are concerned, he is not in favor of broadening the list. Sage grouse habitat needs to be preserved for their survival and regarding salmon, he is in favor of maintaining their survival as they are unique to Idaho.

When asked about his community involvement and how he might serve the Commission in that capacity, **Mr. Corkill** replied that he is well-known, is accessible to the citizens, and responds to all communications.

**Chairman Pearce** thanked Mr. Corkill for his public service and for appearing before the Committee. He then welcomed Mark Doerr.

**GUBERNATORIAL  
APPOINTMENT  
HEARING:**

**Mark Doerr** of Kimberly, Idaho was appointed to the Idaho Fish and Game Commission to serve a term commencing July 1, 2013 and expiring June 30, 2016. Mr. Doerr provided the Committee with his "bio" and it states that he is a life long resident of Idaho, an avid supporter of the Idaho Fish and Game Department and an advocate for the wildlife they are charged with managing. He would like to give his time and perspective and to continue the quality stewardship of the State's wildlife.

Current organizations of which Mr. Doerr is a member are the following: Ducks Unlimited; Aircraft Owners and Pilots Association; National Business Aviation Association; Idaho Aviation Association; and Federal Aviation Administration Safety Team. Past Boards, Commissions, and Councils on which he has served were the following: Twin Falls Flyers - Served as Board member and president; St. Edwards Parish Council - served as member and secretary; NTSB Accident Investigation Group; FAA Designated Pilot Examiner; Director of Operations, Chief Pilot, and Director of Training.

Mr. Doerr has been the owner and director of operations of Precision Aviation, Inc., since 2002. The company is a 135 Air Carrier providing charter, aircraft management, maintenance and instruction. His education was pursued at Hawthorne University where he received a Bachelor of Science degree in Aviation.

Similar questions were asked of Mr. Doerr as those asked of Mr. Corkill. **Mr. Doerr** said that it is in the State's best interest to not see any of the animals listed and to provide programs. Wolves are here to stay, mandated by the federal government, and the Commission should honor those objectives. There are policies in place to protect the salmon and that, too, needs to be honored. The template has been made for sage grouse, and in 2015, it will be put into place to keep the grouse off the endangered species list. With regards to making himself available to the sportsmen in his area, **Mr. Doerr** stated that he will be available, through whatever means, to the sportsmen. As for the sale of landowner appreciation tags, he is in favor of that.

**TESTIMONY:**

**Mr. Jack Oyler** testified in support of the two appointees. He said that he was on the interviewing committee and wanted to speak in favor of the two gentlemen.

**Chairman Pearce** announced that voting on the candidates will be held next Monday, January 20. He then welcomed Fish and Game Commissioner Bob Barowsky, who will act as moderator for the Commissioners.

**COMMISSIONERS  
REPORT:**

**Commissioner Barowsky** invited Commissioner Randy Budge to speak first. His topic is the Landowner Appreciation Program (LAP).

**Commissioner Budge** explained the background of the landowner tags for the benefit of the Committee members. He said the landowner tags first were authorized by the Idaho Legislature in 1986 and are currently made available through a separate controlled hunt process available to landowners that provide valuable habitat for deer, elk, or pronghorn. The original intent of the landowner tag program was to provide a mechanism to allow landowners providing valuable habitat an opportunity to hunt their land in areas where hunting was restricted to controlled hunts. LAP tags are allocated in addition to, and proportional to, regular controlled hunt tag levels. In 2013, 236 LAP hunts were allocated at 10 percent, and 15 at 25 percent. Currently, 1,225 landowners with over 2,500,000 acres are registered in the program. Current LAP tags include 1,147 deer, 1,646 elk, and 181 pronghorn. Demand for antlered tags exceeds available tags in many LAP hunts. The following Commission rules (adopted in 2012) were rejected by the 2013 Legislature:

- a) 1 year waiting period in high-demand hunts;
- b) cap all LAP hunts at 10 percent tag allocation; and
- c) limit tag designation to family members, youth, direct employees or veterans.

**Commissioner Budge** said that information suggests the current program is not meeting the needs of landowners or hunters. Many sportsmen believe access should be part of any landowner tag program and that landowners should not profit from public wildlife. Landowners indicate the unreimbursed costs (e.g. forage consumption, fence repair, etc.) of supporting deer, elk, and pronghorn on private land is an issue. Increasing crop values and costs of depredation claims suggest other forms of compensation should be considered. The Commission strongly supports private property rights, including a landowner's right to manage access on their property.

The Commission is currently in the negotiated rule-making process and is addressing the following unresolved issues:

- a) inequitable distribution of LAP tags among landowners;
- b) increasing costs of depredation claims;
- c) equitable treatment of landowners based on the acres of valuable habitat provided; and
- d) sportsmen desire to have increased access to private land.

This was published January 1, 2014 and comments end January 22, 2014.

When asked if there was value in the negotiated rule-making process, **Commissioner Budge** replied that there was.

**Commissioner Trevey** was called upon next, he warned the Committee of the federal/state relationship. He said that it is not an issue yet, but feels that it needs to be considered. Hunting, fishing, and trapping need to remain a part of the State's rights. When national monuments are created (possibly the White Clouds area), there will be efforts to create a larger role for the federal government to manage the wildlife population. When questioned about his comments, he stated that his comments are related to the fundamental philosophy and the sovereignty of the State that it has the right to manage its wildlife.

**Commissioner Anderson** said one issue was regarding grizzly bears. They are expecting the U.S. Fish and Wildlife Service to issue a delisting sometime in 2014 or early 2015. Grizzly bears in 1980 totaled about 200. This year they number about 700+. The delisting goal was set at 300. There have been three incidents between humans and grizzly bears in region six this year. Prior, there were 11 incidents between 2002 and 2012. It is felt that the situation will only get worse. The second issue is the option of a natural bear bait that was started in the negotiated rule-making process last year. There have been 426 bear permits issued. Bear bait can be 200 feet from a stream, 200 yards from a main trail, and one-half mile from a main camp or residence. This only affects two areas - Unit 61 and 62a and is on a trial basis. **Commissioner Anderson** said there may not be a legal responsibility, but he feels there is a moral one, as he does not want anyone to be injured.

**Commissioner Naillon's** topic was the Elk Management Plan. He announced that they would be voting on a ten year Elk Management Plan that provides guidance for the Department on how to manage the elk. Elk populations have been increasing in and adjacent to some agricultural areas over the past decade. Concern for damage caused by elk is increasing in areas of the State that traditionally supported few elk.

Elk depredation was not regarded as a significant statewide issue in the 1999 plan and it provided no new guidance relative to depredation management. The 2014 plan provides specific guidance. Reducing elk-caused damage is a statewide management direction priority. It places priority on maintaining separation between elk and cattle in Eastern Idaho to prevent brucellosis transmission. It places priority on collaborating with landowners to implement a permanent solution. It also emphasizes proactive responsiveness, such as hiring of seasonal staff to haze in strategic areas (e.g. Challis and Bennett Hills). It emphasizes enlisting involvement of sportsmen in resolving depredations.

A pilot program of driving elk off private property was initiated in Custer County and has seemed successful. A local resident was hired for \$1,500 and was provided with a pickup and 4-wheeler to haze the elk off the properties and into the hills. Two years ago, the depredation claims amounted to \$37,000. Today, there have been no claims filed (as yet). One of the shortfalls of the program was the ending date - the elk came back - and the other problem was the nonparticipating landowners.

**Commissioner Corkill** said he would like to brief the Committee on three topics that are going on in the Panhandle area. He said the Farragut Shooting Range case has been solved and resolved to the satisfaction of the sportsmen there. There are four shot gun ranges, 50 yard, 100 yard, 200 yard rifle ranges and a law enforcement range. There is no limit on the number of shooting days and operation hours are from 9 a.m. to 7 p.m. The Department has agreed to not change anything for 25 years, which he feels is phenomenal.

The second topic is Lake Pend Oreille and the recovery of the kokanee salmon. Seven years ago, 5,000 salmon spawned in or around the lake, and this year, 1.2 million spawned. He said this is a direct result of predator control on the lake and the bounty that was placed on the lake trout, funded by EPA at \$15 per fish.

**Commissioner Corkill** concluded his report by saying the U.S. Forest Service is the single, largest landowner in the Panhandle and they are reviewing their forest plan. He stated that in the 60s, 70s, and 80s, when logging and wildlife were at their peaks, he feels that proves that the two can get along. Since 1992, when the Forest Service essentially quit being a purveyor of raw material, the elk herds started going down, plus two severe winters, and then the wolves appeared. The Forest Service is proposing more wilderness areas, closing off roads, and doing things now that they didn't do in the 60s, 70s, and 80s, **Commissioner Corkill** feels it would be a good thing if the State would make a comment on this situation.

**Commissioner Doerr** presented an update on the Pony Complex Fire. The fire burned 150,000 acres between Black's Creek Road and Highway 20 during the past summer. The area is important as it is winter range for approximately 6,000 deer and 2,000 elk. There are approximately 43,800 acres of sage-grouse important habitat and 75,300 acres of sage-grouse general habitat. The State is actively implementing the Governor's sage-grouse conservation alternative by restoring sage-grouse habitat on state and private lands. The Idaho Department of Fish and Game (IDFG), Idaho Department of Lands (IDL), and federal land management agencies are working cooperatively to restore sage-grouse habitat across jurisdictional boundaries.

**Commissioner Barosky** said that concluded the reports from the Commissioners.

**Chairman Pearce** thanked them for their reports and said that he plans to invite them back before the Legislative Session ends to check on their progress.

**Chairman Pearce** indicated that he would now take testimony from constituents of District 23 regarding elk depredation.

**TESTIMONY:**

Testifying was **Mike Grimmert**, of Cornell Ranches, Mayfield, Idaho. He stated that they are feeding an average of 500 elk on a daily basis and up to 1,500 other times. They are losing a lot of their winter feed resources in addition to thousands of dollars of damage to the ranch infrastructure in fence damage. He is asking the State to reduce the number of animals or compensate for the lost revenue of the feed and damages. A copy of his testimony is on file (see attachment 1).

**TESTIMONY:**

**Jeff Lord**, of Lord Ranch, Mayfield, Idaho was next to testify. His family has had the ranch since 1945. The winter of 1948-49 was bitter cold and they had 100 deer in their hay stack and five bull elk in the chopped hay pile. IDFG provided wooden panels to keep the wildlife out of the hay that winter. He stated that his family has a very open and cordial relationship with IDFG, but despite all the efforts, the results have been disappointing. Mr. Lord said they appreciate wildlife on their property, but the question is - how many do they appreciate? Until this issue can be resolved, he and other ranchers in the area are being harmed economically and should be compensated for the winter feed that they provide. A copy of his testimony is on file (see attachment 2).

**TESTIMONY:** **Steve Damele**, Ditto Creek Ranch, Mayfield, Idaho testified. He stated that the land along Mayfield Road, roughly from the Black's Creek exit north and east back to Mountain Home and south to the freeway is 70-80 percent privately owned by various ranchers who rely on this land for grazing. The growing number of elk and deer are severely reducing forage for their grazing operations, while also destroying fences. There are herds from 100 to 800 going back and forth across the mainly private lands and in total numbers, that number is about 4,000+ elk in the area. The ranchers in the Mayfield area are united in an effort to find long term solutions to this problem. Mr. Damele stated that the solutions are simple. Reduce the numbers in the Mayfield area and pay for pasture, as well as change the statutes and rules so the burden is not solely on the land owner. A copy of his testimony is on file (see attachment 3).

**TESTIMONY:** Last to testify was **John McCallum**, Iron Horse Ranch, Glens Ferry, Idaho. Mr. McCallum said if the ranchers trade hunts for the feed that they provide the wildlife, the compensation must be fair. His ranch gives up the potential of \$300,000-\$400,000 of claims in exchange for four to eight tags, with strings attached and feels that is very unfair. He thinks Oregon's law would be more fair, plus being able to sell, use, or give away the tags with no restrictions. He provided some changes that would be more reasonable, as well as suggestions that better outlines the issues. A copy of his testimony is on file (see attachment 4).

Due to time restrictions, **Chairman Pearce** said that would conclude today's meeting. He thanked the IDFG Commissioners for their input and also the constituents from District 23.

**ADJOURNED:** **Chairman Pearce** adjourned the meeting at 3 p.m.

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Senator Pearce  
Chair

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Juanita Budell  
Secretary