

MINUTES  
**SENATE AGRICULTURAL AFFAIRS COMMITTEE**

**DATE:** Tuesday, February 17, 2015

**TIME:** 8:00 A.M.

**PLACE:** Room WW53

**MEMBERS PRESENT:** Chairman Rice, Vice Chairman Bayer, Senators Brackett, Patrick, Souza, Lee, Den Hartog, Ward-Engelking and Burgoyne

**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.

**CONVENED:** **Vice Chairman Bayer** called the meeting to order at 8:02 a.m.

**GUBERNATORIAL APPOINTMENT:** **David Radford** of Idaho Falls, Idaho, was appointed to the Idaho Soil & Water Conservation Commission (ISWCC) to serve a term commencing July 1, 2014, and expiring on July 1, 2019. **Mr. Radford** explained that he has served on this ISWCC for the past five years. His background is in agriculture, and he believes production agriculture is an important aspect of the success of Idaho. He grew up on a dairy farm in eastern Idaho. His grandfather was the first water master of the Great Feeder Canal, so he understands water and its importance to Idaho's agriculture industry. He has worked for three U.S. Senators in Idaho, served as the Sergeant at Arms of the Idaho Senate, and is now serving his fifth term as county commissioner. The partnership that local government has had historically in the ISWCC formula of funding is a match basis. The counties and cities represented a third of the formula when the soil districts were added, and ISWCC has a sturdy partnership with the 50 districts. One of the highlights of his commission position is participating in the incentive based programs for low interest loans to the farmers and ranchers.

**Senator Brackett** asked what are some of his goals for his next term on the ISWCC. **Mr. Radford** replied that he would like to assist farmers or ranchers in applying for the existing loan dollars that are in the fund and put them to work in conservation projects. Everything that ISWCC can do to encourage great agricultural practices keeps the heavy hand of the EPA and DEQ out of the farmers' and ranchers' lives.

**Senator Patrick** stated several years back he borrowed from this fund, and it was very helpful in changing his farm operation. **Mr. Radford** replied that his goal is to educate the ranchers and farmers on using the ISWCC loan dollars for operation improvements such as pivot irrigation, no-till drill and other pieces of equipment which are less intrusive on the land.

**PASSED THE GAVEL:** Vice Chairman Bayer passed the gavel to Chairman Rice.

**PRESENTATION:** **Idaho Soil and Water Conservation Commission, Teri Murrison,** Administrator, began her presentation on their annual report. She started off with why ISWCC's work matters: The State was a leader in establishing Idaho's oldest conservation movement. During the Great Depression there were dust and erosion issues due to common land management practices at that time. March 9, 2015 marks the completion of ISWCC's 75th year as a state agency established to help farmers and ranchers reduce erosion. Idaho Code §22-27 provided the legislation for the formation of local conservation districts and established the ISWCC. These districts are Idaho's primary entities that assist in making voluntary conservation improvements on a broad scale. Legislation was passed that expanded ISWCC responsibilities to include planning and implementation of programs and projects that benefit soil, water, air, plants and animals including sage grouse, fish and other species. ISWCC's primary function is to improve the State's natural resources for future generations while maximizing their benefits. ISWCC focuses on cooperative and collaborative efforts with local individuals who know and work the land. ISWCC supplies technical expertise and more to empower locally led conservation districts. These districts undertake projects with willing landowners. They focus on three core functions:

1. Providing districts with technical and other support services.
2. Conservation programs offering non-regulatory science based incentive programs to develop voluntary conservation practices. ISWCC provided low interest loans to purchase equipment and install practices that provide conservation benefits. Loan rates range from 2.5 to 3.5 percent.
3. Administration of conservation tracking and supporting the technical and district programs.

**Ms. Murrison** focused the rest of her presentation on the technical assistance aspect of ISWCC functions and three of its partners' accomplishments. Chris Banks of ISWCC, Pauline Basset of the Caribou Soil Conservation District and Alan Johnson with the ISWCC. They partnered with other individuals on the Bear River and Whiskey Creek Project near Grace in southeast Idaho. Bear River is listed for not meeting the Clean Water Act standards for beneficial uses. It is considered by DEQ to be a high priority for applying best management practices to address agricultural pollutants. Whiskey Creek runs over the Niter Bench above the Bear River. Whiskey Creek was piped decades ago, and a dairy barn and concrete floored corral was built on top of it. For years, manure was pushed down the hill next to the creek, adding nutrients and sediment to the water. The dairy is defunct, but the corral still housed livestock.

Property owner Max Nichols knew it was a problem, and he wanted to reduce nutrient loading and restore the creek to a natural condition. Mr. Nichols enlisted the help of Ms. Basset, Mr. Banks and Mr. Johnson and pursued a grant from DEQ to reduce livestock impacts on 1 mile of the Bear River and 400 feet of Whiskey Creek. They dismantled the barn and corral, daylighted the creek and restored its sinuous course 400 feet down the bench to the Bear River below. Whiskey Creek's best management practices alone are expected to eliminate over 1,800 pounds of phosphorus and 296,343 of sediment from the creek. The Bear River BMP is expected to reduce over 68,000 pounds of phosphorus and 45,000 pounds of sediment. The total cost for the Bear River and Whiskey Creek Project was \$358,000, of which \$145,000 was provided as matched and \$212,000 from a DEQ grant. This project and the partnership typifies the way they all work together to make Idaho a better place. ISWCC would like to do more projects like Whiskey Creek in the future.

Finally, ISWCC is updating the Idaho Agricultural Pollution Abatement Plan. This is Idaho's response to Section 208 of the Clean Water Act. This represents the agriculture action element of the State Water Quality Management Plan and is reviewed and updated every ten years. A final plan is due to be certified by the Governor by July 1, 2015.

**Chairman Rice** asked about new technologies such as the under the surface lines that use less water for crops. **Ms. Murrison** answered that the Canyon Soil Conservation District would assist farmers based on the needs of each property. In the Canyon County District the soils are highly erodible so drip irrigation and other more innovative methods are on NRCS' list of technical best management practices. Districts in the ISWCC work with NRCS to implement those best management practices. Their staff will assist the districts by helping with the proposal and the implementation. **Chairman Rice** asked if the loan programs are also available for converting into the new irrigation systems. **Ms. Murrison** answered affirmatively.

**PRESENTATION:** **Idaho Association of Soil Conservation Districts (IASCD)**, Benjamin Kelley, Executive Director, introduced Steve Becker. **Mr. Becker** began the presentation by stating that IASCD is the unified voice for conservation in Idaho. IASCD was organized by district leaders in 1944 and works to strengthen districts and further non-regulatory locally lead natural resource conservation in the State. IASCD's role at local, state and national levels is to keep Idaho farms and ranches active, healthy and sustainable.

He discussed conservation district work performed in the state:

- Whiskey Creek Project - the property owner was approached to see if he was willing to work in collaboration for creek clean-up and the restoration of channel flow. The farmer contributed his time and effort to help finish the project.
- Cover Crop Project - Twin Falls Soil and Conservation District and the University of Idaho Extension formed eight satellite sites for research. The sites ranged from 2 to 15 acres and were located across the Magic Valley to capture different soil types, elevations and climate management systems. Cover crops have proven they can fit into southern Idaho crop rotations. Through the research it is now apparent that there will be a single recommendation for what or where to plant the crop. Crops used for the research were radishes, four kinds of peas, turnips, red clover, treadakaley, and hairy vetch. Keeping a crop growing on a field for as many days as possible during the year is a key to improving soil health. The longer something is green the more microbial activity is going on underground.
- St. Joe River Project - Reduce sediment and nutrient loads, improve water quality, improve fish habitat, restore riparian zones and improve flood plain functionality.

**Senator Souza** asked Mr. Becker to explain the heavy planting of trees along the St. Joe River bed. She noticed a project by the Army Corps of Engineers in the City of Coeur d'Alene where they were removing trees because it is a problem for flooding and erosion. **Mr. Becker** answered that it has to do with the funding agency and what they are trying to accomplish. The Army Corps of Engineers sometimes has its own ideas on how projects should be managed versus the local conservation district.

**Senator Brackett** asked Mr. Becker to speak to what IASCD is doing in urban conservation. **Mr. Becker** answered that Lindsey Creek in Lewiston is one of the most heavily polluted streams in the State. IASCD found that there was a serious run-off issue from a parking lot upstream, so they have diverted that water so it no longer pours into the creek.

**Chairman Rice** asked does IASCD have any weed invasive species projects underway. **Mr. Becker** responded that Clearwater River Weed Management area has several species in Nez Perce County that are a new noxious weed. The IASCD will go in and perform the weed control to keep them contained.

Chairman Rice passed the gavel to Vice Chairman Bayer.

**PASSED THE  
GAVEL:**

**DOCKET NO.  
02-0421-1401**

### **Importation of Animals - Meningeal Worm Parasite**

**TESTIMONY:**

**Spoke in support of the rule change:** Meagan Jones, Kathy Jones, Brian Wagner, Gail Ansley, Chase Jones and David Miller

**Meagan Jones** said the elk industry spends \$28 testing the brain stem of every elk that is brought onto the farm, inspecting of the animals as they enter their facility and inspecting fences. Elk ranching is the most regulated form of livestock in the State. Their herd is inspected yearly. They know where each elk has come from before it enters the farm.

When the Jones family researched the meningeal worm there was not much information covering the elk, but there were several studies that related to llamas, alpaca and goats; there are no regulations on their importation into the State. The elk industry is the most regulated of the livestock industry and they are unable to import elk across the 100th meridian. They believe their industry is being forced into elimination by regulation. If they are not able to import, their farm will be forced out of business because there are not enough elk in the State to sustain their business. They believe their business carries little threat to the wildlife in Idaho.

**Kathy Jones** called neighboring states that had been importing elk for many years. Dr. Starckel, Montana; Dr. Wilson; New Mexico; and Dr. Spriker, Colorado have never had a case of meningeal worm in their captive cervids. Importing elk from east of the 100th meridian is not new territory; it has been done by these neighboring states for years.

**Brian Wagner** representing the North American Elk Breeders testified that the meningeal worm is not an issue with the breeders in their organization.

**Gail Ansley**, owner of a meat producing elk farm, stated their business will not survive if they cannot import they will be out of business.

**Chase Jones** said there are large elk populations in the meningeal worm area to the east of the 100th meridian, and those populations are thriving in such places as Kentucky and Pennsylvania.

**David Miller** explained the rule change lifts a ban on elk being imported from east of the 100th meridian, but it does not provide for the importation of the disease. The restriction is outdated. Everything east of the 100th meridian is not an endemic area, and deworming to eliminate the larvae stages of the worm under the proposed rule would be required prior to import. This rule also mandates that a veterinarian visually inspect each animal and verify that it does not originate from a premises that has been identified as having meningeal worm presence. With this rule change, ample preventative measures are in place which exceed those of some of the other animal import rules. This same protocol is not applied to any other species of livestock that carry the same level of risk. Domestic cervids carry no bigger risk than other livestock. As producers, they are asking for fair and corroborated livestock controls through regulatory agency, eliminating a restriction on interstate commerce that has inhibited their free enterprise.

**Spoke in opposition to the rule change:** Dr. Olin Balch, DVM, Carrie Fuchser, Steve Fuchser, Michael Gibson, Jim Nunley, Pat Ardmore, Larry Fry and Craig Michelson.

**Dr. Olin Balch**, DVM explained that P-tenuis is a worm that is armor-proofed; there are no drugs to treat these worms and the worm cannot be detected in the infected cervid. Elk from areas endemic with p-tenuis should not be translocated to areas currently free of the worm.

The ability to survive exposure to small numbers of meningeal worms, allows the potential for larvae to be present in the feces of these animals (or captive elk in the same area) and leads to a recommendation that elk not be translocated from eastern to western North America until a reliable diagnostic test or treatment for meningeal worm is available.

Meningeal worm has been implicated in the failure of several elk restoration attempts in Michigan, Kentucky and Southern Ontario. In an effort to restore the free-ranging population, nearly 1/4 of all the non-capture related mortalities were attributed to meningeal worm.

**Steve Fuchser** stated the heritage of hunting has always been strong in Idaho. Senators have been given the task to be stewards of the State and to protect its wildlife and the interests of all citizens.

**Michael Gibson** said right now the rule prohibits importation of cervids from east of 100th meridian. He is sure when the rule went into place there was much discussion, and it was decided that the importation from areas with meningeal worm placed too much risk on Idaho's wildlife. Now that the elk industry needs access to these animals that does not make the risk go away. The Idaho Wildlife Federation is asking that this rule be opposed.

**Jim Nunley** spoke to leaving the rule as it stands. He believed that the State should not take the risk of changing the rule to benefit a few elk ranchers. Allow the restriction in the rule to remain for no importation of elk from east of the 100th meridian. Do not rescind the rule which would allow the possibility of the meningeal worm being transported to Idaho and gaining a hold in the herds; it would have a long range effect on the wildlife of the State.

**Pat Ardmore** advised that there was elk ranching in many states in the west, and most of these states no longer allow the ranches. Those states were not willing to take the chance of having diseased animals come into their state. California, Oregon, Washington, Nevada and Wyoming have closed elk ranching because of the potential disease problems.

Testimony stating they spoke to Dr. Larkin, Kentucky Wildlife Disease Veterinarian, who said that meningeal worm has been implicated in the failure of several restoration attempts in the eastern United States. Of the 1,044 elk transported from the western states to eastern Kentucky, 1/4 of all non-captured related mortalities were attributed to the meningeal worm. The Elk Foundation would not take any of the elk that were transported to Kentucky back to the western states. They said there would be no guarantee that the western states would have healthy animals coming back to those states.

**Larry Fry** explained that elk hunting is a \$300 million per year industry in Idaho, and the State sells about 80,000 elk tags per year. Many of the communities in the State rely heavily on wildlife hunting for their economy. This economy could be jeopardized by allowing meningeal worm to be brought into the State by an imported elk.

The Committee is tasked with making a decision on whether or not to pass this rule or deny it. There is no live test for this worm, and there is no certainty on whether a cervid has this worm in its system before it is imported to the State.

**Craig Michelson** stated this rule is playing with the fate of Idaho's wild elk. If this rule passes there could be catastrophic results to the wild elk herds.

#### **DISCUSSION:**

**Senator Souza** asked for clarification on the reference to the central nervous system and the efficacy of the dewormer medication crossing over the blood brain barrier or into the central nervous system. **Dr. Balch** explained that the dewormer of choice, ivermectin, does not cross over the blood brain barrier in common therapeutic doses. A toxic dose would have to be administered to the elk.

**Senator Lee** said since the shedding of the p-tenuis larvae is through the feces of animals, wouldn't Idaho already have the meningeal worm because of the translocation of different types of animals into the State. **Dr. Balch** replied the other animals that have been translocated to the State such as llamas and goats are dead-end hosts. There is no medical evidence that they transmit viable larvae. They see only viable larvae in the moose and elk.

**Senator Burgoyne** asked what is the population of domestic elk in Idaho, and what is its impact on the economy of the State. **Ms. Jones** replied she could not answer the question.

**Senator Brackett** stated that if the Committee does not pass this rule elk farmers have stated that they will be forced out of business. Are there closer sources of elk within the surrounding states that could be imported? **Ms. Jones** answered the elk farmers in those states are decreasing, so there is not enough quantity available to sustain their business.

**Senator Patrick** asked can breeding elk be brought into Idaho from Montana without any restrictions. **Ms. Jones** replied in the affirmative.

**Senator Ward-Engelking** asked for clarification on the surrounding states where they have been able to import elk? Isn't it true that most of the surrounding states do not have domestic elk? **Ms. Jones** explained they do not import elk from the surrounding states to the west. When their farm imports elk it is from farms to the east such as Colorado, Montana, Canada and North Dakota.

**Senator Den Hartog** asked how much interaction is there between the domestic elk and the wild elk. **Mr. Gibson** answered that fences fail, and domestic elk can get out into the wild, the State should not take that risk.

**Chairman Rice** stated his concern is that a correlation of all these scientific reports from states across the U.S. is being drawn and calling it science. **Mr. Ardmore** answered that he had spoken to the big game biologist of the Idaho Fish and Game Department, researched the studies, and had spoken with Wisconsin's White-Tailed Deer Manager, and they believe the meningeal worm is the primary cause in the decline in elk herds. There have not been enough studies done on the meningeal worm to know that the elk ranchers would not bring this larvae into the State.

**Senator Lee** asked is it his opinion that there is meningeal worm in the white-tailed deer population in the State. **Mr. Fry** replied he does not know if the current population has meningeal worm, but they are the perfect host. Let's not invite this worm into the State.

**MOTION:** **Senator Ward-Engelking** moved to reject **Docket No. 02-0421-1401**. **Senator Burgoyne** seconded the motion.

**Senator Ward-Engelking** stated Idaho has in place a policy of take no risk. Just recently the Committee passed a rule to test for trichomoniasis in bulls in northern Idaho to ensure there was no risk from importing bulls from that area, even though the area has had very little trichomoniasis in the past. The testimony has been conflicting, and she is reluctant to allow a parasite to get a foothold in the wild herds in Idaho.

**SUBSTITUTE MOTION:** **Senator Patrick** moved that **Docket No. 02-0421-1401** be held at the discretion of the chair. **Senator Brackett** seconded the motion. The motion carried by **voice vote**.

**ADJOURNED:** There being no further business, **Vice Chairman Bayer** adjourned the meeting at 10:26 a.m.

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Senator Rice  
Chair

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Carol Deis  
Secretary