

MINUTES
HOUSE RESOURCES & CONSERVATION COMMITTEE

DATE: Tuesday, January 19, 2016

TIME: 1:30 P.M.

PLACE: Room EW40

MEMBERS: Chairman Raybould, Vice Chairman Gestrin, Representatives Moyle, Andrus, Shepherd, Wood, Boyle, Vander Woude, Gibbs, Miller, Bateman, Burtenshaw, Mendive, VanOrden, Youngblood, Pence, Erpelding, Rubel

**ABSENT/
EXCUSED:** Rep. Van Orden.

GUESTS: Jeff Peppersack, Idaho Department of Water Resources; Sharon Kiefer, Idaho Department of Fish and Game; Anna Canning, Idaho Department of Parks and Recreation; Dallas Burkhalter, Deputy Attorney General with Idaho Department of Fish and Game; Nathan Price; John Carver, Westerberg & Associates; Anita Hamann, DFM; John Faek, Idaho Department of Water Resources; Susan Buxton, Idaho Parks and Recreation Board; Stephen Goodson, Governor's Office; Jonathan Oppenheimer, ICC;

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

Chairman Raybould advised that the Administrative Rules review would be done by the whole committee.

Chairman Raybould introduced the new Committee Secretary, **Lorrie Byerly**, and the new Page, **Austen Thomason**.

RS 23991: **Jeff Peppersack**, Idaho Department of Water Resources (IDWR) addressed **RS 23991**. He said **RS 23991** has two parts. The first part changes the definition of a regulated dam. IDWR currently regulates dams that have a height of 10 feet or more or have 50-acre feet in volume, and this proposed legislation would require dams to have both 10 feet of height and 50-acre feet in volume by the replacement of the word "and" for "or." Currently, IDWR regulates approximately 500 dams, and this definition change would reduce this number by about 100 dams. The second part of the proposed legislation requires professional engineering design for dams that have a height of 10 feet or more and have 50-acre feet in volume. If a smaller dam later has downstream development that raises the hazard level, this would require professional engineering plans to be submitted to IDWR.

MOTION: **Rep. Wood** made a motion to introduce **RS 23991**. **Motion carried by voice vote.**

RS 23990: **Sharon Keifer**, Deputy Director, Idaho Department of Fish and Game, presented **RS 23990**. She said the proposed legislation would change one of the elements of junior license holder permits that only applies to those junior license holders that are 17 years of age. Currently, if 17-year-old junior license holders are going to hunt pheasant on a stocked Wildlife Management Area (WMA), they are required to have a WMA Upland Game Bird Permit. They are the only age in Idaho's junior age class that are required to do so. Raising the minimum age from 17 to 18 on the WMA Upland Game Bird Permit would simplify the license process and the expectations of the license holders. Eighteen would be the beginning age for adult licenses and all juniors (ages 10-17) operating on junior licenses would have the same provisions.

MOTION: **Rep. Wood** made a motion to introduce **RS 23990**. **Motion carried by voice vote.**

DOCKET NO. 13-0102-1501: **Sharon Keifer**, Deputy Director, Idaho Fish and Game, stated that the proposed rule clarifies limits of the Hunting Passport as it relates to 8-year-olds. Hunter Passports provide an opportunity for someone who has never hunted before, including from any other state or country, whether having completed Hunter's Education or not, to hunt with a mentor. It is used for adult mentors to take a younger child in the field for a season when the child is too young to take hunter education. Hunters are limited to one so that out-of state hunters will not take advantage of them. Since children who had Hunter Passports at age 8 could not subsequently procure one and are not eligible for a hunting license until age 10, a gap year for accompanying a mentor existed when they were 9. The proposed rule provides an exception allowing eight-year-olds who possessed a Hunting Passport to possess an additional Hunting Passport at age 9.

MOTION: **Rep. Wood** made a motion to approve **Docket No. 13-0102-1501. Motion carried by voice vote.**

DOCKET NO. 13-0108-1501: **Sharon Keifer**, Deputy Director, Department of Fish and Game said that the changes proposed essentially incorporate the Non-Resident Disabled American Veteran Hunter License into rules where there was already reference to disabled licenses by incorporating the license to be eligible for utilization by a disabled hunter in designated companion rules. This license can also take advantage of those rules explicitly directed to disabled hunters. The Non-Resident Disabled American Veteran Hunter License is also proposed to be incorporated into rules that allow disabled hunters to take advantage of leftover youth-only hunt tags. The purpose of bringing the proposed rule change is to allow the Non-Resident Disabled American Veteran Hunter License to be consistent with Idaho's other disability licenses.

MOTION: **Rep. Vander Woude** made a motion to approve **Docket No. 13-0108-1501. Motion carried by voice vote.**

DOCKET NO. 13-0108-1502: **Sharon Keifer**, Deputy Director, Department of Fish and Game, stated that the proposed rule will clarify eligibility requirements and make technical corrections for controlled hunt tags designated to a child or grandchild. The proposed rule clarifies designation for trophy species (moose, big-horn sheep, mountain goat), that a trophy tag is designated to a child. Rules in Idaho make it clear that for those who harvest one of these animal, it is a once-in-a-lifetime opportunity. Since it was not clarified who was to take on the responsibility when harvesting a trophy species, this rule clarifies that if a trophy-species tag is designated to a child and they do harvest, those elements of the rule are applied to that child/grandchild, and the intent of the rule is that the one who pulls the trigger is the one has the eligibility for those particular aspects of the rule.

MOTION: **Rep. Gestrin** made a motion to approve **Docket No. 13-0108-1501. Motion carried by voice vote.**

DOCKET NO. 13-0109-1501: **Sharon Keifer**, Deputy Director, Department of Fish and Game, said the proposed rule addresses goose hunting closure in the Hagerman Valley by partially rescinding long-standing goose hunting closures. Doing this will increase goose-hunting opportunities and reduce conflict with agricultural producers.

MOTION: **Rep. Burtenshaw** made a motion to approve **Docket No. 13-0109-1501.**

Sharon Keifer was called upon to answer questions from the committee regarding absence of an attendance or discussion group list for negotiated rulemaking. She responded that those lists are not part of the rule book, but negotiated rulemaking was conducted with that specific area's agricultural and community stakeholders, as well as landowners. She also said that although she doesn't know everyone's name, she would follow up with the specific information.

- VOTE ON MOTION:** **Motion carried by voice vote.**
- DOCKET NO. 13-0109-1502:** **Sharon Keifer**, Deputy Director, Department of Fish and Game, said the proposed rule allows for the method of taking forest grouse by crossbow. Crossbow is not a new weapon and has been allowed for other species. Many disabled hunters are not able to meet the tenants for an archery permit but want to use a crossbow in general season. Sportsman have requested this change and no negative impact has been discovered.
- MOTION:** **Rep. Mendive** made a motion to approve **Docket No. 13-0109-1502. Motion carried by voice vote.**
- DOCKET NO. 13-0111-1501:** **Sharon Keifer**, Deputy Director, Department of Fish and Game, stated that anglers have wanted changes made to specific conditions established to allow removal of heads and tails of trout, bass and tiger muskie for transit or while in the field. Proposed modifications to the current restrictions are: the angler must be done fishing for the day; fish must be processed or packaged in a certain way; the fish have to be packed so that it can be determined how many fish have been processed relative to their legal bag limits; and they cannot be transported by boat. Processed fish do still count toward an angler's limit.
- MOTION:** **Rep. Bateman** made a motion to approve **Docket No. 13-0111-1501. Motion carried by voice vote.**
- DOCKET NO. 13-0111-1502:** **Sharon Keifer**, Deputy Director, Department of Fish and Game, advised that the proposed rule is to prepare for the upcoming year and would allow the take and possession of Coho salmon with intact adipose fins in the Clearwater drainage. The proposed rule would also remove some obsolete language because of changes made previously through proclamation. Hatchery fish are adipose fin clipped fished. Coho are from a different program for reestablishment of runs in the Clearwater River and for broodstock purposes, and the majority are not adipose fin clipped. Coho runs are now at a level that provides a surplus for anglers to keep. In addition, the proposed rule adds some new language for recording on a permit where you are fishing for salmon and steelhead.
- MOTION:** **Rep. Boyle** made a motion to approve **Docket No. 13-0111-1502. Motion carried by voice vote.**
- DOCKET NO 13-0116-1501:** **Sharon Keifer**, Deputy Director, Department of Fish and Game, said that the Idaho Fish and Game Commission directed that negotiated rulemaking be conducted on a mandatory trapper education process, not unlike the hunter education process, rather than on equipment or season restrictions. Under the proposed rule, those with a license dated after July 1, 2010 would have to complete a mandatory trapper education course where they would be certified, not unlike hunter education. The proposed mandatory trapper education would include 6 hours of rules, species identification, trapping methods, technics, wildlife management, ethics and responsibility avoiding non-target catches. After July 1, 2017, no person would be issued a trapping license unless they presented a certificate of completion of trapping education or proof that they hold an equivalent certification authorized by another agency or association from another state.

Sharon Keifer responded to committee questions regarding where the authority is in 36-412(c) for the proposed rule, by stating that the authority is under the Idaho Fish and Game Commission's rulemaking authority, and references to 36-412(c) are only regarding the fee. The fee is tied to the code rather than putting in a dollar amount so that it changes if the hunter education fee changes through time. She further stated that the same philosophy that allowed the Commission to do mandatory wolf trapping rules was used here, and the Idaho Fish and Game Commission chose this authority method because this legislative body did uphold mandatory wolf trapping education

Nathan Price, for himself, spoke in opposition to the proposed rule stating that 53% of Idahoans fish, 35% hunt and 14% trap, which is 2,339 people in the entire state. Hunting, fishing and trapping generate \$1.4 billion dollars per year for Idaho's economy. He reviewed the hour and field day requirements for hunter education, bow education and trapping education. He said the same tenants of the federally mandated wolf-trapping class apply to the standard furbearer trapping class. Six hours is not enough time to educate Idahoans on trapping. If two other hunter education classes are a minimum of 10 hours, so should trapper education be, or it is not equitable, conscionable or ethical.

Sharon Keifer responded to committee question inquiring about the sufficiency of instructors for the mandatory program by stating that it is estimated that up to 300 trappers in the first 4 years will take trapper education. With the economy changing, fur prices won't be as high. Work will be closely done with trapping associations in Idaho that provide much of that trapping expertise and classes. The rule states at least 6 hours but is not set specifically at six hours. Six hours was based upon the voluntary trapper education we had been conducting, as well as some of the states that provide education for trapping

Rep. Erpelding stated that if hunter education is 10 hours, a 6-hour training is insufficient for virtually any outdoor activity. This one outdoor activity has the most conflict for users, whether it is lost dogs getting caught in traps or anything else, and it has the least amount of suggested training hours.

MOTION: **Rep. Wood** made a motion to approve **Docket No. 13-0116-1501. Motion failed by voice vote.**

MOTION: **Rep. Moyle** made a motion to reject **Docket No. 13-0116-1501. Motion carried by voice vote.**

DOCKET NO. 13-0117-1501: **Sharon Keifer**, Deputy Director, Department of Fish and Game, said this proposed rule clarifies the distance black bear baiting sites must be from waterways and roadways. The reason for the proposed rule clarification is that the rule stated "any" road, and questions kept re-occurring regarding roads in various conditions such as roads closed for snow. The definition now is clarified to state that a roadway is any road open for motorized traffic and capable of being traveled by a full-sized automobile.

MOTION: **Rep. Moyle** made a motion to approve **Docket No. 13-0117-1501. Motion carried by voice vote.**

**DOCKET NO.
26-0106-1501:**

Anna Canning, Management Services Administrator, Idaho Department of Parks and Recreation (IDPR), spoke to **Docket No. 26-0106-1501**, and said this is a new chapter. During the 2015 regular legislative session, the legislature passed S 1089aaH, which authorized the IDPR board to enter into agreements to secure long-term funding sources and authorized the appropriate recognition of sponsors consistent with IDPR's mission. It also allowed the sale of advertising. The proposed rules have two main topics. The first is provisions regarding cooperator recognition, including naming rights and the second is on the provisions of the sale of advertising. The provisions regarding the sale of advertising are based on IDPR advertising policy and that has been in place since 2013. The provisions regarding cooperator recognition are based on an IDPR policy naming rights in place since 1992 and then provisions in IDPR policy regarding sponsorships that have been in place since 2013. Within the naming right section, there is differentiation between state parks and state park units. A unit is akin to a campground or loop within a park. The Parks and Recreation Board can work with their cooperators or sponsors to name a unit, but the final approval of any state park name still rests with the legislature.

MOTION:

Rep. Pence made a motion to approve **Docket No. 26-0106-1501**. **Motion carried by voice vote.**

ADJOURN:

There being no further business to come before the committee, the meeting adjourned at 2:37 p.m.

Representative Raybould
Chair

Lorrie Byerly
Secretary