

MINUTES
SENATE RESOURCES & ENVIRONMENT COMMITTEE

DATE: Monday, March 07, 2016

TIME: 1:30 P.M.

PLACE: Room WW55

MEMBERS PRESENT: Chairman Bair, Vice Chairman Vick, Senators Siddoway, Heider, Nuxoll, Bayer, Hagedorn, Stennett and Lacey

**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: **Chairman Bair** called the meeting of the Senate Resources and Environment Committee (Committee) to order at 1:30 p.m.

H 509 **Michael Ratchford, Ph.D.**, Director, Idaho Geological Survey, University of Idaho, presented **H 509**. Prior to presenting the legislation, Mr. Ratchford provided some background information. He said the Idaho Geological Survey is a non-regulatory State agency that was created by the Legislature and is administered as a special program at the University of Idaho. The main office is in Moscow and two satellite offices are located in Boise and Pocatello. The Idaho Code specifies that the Idaho Geological Survey is a State agency for collection, interpretation and dissemination of geological information pertaining to oil and gas.

Mr. Ratchford said **H 509** provides for an agreement between the Idaho Geological Survey, the Department of Lands (IDL) and the Oil and Gas Conservation Commission (Commission) for the sharing of mineral, oil and gas geological records derived from exploration or production on lands within the State.

Mr. Ratchford said in order for the Idaho Geological Survey to fulfill its statutory obligations, it needs oil and gas mineral records from the IDL and the Commission to facilitate geological assessments and analysis. **H 509** has support from the IDL, the Commission, the Idaho Mining Association and the Idaho Petroleum Council, as well as Alta Mesa Energy. All requirements for confidentiality of records remain unchanged and there is no fiscal obligation with this legislation.

TESTIMONY: **Tom Schultz**, Director, IDL, said this legislation was supported by the Commission at their February meeting. He said he wanted to draw the Committee's attention to page four, lines 24 through 34, of the bill. It reads, "The commission is authorized to share such records or information with the Idaho geological survey. When any such record or information is exempt from disclosure under the Idaho public records act, section 74-101, et seq., Idaho Code, the sharing of such record or information between the oil and gas conservation commission, the Idaho department of lands, and the Idaho geological survey shall not render the shared information subject to disclosure to other persons under the Idaho public records act, section 74-101, et seq., Idaho Code. Notwithstanding the foregoing, nothing in this section shall be construed to limit the sharing of such records or information by the oil and gas commission and the Idaho department of lands with other state agencies, when authorized by law." (NOTE: Lines 24 through 34 are transcribed exactly as printed in the bill.)

Senator Hagedorn inquired about how the information will be marked to remain confidential and not to be shared with people who should not have access to it. **Mr. Ratchford** said the documents will be earmarked with a tag, and with that tag, IDL will specify when that document will be available to be released.

MOTION: **Senator Bayer** moved that **H 509** be sent to the floor with a **do pass** recommendation. **Senator Nuxoll** seconded the motion. The motion carried by **voice vote**. Senator Bayer will be the floor sponsor.

H 378 **Sharon Kiefer**, Deputy Director, Idaho Department of Fish and Game (IDFG), presented **H 378**. **Ms. Kiefer** said that this legislation remedies a concern expressed by Legislators that certain rules adopted by the Fish and Game Commission lack explicit statutory authority.

H 378 specifically provides statutory authority to the Fish and Game Commission to prescribe and administer an education program for trapping, similar to statutory provisions for hunter education. This is found in section (a) of the bill, beginning on line 10. In section (b) beginning on line 18, they are directed to recruit competent volunteer instructors for trapping education and to provide for their training in subject matter related to hunter and trapping education, also similar to how hunter education is administered. Section (c), beginning on line 26, provides that the fee for a trapping education class shall not exceed \$8, which is similar to the hunter education program.

Ms. Kiefer said that lines 32 through 36 were deleted because of two reasons. First, the referenced certificate of completion is for completion of the course elements that are already noted in section (a). Second, because the Fish and Game Commission has consolidated the variety of youth licenses into the reduced-fee junior license, they no longer issue a youth hunter education graduate hunting license.

Senator Nuxoll inquired as to the length of the classes. **Ms. Kiefer** stated that the classes are a minimum of six hours, but with field exercises it could go longer.

TESTIMONY: Written testimony was submitted by Mark Collinge, Idaho Trappers Association Board member, who stated support for **H 378** by the Idaho Trappers Association (see attachment 1).

Written testimony was submitted by Nathan Price opposing **H 378** (see attachment 2).

MOTION: **Senator Hagedorn** moved that **H 378** be sent to the floor with a **do pass** recommendation. **Senator Heider** seconded the motion. The motion carried by **voice vote**. **Senator Siddoway** voted nay and asked to be recorded as such. Senator Hagedorn will be the floor sponsor.

DOCKET NO.
13-0116-1501 **Ms. Kiefer** provided some background information for this IDFG rule, The Trapping of Predatory and Unprotected Wildlife and the Taking of Furbearing Animals. She stated that it is a pending rule for mandatory trapping education. Since 2013, the Fish and Game Commission had heard from the general public and sportsmen about conflicts with regard to trapping. A task force was formed to look at options that would address the concerns that were being expressed. The Fish and Game Commission then directed the IDFG to pursue trapping education, and negotiated rulemaking was started.

The text of **Docket No. 13-0116-1501** reads as follows: "All persons who purchased their first Idaho trapping license after July 1, 2010 must successfully complete a Department of Fish and Game trapper education course, or provide proof that such person holds the equivalent of such a certificate obtained either in Idaho or from an authorized agency or association in another state or country. All persons being certified under this program must have successfully completed at least six hours of instruction in rules, species identification, trapping methods/techniques, wildlife management, ethics, responsibility, and avoiding non-target catches. Those who have taken wolf trapping education from Idaho or from an authorized agency or association in another state or country, are not exempt and must still complete the Idaho trapper education course."

Ms. Kiefer said the fee is \$8, which is the same as for hunter education, and the effective date of the rule would be on or after July 1, 2017.

Ms. Kiefer made the Committee aware of the lawsuit that IDFG is involved in. It pertains to the incidental trapping of lynx, which is in Judge Windmill's court. This rule was developed long before that lawsuit got to Judge Windmill. She feels that this rule and the bill that was just passed, **H 378**, are helpful to the case that IDFG will be making to Judge Windmill, relative to the incidental trapping of lynx. The Judge has ordered IDFG to devise a plan by mid-April to address this.

Senator Bayer inquired about the actions of the House regarding this rule. **Ms. Kiefer** said a member of the House Environment and Technology Committee suggested that more explicit language was needed. The Committee did reject the rule, but passed the bill.

Vice Chairman Vick said the statute says the fee will be established by rule, and the rule says the fee will be established by law. **Ms. Kiefer** said that at the time the rule was written, they referenced existing code and the existing fee for hunter education is the same fee that is utilized for mandatory wolf trapping. **H 378** came after promulgation of the rule; it does not change that fee, it just emphasizes that it will also be a fee for trapping education.

Senator Hagedorn inquired if the mandatory wolf trapping education was located in the wolf trapping management plan that was approved by the Fish and Wildlife Commission and the Legislature. **Ms. Kiefer** stated that the rule was not yet finalized, but the Legislature approved plan talks about education.

MOTION: **Senator Heider** moved to approve **Docket No. 13-0116-1501**. **Senator Stennett** seconded the motion.

SUBSTITUTE MOTION: **Senator Hagedorn** moved to hold **Docket No. 13-0116-1501** in Committee. **Senator Siddoway** seconded the motion.

Senator Hagedorn said his problem with the rule was the mandatory portion of it. He said he understands the need for education but questions the requirement to have someone go to a classroom for that education when there are so many other methodologies that could be used and are available. **Senator Siddoway** stated that he concurs with Senator Hagedorn's logic.

Vice Chairman Vick inquired if "holding the rule in Committee" was the same as "rejecting the rule." **Senator Hagedorn** said he would change the language in his motion to say "rejecting the rule." **Senator Siddoway**, who seconded the motion, said that language met with his approval.

Chairman Bair was in doubt as to the voice vote on the substitute motion and asked for a roll call vote. Voting aye were **Senators Hagedorn, Bayer, Nuxoll, Siddoway, Vick** and **Bair**. Voting nay were **Senators Lacey, Stennett** and **Heider**. The substitute motion carried and the rule was rejected.

H 350 **Jeff Gould**, Wildlife Chief, IDFG, presented **H 350**. This bill raises the minimum age required to possess a Wildlife Management Area (WMA) Upland Game Bird Permit from age 17 to age 18. Possession of this permit is required to hunt pheasants at certain wildlife management areas designated by the Fish and Game Commission where pheasants are stocked. This change will simplify the licensing rules for eligible individuals who are 10 to 17 years of age to hunt with a Junior Hunting or Combination License.

MOTION: **Vice Chairman Vick** moved that **H 350** be sent to the floor with a **do pass** recommendation. **Senator Hagedorn** seconded the motion. The motion carried by **voice vote**. Vice Chairman Vick will be the floor sponsor.

S 1226 **Senator Hagedorn** presented **S 1226** and stated that this bill would increase the penalties for illegal killing, illegal possession or illegal waste of certain species of big game. He said that the penalties are not doing what they were initially intended to do, which is to deter this type of activity. The penalty for wolves was not touched as Idaho is still under the federal wolf management plan.

TESTIMONY: **Burk Mantel** testified in support of **S 1226**. Attached are copies of his testimony, spreadsheet and inflation rate charts that he referred to (see attachment 3).

John Caywood said a group of sportsmen identified an issue needing attention (penalties for illegal killing) and **Senator Hagedorn** agreed to help them. **Mr. Caywood** stated that no one organization is bringing **S 1226** forward, but they all support it. Following is a list of the supporters:

1. Wild Turkey Foundation (7 chapters)
2. Safari Club International
3. Backcountry Hunters and Anglers
4. Idaho Chukar Foundation
5. Citizens Against Poaching
6. Conservation Voters for Idaho
7. Pheasants Forever
8. Quail Forever
9. Ada County Fish and Game League
10. Many others who respect law and order and love Idaho's wildlife.

Bill London testified in support of **S 1226**, which would increase civil penalties to adjust for inflation.

Mark Gibson said he is currently a two-year board member of Region 3, Citizens Against Poaching. He said the board supports **S 1226**. **Mr. Gibson** provided a picture of a large buck deer that was poached and related the story about it. He feels there is a real need for an increase in the penalties.

Forrest Goodrum, representing the Ada County Fish and Game League, said they support the bill and thanked Senator Hagedorn for bringing it forth.

Jeff Gould, Chief of Wildlife for IDFG, said that in the last three years, deer and elk violations are the most common. IDFG sees this bill as another tool for them and they support **S 1226**.

Idaho Conservation Officer's Association submitted a letter of support for **S 1226** (see attachment 4).

Senator Hagedorn said there are some issues going on in the House with a member and he wanted it in the record that the sportsmen approached him about these penalty increases in late summer, well before hunting season; they worked diligently on this bill, which he appreciates.

MOTION:

Senator Stennett moved that **S 1226** be sent to the floor with a **do pass** recommendation. **Senator Hagedorn** seconded the motion.

Senator Nuxoll said that in her area, with low wages, the citizens live on wild meat, and she has a problem with raising the fees.

Senator Siddoway said he will not support the bill and will direct his remarks to the Board of IDFG. Until the IDFG Board addresses the depredation problems and landowners' losses, **Senator Siddoway** said he could not support legislation like this.

Chairman Bair was in doubt as to the voice vote on the motion and asked for a roll call vote. Voting aye were **Senators Lacey, Stennett** and **Hagedorn**. Voting nay were **Senators Bayer, Nuxoll, Heider, Siddoway, Vick** and **Bair**. The motion failed.

PRESENTATION: **Teri Murrison**, Administrator, Idaho Soil and Water Conservation Commission (SWC Commission), provided a PowerPoint presentation of their annual report. The slides included a photo of Hugh Hammond Bennett, the nation's first conservationist of the then Soil Conservation Service, now the Natural Resources Conservation Service (NRCS). He worked with states, including Idaho, to establish state conservation agencies and local conservation districts.

In 1939, formation of local conservation districts were formed and the SWC Commission was established. Their responsibilities have since expanded to include programs and projects benefitting soil, water, air, plants and animals. The SWC Commission helps private landowners take care of and improve agricultural production and natural resources. It also promotes cooperative and collaborative efforts among local people.

The SWC Commission is made up of five board members, employs 17 staff and has three core functions: 1.) provide districts with technical and other support services; 2.) offer non-regulatory, science-based programs to promote voluntary conservation; and 3.) administration.

There are 50 districts in Idaho, and the SWC Commission allocates funds directly to them, which amounted to more than \$1.25 million last year and another \$560,000 worth of staff time. Unfortunately, the SWC Commission could only provide about half of the technical assistance requested by the districts. Of the 50 districts, 40 were assisted with projects, 57 new projects were initiated and work was ongoing with 106 projects.

The Resource Conservation and Rangeland Development Program (RCRDP) offers low-interest loans to purchase equipment and install projects that have conservation benefits. Interest rates for loans range from 2.5 percent to 3.5 percent. Twenty loan applications were processed with seven being approved, loaning out almost \$400,000.

The Conservation Reserve Enhancement Program (CREP) conserves water usage on marginal farm ground in the Eastern Snake River Plain Aquifer. Participating landowners receive \$130 an acre per year from the USDA Farm Service Agency in exchange for not farming these lands. There has been talk lately of increasing the federal compensation per acre as a means to increase participation in the program. Last year, 155 CREP contracts were signed, enrolling 16,500 acres and saving over 66,000 acre feet of water.

Another conservation program that is operated is the Nitrate Priority Area/Ground Water Program. Last year 40,000 acres were treated, reducing nitrates.

Last year the Idaho Agricultural Pollution Abatement Plan, Idaho's response to Section 208 of the federal Clean Water Act, was updated. It details how agricultural nonpoint source pollution is to be managed. An advisory committee helped with the update and the final plan has been certified by the Governor.

In closing, a video was shown about the Whiskey Creek/ Bear River Project and the accomplishments that have been made.

Chairman Bair thanked Ms. Murrison for her report.

ADJOURNED: **Chairman Bair** adjourned the meeting at 2:55 p.m.

Senator Bair
Chair

Juanita Budell
Secretary