



Attachment 1  
3/9/16

**IDAHO DEPARTMENT OF FISH AND GAME**

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March 9, 2016

To: The Senate Resources and Environment Committee

Testimony of Sharon W. Kiefer, Idaho Department of Fish and Game  
House Bill 462 as amended

Chairman Bair and Committee:

Thank-you for the opportunity to discuss House Bill 462 as amended. A copy of my testimony is in your folder.

The current exemptions in 36-401 that would be amended by House Bill 462aa were commonly called farm kid exemptions to kill gophers and muskrats and so forth on the farm. There was never any intent to provide broad exemption to adults.

The section of Idaho Code being amended is specific to Hunting, Trapping, and Fishing. This is an important point when you look at other provisions of Title 36.

House Bill 462aa substantially broadens hunting or license exemption to hunt (excluding firearm) and trap to any age person on private property. I note the liberalization to now include nonresident persons to hunt, take or kill predatory and unprotected wildlife by means other than a firearm and also to trap muskrats, a protected furbearer, from irrigation ditches or on any private property during the open season. Note – this exemption is not restricted to property they own, another broadening of this privilege to take the state's protected wildlife. As you know, muskrats have some commercial value although not a high market fur.

A few background points to understand the public policy context of this bill:

I.C. 36-103 declares all wildlife within Idaho to be the property of the state. By definition of wildlife in I.C. 36-202(g), wildlife includes the subjects of this bill - predatory and unprotected birds and animals, and muskrats. Managing the state's property is paid for through IDFG licensing for hunting, fishing, and trapping.

Predatory wildlife is defined in I.C. 36-201 to include coyote, jackrabbit, skunk, weasel/ermine, starling, and raccoon.

Unprotected wildlife (i.e. unprotected birds and animals) is defined in IDAPA 13.01.06 as all wildlife not classified in the preceding categories of the rule, such as big game animals, upland game animals, upland game animals, game fish, furbearing animals, etc.

Examples of unprotected wildlife: Eurasian Collared Dove, Yellow-bellied Marmot (rock chuck), Eastern Fox Tree Squirrel, gopher.

In contrast, muskrat is a protected species, defined as a furbearing animal.

Currently, to hunt predatory and unprotected wildlife, a person must be licensed:

*IDAPA 13.01.06.300. 03. Unprotected and Predatory Wildlife. Those species of wildlife classified as Unprotected Wildlife and Predatory Wildlife may be taken in any amount, at any time, and in any manner not prohibited by state or federal law, by holders of the appropriate valid Idaho hunting, trapping, or combination hunting and fishing licenses, provided such taking is not in violation of state, county, or city laws, ordinances, or regulations. (7-1-93)*

Lines 19-21 on page 1 of the bill would substantially expand the license exemption for any persons to hunt, take, or kill predatory and unprotected wildlife by means other than firearms. This activity could occur at any time on private lands, not necessarily owned by the person conducting the activity. Rather than just residents youth having this privilege, any adult, resident or nonresident would be exempted from licensing and thus exempt from paying for wildlife management in this state and allowed to take the state's property for free.

This provision would NOT exempt a person from existing rules and laws governing the method of take. This provision would prohibit a person to use a firearm to hunt, take, or kill so in our opinion, the most likely method that persons would use to take predatory and unprotected wildlife would be trapping. Other, but less likely methods would include slingshot, archery, and blowgun.

Current rules in IDAPA 13.01.16 govern the Trapping of Predatory and Unprotected Wildlife. The IDFG interpretation is that all of these rules would still apply except that no firearm could be used, including such as to dispatch a trapped animal. Trapping rules are lengthy and govern many elements, including methods of take, trap check, reporting, and area restrictions.

Similarly, any persons, resident or nonresident could trap muskrats on any private property during open season, acquiring a commodity with value that belongs to the state, for free.

Our conclusions about this bill:

H462aa allows persons to take certain wildlife of the state without financially contributing to the management of Idaho's wildlife. This includes everything from monitoring to set seasons, to enforcement, to important financial support of \$100,000 in the form of license fees that are transferred to the Animal Damage Control fund in I.C. 36-112, which is implemented according to a MOU between IDFG and the Idaho State Animal Damage Control Board. This MOU serves as USDA's Wildlife Services authorization from IDFG to take wildlife to prevent or reduce damage to agriculture natural resources and property and to minimize threats to human health and safety and there are appropriate reporting elements ensuring Idaho upholds its sovereignty over wildlife within its borders.

Bottom line – this bill creates free-loaders on the backs of licensed hunters and trappers who pay the bills for the full spectrum of wildlife management.

H462aa will likely exacerbate the current social conflicts about trapping on the Idaho landscape - it will be harder for the Department to "reach out" to unlicensed individuals to inform them of the current laws and rules that govern their activity and thus, we may likely see more illegal activity as a function of uninformed individuals.

We are also concerned that an unintended consequence may be further access restrictions to private lands and particularly, Access Yes properties where trapping might current be an allowed use, may be restricted because of concerns about unlicensed individuals who may not be adhering to legal methods of take.

Our view is that by liberalizing license exemptions particularly for trapping, H462aa would likely increase challenges the Fish and Game Commission is currently presented with in the current and probably future legal arena related to non-target catch of certain species.

There has been suggestion that this license exemption is really just about allowing persons to protect their property from damage. We don't see it that way. We have a wealth of laws and rules that already provide allowances for persons to protect their private property from wildlife using **control** methods not allowed for regulated hunting and trapping. There is a very real distinction between hunting/trapping and "controlling".

I already mentioned our MOU and draw your attention to Chapter 26 in I.C. Title 25 – Extermination of wild animals and pests in counties and the duties and powers of the State Animal Damage Control board and the affiliated animal damage control districts.

I draw your attention to examples such as the Ada County Pest Control District to manage gophers and rock chucks on private property. Poison is allowed for control. Poison is not allowed for hunting by use other than a firearm.

I draw your attention to I.C. 36-1107 - Wild animals and birds damaging property (note this section of code is not about hunting, it is all about "control"). Specifically I note 36-1107(d) - Taking of muskrats in irrigation systems, that allows muskrats to be taken at any time in or along the banks of irrigation ditches, canals, reservoirs or dams, by the owners, their employees, or those in charge of the irrigation ditches or canals.

Let's not blur the lines between regulated hunting/trapping and control of wildlife.

Mr. Chairman, the Fish and Game Commission does not support this bill.