

MINUTES  
**SENATE RESOURCES & ENVIRONMENT COMMITTEE**

**DATE:** Monday, February 06, 2017

**TIME:** 1:30 P.M.

**PLACE:** Room WW55

**MEMBERS PRESENT:** Chairman Bair, Vice Chairman Vick, Senators Brackett, Heider, Bayer, Stennett, and Jordan

**ABSENT/ EXCUSED:** Senators Siddoway and Johnson

**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 Senate Resources and Environment Committee (Committee) meeting to order at 1:30 p.m.

**MINUTES APPROVAL:** **Vice Chairman Vick** moved to approve the Minutes of January 25, 2017. **Senator Heider** seconded the motion. The motion carried by **voice vote**.

**GUBERNATORIAL APPOINTMENT CONSIDERATION:** **Senator Heider** moved to send the Gubernatorial appointment of Margaret Gail Chipman to the Oil and Gas Commission to the floor with recommendation that she be confirmed by the Senate. **Senator Stennett** seconded the motion. The motion carried by **voice vote**. Senator Jordan will be the floor sponsor.

**GUBERNATORIAL APPOINTMENT HEARING:** **Chairman Bair** announced that the Committee would go at ease until a conference call is received from Craig Hill. Mr. Hill has been reappointed by the Governor to the Lake Pend Oreille Basin Commission to serve a term commencing July 24, 2016 and expiring July 24, 2019.

Mr. Hill's resume was reviewed by the Committee while at ease. The resume contained the following information:

- Graduate of Priest River High School
- Attended the University of Idaho and Eastern Washington University
- Priest Lake Chamber of Commerce - Past President
- West Priest Lake Fire Department - Commissioner/Chairman
- West Bonner County Groomer Advisory Board - Member
- Kalispel Bay Water and Sewer District - Past Board Member
- Lakes Commission - member
- Cub Scouts - Past leader
- Hill's Resort - Owner/Manager
- Priest Lake Golf Course - Owner/President

**Mr. Hill** called in from Priest Lake and said that he appreciated being reappointed by the Governor to the Lake Pend Oreille Basin Commission (Commission). **Mr. Hill** stated that the Commission is a good group for the area and meets quarterly. The attendance at the meetings has grown from six to ten people to over fifty. The Commission has proven to be a sounding board for the community.

**Mr. Hill** said the current "hot button" issue is the lake level of Lake Pend Oreille. Also, the Commission is trying to reconstruct the breakwater at the north end of Priest Lake that will allow access to Upper Priest Lake. This project has been underway for several years and it now seems to be coming together. The operation of Albeni Falls Dam is an area of interest to the people in Sandpoint, as it affects the recreation on Lake Pend Oreille and the Pend Oreille River.

**Chairman Bair** inquired if the Commission has had discussions with Gary Spackman, Director of the Idaho Department of Water Resources (IDWR) regarding the thoroughfare breakwater. **Mr. Hill** said IDWR and Director Spackman are familiar with the project and are supportive.

**Chairman Bair** announced that voting would not need to be delayed until the next meeting, as the candidate is not in the audience.

**MOTION:**

**Senator Heider** moved to send the Gubernatorial appointment of Craig Hill to the Lake Pend Oreille Basin Commission to the floor with recommendation that he be confirmed by the Senate. **Vice Chairman Vick** seconded the motion. The motion carried by **voice vote**. Senator Keough will be the floor sponsor.

**S 1027**

**Sharon Kiefer**, Deputy Director, Idaho Department of Fish and Game (IDFG) presented **S 1027**. **Ms. Kiefer** said the primary element of this bill is to make the distinction between black bear and grizzly bear in several provisions of Title 36 in expectation of the delisting of Yellowstone Ecosystem grizzly bear. IDFG views this bill consistent with the State of Idaho Yellowstone Grizzly Bear Management Plan approved by the Idaho Legislature in 2002. The adequacy of existing regulatory mechanisms is one of the factors the U.S. Fish and Wildlife Service must evaluate in delisting decisions and this bill does address that factor within the Fish and Game Commission's authority. **Ms. Kiefer** stated that **S 1027** does not delist Yellowstone grizzly bear nor does it open any hunting season for delisted Yellowstone grizzly bear.

**Ms. Kiefer** said this bill also removes some references about nonresident disabled American Veteran licensing rendered obsolete by S 1278 in 2014. Also amended are taxidermist and furbuyer license requirements to include certain reporting for grizzly bear and wolves. This bill also increases the timeframe for reporting the control of depredating wolves when no permit is required.

**Ms. Kiefer** said there is no fiscal impact to the General Fund or to the fish and game dedicated fund because elements of the bill with a fiscal effect, such as penalty provisions for "waste", are not implementable until Yellowstone Ecosystem grizzly bears are delisted and the Fish and Game Commission has set a hunting season.

**Ms. Kiefer** provided a summary of the Sections of the bill. **Ms. Kiefer** concluded her remarks by saying that IDFG believes the grizzly bear provisions of the bill are in line with IDFG's conservation and management of other big game species and the Fish and Game Commission supports **S 1027**.

**Senator Stennett** inquired if the delisting involves the grizzly bear population of the entire state or just the Yellowstone population. **Ms. Kiefer** stated that it is exclusive to the Yellowstone Ecosystem grizzly bear.

**Senator Stennett** said in the 2002 report about grizzly bears, 43 percent of them died by human cause. A portion of that was illegal take. **Senator Stennett** asked if in the management plan if there will be more rigor about human cause. **Ms. Kiefer** replied that certainly, there will be rigor and it will be similar to the once-in-a-lifetime harvest species.

**TESTIMONY:**

**John Robison**, Public Lands Director, Idaho Conservation League (ICL), testified in opposition of **S 1027**. **Mr. Robison** said since 1975 there has been a tremendous amount of time and resources in the recovery of the Yellowstone population of grizzly bears. ICL agrees that this represents a success story of the Endangered Species Act and that the Yellowstone population should be removed from the Endangered Species list. Once delisted, states will assume management responsibility and must have robust plans in place to endure that population recovery continues. **Mr. Robison** said that **S 1027** adds grizzly bears to the list of species that can be trophy hunted if delisted. Prior to a delisting decision, states are required to develop laws that relate to management of this species. Hunting is one, but not the only, management strategy states can use.

**Mr. Robison** said that Wyoming and Montana developed state management plans within the last two years. Those plans employ a suite of management tools including mandatory hunter identification courses, education on living and recreating in bear country, and common sense measures to minimize conflict. **Mr. Robison** stated that Idaho is relying on an out-of-date plan that was developed 15 years ago. Idaho's plan lacks consistency with the U.S. Fish and Wildlife Service Conservation Strategy and does not incorporate lessons learned over the last 15 years as it relates to habitat needs, food security, and conflict avoidance. **Mr. Robison** said that if Idaho fails to update and implement appropriate management practices, the decision to remove the Yellowstone grizzly from the endangered species list could be vulnerable to litigation that will delay the delisting process.

**Mr. Robison** said that ICL noted that the term "molesting" in this bill is only defined in Idaho Code, § Section 36-1107(c) in reference to gray wolves. Assuming a similar definition for "molesting" by grizzly bears, to allow take without a permit, **S 1027** is in conflict with the Tri-state MOU for grizzly. **Mr. Robison** said the agreed upon MOU language reads: "A permit is required for response to depredation unless self-defense/defense of property under threat to human life or domestic animal." **Mr. Robison** went on to say that **S 1027** currently reads that grizzly can be taken without a permit if molesting or attacking.

**Mr. Robison** indicated that the vagueness implies that if a bear was crossing a backyard and a dog inside a house started barking, the owner could shoot the bear without a permit because it was "worrying" the dog. **Mr. Robison** said this is in direct conflict with the MOU language. For this amendment to be consistent with the Tri-state MOU and the 2016 Conservation Strategy, the word "molesting" needs to be omitted.

**Mr. Robison** said that ICL encourages the Committee to hold **S 1027** in committee and to direct IDFG to update the State's management plan and to revise the language dealing with "molesting." The State of Idaho can and should be a leader in this delisting process by employing a suite of management tools that help reduce conflict rather than relying on a singular tool as the primary management tactic. **Mr. Robison** said that once a sound management plan is in place, only then should rules be amended to include trophy hunting as a management tool.

**MOTION:**

**Vice Chairman Vick** moved that **S 1027** be sent to the floor with a **do pass** recommendation. **Senator Heider** seconded the motion. The motion carried by **voice vote**. **Vice Chairman Vick** will be the floor sponsor. **Senators Stennett and Jordan** asked to be recorded as voting nay.

**ADJOURNED:** There being no further business at this time, **Chairman Bair** adjourned the meeting at 2:30 p.m.

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Senator Bair  
Chair

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Juanita Budell  
Secretary