

MINUTES
SENATE RESOURCES & ENVIRONMENT COMMITTEE

DATE: Wednesday, January 17, 2018

TIME: 1:30 P.M.

PLACE: Room WW55

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

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.

PASSED THE GAVEL: Chairman Bair passed the gavel to Vice Chairman Siddoway who will conduct the rules review.

Vice Chairman Siddoway welcomed Ms. Sharon Kiefer, Deputy Director of Policy and Programs, Idaho Department of Fish and Game (IDFG), who will present the rules.

Ms. Kiefer introduced Mr. James Stoll, Deputy Attorney General for IDFG, who will provide legal assistance, if needed.

DOCKET NO. 13-0104-1701 **Rules Governing Licensing.** **Ms. Kiefer** said this docket addresses two special tag programs that are authorized by statute. One program is a children's special needs tag that is only available to children that are terminally ill; the other is a special tag program for disabled American military veterans. The rule docket creates certain limitations on these tags, which excludes controlled hunts which have less than five tags. The tag is valid for only one of the following species: deer, elk, pronghorn, moose, black bear, or mountain lion. Any other open hunt for that species, whether it is a controlled hunt, general hunt, or a capped zone, would be available for use with that tag.

Up to five big game tags will be made available for children with life-threatening medical conditions each year. In order to be eligible for a special needs big game tag, the applicants must be a resident or nonresident minor (17 years of age or younger) and must have a life-threatening medical condition, as certified by a qualified and licensed physician. Furthermore they must be sponsored by a nonprofit organization that qualifies under Section 501(c)(3) of the Internal Revenue Code. A hunting license is not required to apply for, or receive, a special needs big game tag. However, an applicant must be accompanied by an adult who has a current hunting license. Applicants may receive only one special needs tag in a lifetime. Eligible applications will be randomly drawn for tag issuance if the number of applications exceeds the number of available tags. No more than one special needs tag will be issued to a nonresident unless there is an insufficient number of applications for resident applicants.

Ms. Kiefer said up to five big game tags will also be made available for disabled veterans, of which one tag will be designated to the Idaho Division of Veterans Services (IDVS) for a resident applicant. Eligibility for resident or nonresident disabled veterans to receive a disabled veterans special big game tag must be certified by the United States Department of Veterans Affairs. The applicant must also be sponsored by a nonprofit organization that is qualified under Section 501(c)(3) of the Internal Revenue Code, or by a governmental agency. Applicants may receive only one special needs tag in a lifetime. Hunter education requirements are waived and a license is not required to apply for, or receive, a disabled veterans special big game tag. Eligible applications will be randomly drawn for tag issuance if the number of applications exceed the number of available tags. Not more than one disabled veterans special big game tag will be issued to a nonresident unless there is an insufficient number of applications for resident applicants.

Ms. Kiefer noted that there is one change of substance for the disabled American veterans special big game tag that does not apply to the special needs children's tag. Since the inception of this program, the IDVS has sponsored two disabled American veterans in a competitive process that includes an essay as to why this hunting opportunity would be important to them. Because they are a partner state organization, **Ms. Kiefer** said that IDFG felt there was legitimate interest in "hard-wiring" them in for a tag every year. Under this proposal, one of the five tags available would automatically go to the IDVS for a disabled American veteran resident.

Chairman Bair inquired as to the oversight of these tags and processes to ensure they are used as intended. **Ms. Kiefer** stated that IDFG's oversight is no different than oversight for any other tag. IDFG has enforcement officers in the field that check these tags. The credibility of the organizations are at stake and would suffer harm if they do not operate according to the rule.

Senator Brackett inquired as to why IDVS previously received two tags and now would receive a reduction. **Ms. Kiefer** said that IDFG heard strongly from other veteran organizations that they felt as if they were not receiving fair treatment.

Senator Johnson noted that negotiated rulemaking was not conducted, but many responses were received by IDFG. He requested **Ms. Kiefer** to elaborate about the responses. **Ms. Kiefer** said they received enthusiastic support for the specific application period for the special big game tags; noteworthy support for a random draw that exceeded the number of tags available; and sixty-three percent supported excluding controlled hunts with less than five tags from the special big game tag program. A letter was received from the IDVS which acknowledged the challenges that arose in processing so many legitimate applications; and IDVS made it clear they wanted to be a partner and were accepting of having a "hard-wired" tag for a resident.

MOTION:

Senator Brackett moved to hold **Docket No. 13-0104-1701**, and schedule it again so constituents in his district who could not attend may have an opportunity to testify. **Senator Johnson** seconded the motion. The motion carried by **voice vote**.

**DOCKET NO.
13-0104-1702**

Rules Governing Licensing. **Ms. Kiefer** stated that it is proposed that Sections 700 and 800 be amended to include all of Controlled Hunt Area 11, rather than Unit 11, for the bighorn sheep auction and lottery tags to be consistent with the general controlled hunt tag for this hunt.

Section 700. The bighorn sheep auction tag shall be valid in Controlled Hunt Area 11 only during odd-numbered years and during even-numbered years when the bighorn sheep lottery tag holder chooses not to hunt in Controlled Hunt Area 11.

Section 800. The bighorn sheep lottery tag shall be valid in Controlled Hunt Area 11 only during even-numbered years and during odd-numbered years when the bighorn sheep auction tag holder chooses not to hunt in Controlled Hunt Area 11.

Ms. Kiefer stated that Controlled Hunt Area is all of Units 13 and 18 and that portion of Unit 11 that drains into the Snake River from the mouth of the Salmon River to, but excluding, Ten Mile Creek.

MOTION:

Senator Heider moved to approve **Docket No. 13-0104-1702**. **Senator Vick** seconded the motion. The motion carried by **voice vote**.

**DOCKET NO.
13-0104-1703**

Rules Governing Licensing. **Ms. Kiefer** said this rule allows the Idaho Fish and Game Commission the flexibility to create an outfitter allocation of big game tags for an unlimited controlled hunt when a nonresident big game tag limitation is established. The purpose of this change is to maintain nonresident clientele for outfitters participating in unlimited controlled hunts. Unlimited controlled hunts are a midway tool between a general hunt and a controlled hunt. They only permit deer hunts. The areas affected are Units 26, 27, and 28 and are located in the Middlefork zone and Unit 73 in southeast Idaho near the Utah border. This allows IDFG to monitor trends of participation in these Units.

Senator Stennett stated that there is a lot of ambiguity in the language about how the formula is determined as described in the pending rule. **Ms. Kiefer** said average historic use is reflected in the determination.

MOTION:

Chairman Bair moved to approve **Docket No. 13-0104-1703**. **Senator Heider** seconded the motion. The motion carried by **voice vote**.

**DOCKET NO.
13-0106-1701**

Rules Governing Classification and Protection of Wildlife. **Ms. Kiefer** said this rule reclassifies the red squirrel from a Protected Nongame Species to an Upland Game Animal which will allow the Idaho Fish and Game Commission to set a regulated harvest season. Red squirrels are native to Idaho and are not a conservation concern. A request organized in northern Idaho that IDFG consider setting a hunting season for red squirrels.

Senator Heider inquired if the red squirrel was the same as the fox squirrel in the Midwest. **Ms. Kiefer** said the red squirrel is an entirely different species.

Senator Brackett asked for background information relating to the Pygmy rabbit. **Ms. Kiefer** stated that, although the Pygmy rabbit is identified as an Upland Game Animal, there is no open season; open season is not appropriate because of limited distribution of the Pygmy rabbit and conservation concerns.

MOTION:

Senator Johnson moved to approve **Docket No. 13-0106-1701**. **Senator Vick** seconded the motion. The motion carried by **voice vote**.

**DOCKET NO.
13-0108-1704**

Rules Governing the Taking of Big Game Animals in the State of Idaho. **Ms. Kiefer** explained that this rule change allows the Idaho Fish and Game Commission flexibility to proportionately limit the number of non-outfitted, nonresident big game tags allocated in an unlimited controlled hunt. These restrictions would be established during the time of the Idaho Fish and Game Commission's annual season setting. The purpose is to reduce crowding among hunters, to support continued resident participation, and ensure a quality hunt experience.

There were no questions from the Committee regarding this docket.

MOTION:

Senator Heider moved to approve **Docket No. 13-0108-1704**. **Senator Stennett** seconded the motion. The motion carried by **voice vote**.

**DOCKET NO.
13-0108-1706**

Rules Governing the Taking of Big Game Animals in the State of Idaho. **Ms. Kiefer** stated this docket is an assortment of changes needed in Chapter 8; Chapter 8 pertains to the taking of big game animals. There are three elements in this docket. The first is a "Super" tag draw for hunters that filled out their mandatory harvest report form. This program had no effect on early reporting or compliance. IDFG is suggesting to rescind this particular program, as they are using other methods to collect information. The second element is a controlled, archery-only hunt that had a very prescriptive hunter orientation class for anyone who drew that tag. The changes include removing duplicative language regarding mandatory reporting and updating the rule to reflect the current reporting procedure. The final element deletes the mandatory requirement that successful wolf hunters report wolf harvest with a telephone report; the telephone report no longer has application for in-season management. However, a report must be made within 10 days of a harvest so that biological information may be obtained.

Senator Brackett said he understood the House Resources Committee rejected the "Failure to Report" section of this rule and asked for information regarding their request. **Ms. Kiefer** stated that a Committee member wanted to maintain a hard line that would penalize a hunter who did not fill out their mandatory report. The Committee member wanted the rule to remain as written.

Senator Stennett inquired as to how much of the information acquired pursuant to mandatory reporting requirement was used by IDFG. **Ms. Kiefer** said they use hunter information, but it comes to IDFG by different channels, such as check stations, telephone surveys, and information collected when a hunter purchases a license.

Senator Johnson stated concern that this section of this rule discourages hunters from filing a report, as it is no longer mandatory.

MOTION:

Senator Johnson moved to approve **Docket No. 13-0108-1706** except in Section 421, adopt the new, 01, reject the new, 02, and adopt the old Subsection 04. **Senator Heider** seconded the motion. The motion carried by **voice vote**.

**PASSED THE
GAVEL:**

Vice Chairman Siddoway passed the gavel to Chairman Bair.

RS 25706

Ms. Kiefer presented **RS 25706** which gives authority to the Director of IDFG to charge a fee for the acceptance of credit cards at IDFG regional offices. These include headquarters, and at IDFG sponsored events, where persons may wish to pay for licenses, tags, and permits, related applications, and materials using a credit card. Currently, only cash, checks, and debit cards are accepted to avoid a fee. This proposal is a customer service enhancement.

MOTION:

Senator Heider moved to print **RS 25706**. **Vice Chairman Siddoway** seconded the motion. The motion carried by **voice vote**.

ADJOURN: There being no further business at this time, **Chairman Bair** adjourned the meeting at 2:55 p.m.

Senator Bair
Chair

Juanita Budell
Secretary