

MINUTES
SENATE RESOURCES & ENVIRONMENT COMMITTEE

DATE: Wednesday, January 16, 2019

TIME: 1:30 P.M.

PLACE: Room WW55

MEMBERS PRESENT: Chairman Heider, Vice Chairman Brackett, Senators Bair, Johnson, Mortimer, Patrick, Guthrie, 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 Heider** called the meeting of the Senate Resources and Environment Committee (Committee) to order at 1:30 p.m.

DOCKET NO. 58-0124-1801 **Waste Management Standards. Michael McCurdy**, Waste Management and Remediation Division Administrator, Department of Environmental Quality, stated this proposed rule updates the Standards and Procedures for Application of Risk Based Corrective Action at Petroleum Release Sites, and the associated guidance manual, to reflect the updated toxicity criteria as established by the Environmental Protection Agency (EPA). It also revises screening levels for petroleum release sites. **Mr. McCurdy** indicated that since adoption of the rule and guidance manual in 2012, many of the petroleum chemicals of concern listed in the tables in the rule have updated toxicity information. Thus, the screening levels found in the rules are outdated with current toxicity criteria.

MOTION: **Senator Johnson** moved to approve **Docket No. 58-0124-1801**. **Senator Mortimer** seconded the motion. The motion passed by **voice vote**.

PASSED THE GAVEL: Chairman Heider passed the gavel to Vice Chairman Brackett to continue the rules review.

DOCKET NO. 13-0102-1801 **Rules Governing Mandatory Education and Mentored Hunting. Sharon Kiefer**, Deputy Director, Programs and Policies, Idaho Department of Fish and Game (Department), stated this docket is an administrative clarification of a rule; it is not new in substance. The Hunting Passport Program allows youth as young as eight and up to ten years of age to hunt with a mentor. There has been some confusion related to a child's birthday and this program being based on a calendar year. This rule change allows a youth who is eight, but younger than ten, to possess consecutive annual hunting passports until reaching age ten.

MOTION: **Senator Mortimer** moved to approve **Docket No. 13-0102-1801**. **Senator Bair** seconded the motion. The motion passed by **voice vote**.

DOCKET NO. 13-0108-1802 **Rules Governing the Taking of Big Game Animals in the State of Idaho. Ms. Kiefer** advised this docket deals with a program that allows a parent or grandparent who draws a controlled hunt tag to designate that tag to their child or grandchild if they are eligible to possess a big game tag. **Ms. Kiefer** indicated that comments from sportsmen showed concern that perhaps the allowance of the once-in-a-lifetime tags for moose, sheep, and goats was affecting draw odds. This proposed change revises the rule to exclude any moose, bighorn sheep, mountain goat, or grizzly bear controlled hunt tag drawn by a parent or grandparent from designation to their child or grandchild.

- DISCUSSION:** **Senator Guthrie** asked if the intent of the rule would be to include step-children and step-grandchildren. **Ms. Kiefer** responded that step-children and step-grandchildren are excluded because the legislation only mentions direct descendants.
- MOTION:** **Senator Guthrie** moved to approve **Docket No. 13-0108-1802**. **Senator Jordan** seconded the motion. The motion passed by **voice vote**.
- DOCKET NO. 13-0108-1803** **Rules Governing the Taking of Big Game Animals in the State of Idaho.** **Ms. Kiefer** stated when there are leftover youth control hunt tags from the first draw period they go into a second draw, and after the second draw any remaining tags can be purchased on a first-come first-serve basis. Seniors are currently eligible to pick up youth tags on a first-come first-serve basis after the first and second draw. They have requested consideration to participate in the second draw for tags that are not purchased in the first draw. **Ms. Kiefer** indicated this proposed rule change allows seniors to participate in any second application period for youth only controlled hunts.
- DISCUSSION:** **Senator Bair** asked if there were tags left over ever year. **Ms Kiefer** advised they do have some leftover tags every year. Some youth hunts are far more utilized than others but there are some, like doe hunts, that go into a second draw and even a first-come first-serve follow up. **Senator Bair** also asked why, if this is an ongoing thing, the Department doesn't reallocate those two-draw hunts into a different category of people and not have to go through that second draw. **Ms. Kiefer** indicated that they also have some adult doe hunts that go through a first draw, a second draw, and often there are tags left over for first-come first-serve.
- MOTION:** **Senator Mortimer** moved to approve **Docket No. 13-0108-1803**. **Chairman Heider** seconded the motion. The motion passed by **voice vote**.
- DOCKET NO. 13-0108-1804** **Rules Governing the Taking of Big Game Animals in the State of Idaho.** **Ms. Kiefer** advised this rule adds air guns with pre-charged pneumatic power as a method of take for big game. It sets forth what species can be taken with each caliber of air gun. The rule also allows the use of air guns during the short-range weapons season.
- DISCUSSION:** **Senator Bair** and **Ms. Kiefer** discussed the muzzle velocities of air guns compared to high powered rifles. **Ms. Kiefer** deferred a request to define what a pre-charged pneumatic is to **Toby Boudreau**. **Mr. Boudreau**, Acting Chief Wildlife Bureau, Idaho Department of Fish and Game, advised pre-charged pneumatics have a fairly large tank that holds quite a bit of compressed air. Regarding velocities, he indicated that a .45 caliber slug shoots somewhere around 1000 feet per second so they truly are a short range weapon of 75 to 100 yards; they are not an effective long-range firearm.
- In response to a question by Senator Johnson and Senator Stennett, **Ms. Kiefer** stated that if the caliber is less than .35 or .45 it is not a lawful method of take, but higher calibers can be used. **Mr. Boudreau** advised that .50 caliber is the upper end of size for pre-charged pneumatic air guns.
- Senator Guthrie** asked if there were higher instances of maimed animals with these guns. **Ms. Kiefer** stated air guns are used very successfully. It is a hunter's responsibility to make sure they are using enough foot pounds of pressure in the pre-charged pneumatic power to achieve a clean kill.
- MOTION:** **Senator Bair** moved to approve **Docket No. 13-0108-1804**. **Chairman Heider** seconded the motion. The motion passed by **voice vote**.

- DOCKET NO. 13-0108-1805** **Rules Governing the Taking of Big Game Animals in the State of Idaho.** **Ms. Kiefer** stated this proposed rule will no longer allow mail as a means for submitting a controlled hunt application. In the past only about 3 percent of applications have come in via mail and those applications often had incorrect information, adding five to seven days to the time line for the Department to announce who has drawn tags. She stated that today's technology allows sportsmen to go through a vendor or file applications online.
- DISCUSSION:** In response to a question from Senator Bair, **Ms. Kiefer** advised that the licensed vendor provides a 1-800 number for those sportsmen living in remote areas without online access.
- MOTION:** **Senator Stennett** moved to approve **Docket No. 13-0108-1805**. **Senator Johnson** seconded the motion. The motion passed by **voice vote**.
- DOCKET NO. 13-0109-1803** **Rules Governing the Taking of Big Game Birds in the State of Idaho.** **Ms. Kiefer** advised that sportsmen are allowed to purchase multiple turkey tags and this rule is proposed to clarify which turkey tag can be used when you draw a control hunt turkey permit.
- DISCUSSION:** In response to a question from Senator Mortimer, **Ms. Kiefer** indicated this proposed rule also updates the controlled hunt application period to be consistent with previously adopted rules regarding the turkey hunt season.
- MOTION:** **Senator Mortimer** moved to approve **Docket No. 13-0109-1803**. **Chairman Heider** seconded the motion. The motion passed by **voice vote**.
- DOCKET NO. 13-0109-1805** **Rules Governing the Taking of Big Game Birds in the State of Idaho.** **Ms. Kiefer** stated this proposed rule establishes an administrative framework for the Idaho Fish and Game Commission to adopt Landowner Permission Hunt (LPH) seasons for turkeys in areas of the state where there are turkey depredation issues on private lands.
- DISCUSSION:** In response to questions from the Committee, **Ms. Kiefer** reviewed the rule requirement for the landowner's acreage to be more than 79 acres and discussed the additional tools the department has to work with landowners of smaller acreages. She stated trespass laws are in effect and even under an LPH hunt you cannot step on that landowner's property without the permit that the landowner gives you specifically for that LPH hunt. For further response, Ms. Kiefer deferred to **Ed Scriver**, Director of the Idaho Department of Fish and Game, who advised that most turkey depredation issues occur on ownerships of greater than 80 acres, so the need to apply this tool on ownerships less than 80 acres is not feasible.
- MOTION:** **Senator Bair** moved to hold **Docket No. 13-0109-1805** until the Committee's next meeting. **Senator Mortimer** seconded the motion. The motion passed by **voice vote**.
- PASSED THE GAVEL:** Vice Chairman Bracket returned the gavel to Chairman Heider. **Chairman Heider** announced the remainder of the rules on today's agenda will be rescheduled at a future time.
- PRESENTATION:** **Chairman Heider** welcomed visitors from Pacific NorthWest Economic Region (PNWER). PNWER is a public/private non-profit created by statute in 1991 by the states of Alaska, Idaho, Oregon, Montana and Washington, and the Canadian provinces and territories of British Columbia, Alberta, Saskatchewan, Northwest Territories, and the Yukon.

Matt Morrison, Chief Executive Officer of PNWER, gave a 2018 and 2019 overview of the Columbia River Treaty (CRT) Taskforce. He stated that PNWER's role has been to facilitate dialogue and understanding between all the member jurisdictions, while showcasing the benefits of the treaty. He thanked the Idaho Legislature for their role in Idaho's input into the process as negotiations continue to take place, and noted that he felt Idaho is the most important state for the CRT.

DISCUSSION: **Vice Chairman Brackett** commented that the CRT must be ratified by the United States Congress, and Idaho's Senator Jim Risch now chairs the Senate Foreign Relations Committee. He indicated he shared Mr. Morrison's observation that Idaho is important to the CRT, and noted that this is an opportune time for Idaho and PNWER to have firsthand interest and input on the CRT. Mr. Morrison agreed with Vice Chairman Brackett's comments, and indicated this is a great opportunity. He advised that should Senator Risch give a report to the Idaho Legislature, it would be a great sidebar to sit down and talk with him about the CRT.

PRESENTATION CONTINUED: **Mr. Morrison** outlined the benefits of the Legislative Energy Horizon Institute (LEHI), an executive certificate program in energy policy designed specifically for state and provincial legislators to provide intensive exposure to the North American energy system. He reviewed the curriculum, course objectives, and LEHI's benefits to the State of Idaho. **Mr. Morrison** indicated he would like to see more Idaho Legislators take advantage of this great opportunity to come up to speed on energy and how energy functions.

Mr. Morrison then reviewed PNWER's Roadmap to Resilient, Ultra-Low Energy Buildings in the Pacific Northwest. He advised this is a program to drive more energy efficiency in commercial and residential building in the region. He presented estimated economic and energy savings to the region and encouraged Legislators to support this initiative.

Larry Doke, PNWER President, gave an update on the Invasive Mussels Federal Funding program. He stated that the Northwest is the last region in the U.S. without mussels, but they are coming. PNWER advocates to get funds appropriated for mussel prevention efforts to protect the Columbia River Basin. He stated that we could have an active infestation at any time and need to be ready throughout the region with early detection and rapid response plans.

Chairman Heider thanked the presenters for their updates and expressed his appreciation for all that PNWER does for Idaho.

ADJOURNED: There being no further business before the Committee, **Chairman Heider** adjourned the meeting at 2:57 p.m.

Senator Heider
Chair

Tyler Brock
Secretary

Lois Bencken
Assistant Secretary