

MINUTES
HOUSE RESOURCES & CONSERVATION COMMITTEE

DATE: Tuesday, February 25, 2020

TIME: 1:30 P.M.

PLACE: Room EW40

MEMBERS: Chairman Gibbs, Vice Chairman Gestrin, Representatives Moyle, Shepherd, Wood, Boyle, Vander Woude, Mendive, Kauffman, Blanksma, Addis, Lickley, Moon, Raybould (Erickson), Rubel, Toone, Mason, Necochea

**ABSENT/
EXCUSED:** None

GUESTS: Michael Pearson, Paul Kline, Ed Schriever, Scott Reinecker, and Toby Boudreau, Idaho Department of Fish and Game; Benn Brocksome, Idaho Sportsmen's Alliance; Brian Brooks, Garret Visser, and Becca Aceto, Idaho Wildlife Federation; Ben Davenport, Idaho Mining Association; Eliza Walton, Conservation Voters for Idaho; Kathleen Trever, ID-AGO; Michael Gibson, Trout Unlimited

Chairman Gibbs called the meeting to order at 1:30pm.

MOTION: **Rep. Toone** made a motion to approve the minutes of the February 11, 2020 and February 13, 2020 meetings. **Motion carried by voice vote.**

H 528: **Rep. Wood**, District 27, stated this bill amends **Section 36-1401, Idaho Code**. He explained on February 7, 2020, the Idaho Court of Appeals issued a decision which ended up changing the longstanding application of **Section 36-1401(c)(3)** from the unlawful killing, possession, or waste of a single animal, to multiple animals, within a 12 month period, including sheep, mountain goat, moose, trophy deer, trophy elk or trophy pronghorn, when each would have a reimbursement value of greater than \$1,000. He further explained, the effect of the Huckabay decision is that a person who illegally takes a single animal, deemed by law to be highly valuable, would only be charged with a misdemeanor penalty rather than the traditional felony penalty. **Rep. Wood** concluded, this bill would restore the traditional application making it clear it is a felony to unlawfully kill, possess, or waste, within a 12 month period, either a single animal or a combination of animals whose individual value is greater than \$1,000.

Paul Kline, Deputy Director, Idaho Department of Fish and Game, stated the Fish and Game Commission is **in support of H 528**.

MOTION: **Rep. Lickley** made a motion to send **H 528** to the floor with a **DO PASS** recommendation. **Motion carried by voice vote.** **Rep. Wood** will sponsor the bill on the floor.

H 544: **Rep. Moyle**, District 14, explained during the February 13, 2020 committee meeting, there was much discussion regarding committee concerns with language in **S 1237**, and as a result, **S 1237** was held in committee. Since then, work was done to address those concerns; **H 544** and **H 545** are the result of that work and are before the committee today. He stated **H 544** expands the permit requirement for hunting stocked pheasants beyond state Wildlife Management Areas (WMAs) to include other Department-owned lands, lands managed under agreement with the Department, and private lands enrolled in a Department-sponsored public access program. **H 544** also removes "WMA" from the name of the permit.

Benn Brocksome, Idaho Sportsmen's Alliance, stood **in support of H 544**.

Paul Kline, Idaho Department of Fish and Game, stated the Fish and Game Commission is **in support** of **H 544**.

MOTION: **Rep. Wood** made a motion to send **H 544** to the floor with a **DO PASS** recommendation. **Motion carried by voice vote.** **Rep. Moyle** will sponsor the bill on the floor.

H 545: **Rep. Moyle**, District 14, stated, **H 545** is the other half of the rewrite of **S 1237**. He explained **H 545** authorizes the Fish and Game Commission to administer a three year experimental swan hunting season in the Panhandle Region of Northern Idaho. Additionally, **H 545** establishes a swan tag and related tag costs.

Benn Brocksome, Idaho Sportsmen's Alliance, stood **in support** of **H 545**.

Paul Kline, Idaho Department of Fish and Game, stated the Fish and Game Commission is **in support** of **H 545**.

MOTION: **Rep. Wood** made a motion to send **H 545** to the floor with a **DO PASS** recommendation. **Motion carried by voice vote.** **Rep. Moyle** will sponsor the bill on the floor.

HJM 14: **Rep. Moon**, District 8, stated the purpose of **HJM 14** is to recognize the contributions that the mining industry has had on the history of the territory and the state of Idaho over the last 160 years, and to support federal agencies in their efforts to modernize policies to encourage multiple uses on public lands.

MOTION: **Rep. Addis** made a motion to send **HJM 14** to the floor with a **DO PASS** recommendation. **Motion carried by voice vote.** **Rep. Moon** will sponsor the bill on the floor.

H 514: **Rep. Shepherd**, District 7, stated the purpose of this legislation is to remove the restriction of membership regarding political party affiliation on the Idaho Fish and Game Commission. He explained membership should not be about politics but rather about what's best for the fish and game of Idaho.

Committee members commented with concern that if the Senate still has to confirm the Governor's appointment of Commission members, then this bill does not seem necessary. There was also concern that no hunting or angling groups or Commission members had been included in any discussions prior to bringing this bill forward.

Paul Kline, Idaho Department of Fish and Game, commented the Director and staff reviewed **H 514** with the Commission and the Commission voted to take a monitor position.

Brian Brooks, Idaho Wildlife Federation, spoke **in opposition** to **H 514**. He stated in a recent survey of over 5,000 Idaho sportsmen, almost 50% declared it to be a serious problem with the Fish and Game Commission being politicized. Mr. Brooks continued, with the current population growth in the state, sportsmen surveyed believed a partisan declaration requirement helps shield sportsmen and wildlife management from shifting political winds. He also stated there never seemed to be a problem finding good candidates to serve on the Commission before, and doesn't see there is a problem now justifying this change.

Michael Gibson, Trout Unlimited, spoke **in opposition** to **H 514**. He stated many members were in agreement that the Commission should manage wildlife across the state without political pressures.

Chairman Gibbs requested the record reflect nobody else came forward to testify.

Rep. Shepherd provided brief closing remarks. In summary, he stated this change will make it easier to find people to serve on the Commission.

MOTION: Rep. Gestrin made a motion to send **H 514** to the floor with a **DO PASS** recommendation.

SUBSTITUTE MOTION: Rep. Rubel made a substitute motion to hold **H 514** in committee. In speaking to her motion, Rep. Rubel stated this change is not necessary, especially in light of the concerns heard in testimony. Additionally, she felt strongly that one of the protections for the minority to have a voice in Idaho is the statutory requirement there be some balance of membership on Boards and Commissions.

A committee member commented he had the experience of serving on the Commission and never had an issue with political party affiliation, but rather any concerns were over his support of wildlife issues and his individual position on those issues. He commented Commission members who did not declare a political affiliation were sometimes pressured to declare which political party they belonged to, so believes **H 514** is warranted.

Another committee member commented political affiliations are not important with the Fish and Game Commission and with a Commission member representing each region of the state, he feels everyone, both rural and urban, is equally represented on the Commission.

ROLL CALL VOTE ON SUBSTITUTE MOTION: Rep. Boyle requested a roll call vote on the substitute motion to hold **H 514** in committee. **Motion failed by a vote of 5 AYE and 13 NAY. Voting in favor** of the motion: **Reps. Erickson, Rubel, Toone, Mason, and Necochea. Voting in opposition** to the motion: **Chairman Gibbs and Reps. Gestrin, Moyle, Shepherd, Wood, Boyle, Vander Woude, Mendive, Kauffman, Blanksma, Addis, Lickley, and Moon.**

ROLL CALL VOTE ON ORIGINAL MOTION: Chairman Gibbs requested a roll call vote on the original motion to send **H 514** to the floor with a **DO PASS** recommendation. **Motion carried by a vote of 14 AYE and 4 NAY. Voting in favor** of the motion: **Chairman Gibbs and Reps. Gestrin, Moyle, Shepherd, Wood, Boyle, Vander Woude, Mendive, Kauffman, Blanksma, Addis, Lickley, Moon, and Toone. Voting in opposition** to the motion: **Reps. Erickson, Rubel, Mason, and Necochea. Rep. Shepherd** will sponsor the bill on the floor.

ADJOURN: There being no further business to come before the committee, the meeting was adjourned at 2:19pm.

Representative Gibbs
Chair

Tracey McDonnell
Secretary