

MINUTES
SENATE RESOURCES & ENVIRONMENT COMMITTEE

DATE: Wednesday, March 04, 2020

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.

MINUTES APPROVAL: **Senator Guthrie** moved to approve the Minutes of February 26, 2020. **Senator Jordan** seconded the motion. The motion carried by **voice vote**.

HJM 14 House Memorial by House Ways and Means Committee; to recognize the importance of mining in the history, development, and future of the Gem State.

Benjamin J. Davenport, Executive Vice President, Idaho Mining Association, stated that it was the discovery of gold in 1860 in what is now known as Pierce, Idaho, which started the settlement of the state and brought us into a territory and statehood. He expounded that mining, the miners themselves, and the products they provide have played a significant role in shaping Idaho. This memorial recognizes mining contributions to Idaho's past, and the role it plays on our state's and nation's future. It also asks the Legislature to support the federal and state agencies in their efforts to modernize policies that encourage responsible mixed use on public lands.

MOTION: **Senator Guthrie** moved to send **HJM 14** to the floor with a **do pass** recommendation. **Senator Mortimer** seconded the motion. The motion passed by **voice vote**. Senator Johnson will carry the bill on the floor.

H 528 Relating to Fish and Game; regarding the unlawful killing, possession, or wasting of wildlife.

Senator Bair reported that this bill deals with a recent Idaho Court of Appeals opinion, issued on February 7, 2020, involving it being a felony to unlawfully kill, possess, and/or waste wildlife if the value of the animal is \$1,000 or more. The court changed that threshold by interpreting the law that two or more animals needed to be involved. He detailed that this bill changes the language to apply the traditional application of the law, to make it clear that it is a felony to unlawfully kill, possess, and/or waste a single trophy animal, or multiple animals, whose value is equal to or greater than \$1,000.

MOTION: **Senator Mortimer** moved to send **H 528** to the floor with a **do pass** recommendation. **Senator Guthrie** seconded the motion.

TESTIMONY: **Paul Kline**, Deputy Director Programs/Policy, Idaho Department of Fish and Game (IDFG), stated that this bill would restore the application of statute making it clear that it is a felony to unlawfully kill, possess, or waste, within a 12-month period, a single animal or a combination of animals whose value is greater than \$1,000. He advised that IDFG commission supports the bill.

Vice Chairman Brackett asked how the monetary value for animals is determined. **Mr. Kline** spelled out that those values are defined in statute and based upon the trophy animals listed in Idaho Code § 36-1404 which defines the category values.

VOICE VOTE: The motion to send **H 528** to the floor with a **do pass** recommendation carried by **voice vote**. Senator Bair will carry the bill on the floor.

H 544 Relating to Fish and Game; regarding Wildlife Management Areas, upland game birds, and provide for hunting locations where pheasants are stocked.

Vice Chairman Brackett, stated that this bill addresses an IDFG priority to provide additional hunting opportunities for stocked pheasants. He noted that the contents of this bill were originally part of **S 1237**, which the Committee, and subsequently the Senate, approved; it was rewritten in the House to two separate bills and this bill addresses stocked pheasants. Current law limits the permit hunting requirement for stocked pheasants to state wildlife management areas. This bill amends Idaho Code to identify that an upland game bird permit is required to hunt stocked pheasants on IDFG owned lands and/or lands managed under agreement with the IDFG, and private lands enrolled in an IDFG sponsored public access program, with written permission of the land owner. This bill also amends Idaho Code § 36-1401 to expand the current requirement to wear hunter orange when hunting in locations where pheasants are stocked and the upland game bird permit is required. He reviewed that the fees have not changed.

Senator Stennett and **Vice Chairman Brackett** discussed if this bill was not substantially changed in the house, if it was against the rules to return it to our Committee; and that splitting the prior senate bill apart to two separate house bills, with the difference in wording, must have been substantial enough.

TESTIMONY: **Benn Brocksome**, representing the Idaho Sportsman Alliance (ISA), stated that as he understood it, the House's concern regarding this bill was the way that access was provided; written permission from landowners is now required and mandated. He stated that the ISA supports this bill and **H 545**, and referenced the letters in support from ISA's president (see attachment 1).

DISCUSSION: In response to questions from the Committee, **Ed Schriever**, Director, IDFG, informed that the Joint Finance-Appropriations Committee's (JFAC) action would be to separate the line item to expand the item into trailer program funding for this pheasant stocking program. This would happen once both legislative bodies vote on the bill; it has not been addressed yet as that would have been premature. **Senator Bair** confirmed the JFAC budget issues and how the trailer bill would be passed through JFAC after legislation has passed.

TESTIMONY: **Mr. Kline** stated this bill is responsive to what hunters have asked IDFG to provide and the IDFG commission supports this bill.

DISCUSSION: **Senator Guthrie** and **Mr. Kline** discussed the program being expanded to private landowners and if/how they were to be paid for the stocking to occur, the IDFG sponsored public program, and the Access Yes! eligible landowners.

In response to Committee inquiry, **Mr. Schriever** reported that IDFG does not plan to discontinue the stocking of pheasants, the bill wording was provided for clarity and inclusion of current properties and new properties. There is some very high-quality habitat on private lands which are recommended to IDFG and are reviewed by a committee for the best value for the sportsman participating in the program.

TESTIMONY: Ellary TuckerWilliams, Inter-Mountain Western States Coordinator of the Congressional Sportsmen's Foundation, submitted written testimony in support of this bill and **H 545** (see attachment 2).

MOTION: **Senator Mortimer** moved to send **H 544** to the floor with a **do pass** recommendation. **Senator Bair** seconded the motion. The motion passed by **voice vote**. Vice Chairman Brackett will carry the bill on the floor.

H 545 Relating to Fish and Game; regarding game tags for swan.

Vice Chairman Brackett explained that the IDFG commission is proposing a three-year experimental swan hunting season and the content was originally part of **S 1237**. He stated it amends Idaho Code § 36-409 to add swan to the list of game animals that an Idaho resident may hunt with a tag, with the swan hunt limited to tundra swans. There will be 50 tags offered through a controlled hunt process. In comparison, Montana gives 1,000 swan tags and started their program in 1970; Utah allows 2,700 swan tags and started doing so in 1962; Nevada releases 600 swan tags with their program starting in 1969. For clarification, most of the tundra swans are in the panhandle region of Idaho.

DISCUSSION: **Senator Jordan** and **Mr. Schriever** discussed how the bill applies to tundra swans versus trumpeter swans. **Mr. Schriever** reminded the Committee this bill has been authorized by the Pacific Flyway Council and United States Fish and Wildlife Service for a three-year experimental hunt so that IDFG can analyze how the hunt is completed and make adjustments if necessary. IDFG's intent and purpose in this bill is to harvest 50 tundra swans and not take a trumpeter swan. IDFG will evaluate this hunt process every year to make sure the hunt goes as according to plan in regards to the taking of swans.

MOTION: **Senator Bair** moved to send **H 545** to the floor with a **do pass** recommendation. **Senator Mortimer** seconded the motion. The motion passed by **voice vote**. Vice Chairman Brackett will carry the bill on the floor.

ADJOURNED: There being no further business at this time, **Chairman Heider** adjourned the meeting at 2:10 p.m.

Senator Heider
Chair

Erin Miller
Secretary