

MINUTES  
**HOUSE RESOURCES & CONSERVATION COMMITTEE**

**DATE:** Wednesday, February 17, 2021

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

**PLACE:** Room EW40

**MEMBERS:** Chairman Gibbs, Vice Chairman Lickley, Representatives Moyle, Wood, Boyle, Vander Woude, Gestrin, Mendive, Kauffman, Blanksma, Addis, Moon, Manwaring, Okuniewicz, Yamamoto, Rubel, Davis, Mathias

**ABSENT/  
EXCUSED:** Representative(s) Blanksma, Davis

**GUESTS:** Paul Kline, Idaho Department of Fish and Game

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

**MOTION:** **Rep. Mathias** made a motion to approve the minutes of the February 11, 2021 meeting. **Motion carried by voice vote.**

**Chairman Gibbs** turned the gavel over to **Vice Chair Lickley**.

**DOCKET NO. 13-0000-2000F:** **Paul Kline**, Deputy Director, Idaho Department of Fish and Game, stated this Docket as written was before the committee and approved during the 2020 Session. He indicated there were no changes made from what the committee reviewed last Session. He reminded the committee, as a result of the Governor's Red Tape Reduction Act, three chapters, 50 pages of text, and hundreds of restrictions were eliminated.

**MOTION:** **Rep. Addis** made a motion to approve **Docket No. 13-0000-2000F**. **Motion carried by voice vote.**

**DOCKET NO. 13-0104-2101:** **Paul Kline**, Deputy Director, Idaho Department of Fish and Game, stated this is a Temporary Rule Docket. He explained during the 2020 Session, the Legislature approved rulemaking that provided the Fish and Game Commission the authority to manage nonresident hunter participation in previously uncapped elk and deer hunts to not less than 10% of the total number of hunters based on the most recent five-year average. Acting on that authority, the Commission adopted new guidelines to set nonresident tag limits for all previously uncapped general elk and deer hunts to address hunter congestion and crowding. The remaining balances of deer and elk outfitter set-aside allowed the Commission to allocate nearly 100% of the outfitter reported use for deer to newly limited hunt units, but only 59% of the high reported use for elk to newly limited hunt zones. Mr. Kline remarked that temporary rulemaking is appropriate as it provided the Commission the needed flexibility to increase the outfitter tag allocation in newly limited elk zones to accommodate 100% of reported historical outfitter use for elk. Finally, this temporary rule does not impose any new fees or charges.

**MOTION:** **Rep. Wood** made a motion to approve **Docket No. 13-0104-2101**. **Motion carried by voice vote.**

**DOCKET NO. 13-0104-2002:** **Paul Kline**, Deputy Director, Idaho Department of Fish and Game, stated this Pending Rule is found in Chapter 4 of IDAPA and addresses moving controlled hunt drawing dates for the Landowner Appreciation Program (LAP) to an earlier time in the year (May 15 - June 15) to provide landowners with adequate notification of draw results for hunts beginning in August. He explained, this rulemaking will also provide the Commission the authority to limit the number of deer and elk tags

made available annually to nonresident Disabled Veterans (DAV) at nonresident DAV prices and is part of the strategy to manage nonresident hunter numbers to address hunter congestion. He remarked during the 21-day comment period there was broad support for their proposals.

**MOTION:** **Rep. Wood** made a motion to approve **Docket No. 13-0104-2002. Motion carried by voice vote.**

**DOCKET NO. 13-0108-2001:** **Paul Kline**, Deputy Director, Idaho Department of Fish and Game, stated this Pending Rule is found in Chapter 8 of IDAPA and establishes a one-year waiting period for successful controlled hunt pronghorn applicants to be consistent with current rule language that requires a one-year waiting period for successful antlered deer and elk controlled hunt applicants. He explained, a person drawn in the previous year remains eligible to apply for controlled hunts in the second application period, controlled hunts with an unlimited number of tags, or LAP hunts. Mr. Kline stated this rulemaking will help to improve controlled hunt draw odds for pronghorn. He remarked during the 21-day comment period there was broad support for their proposals.

**MOTION:** **Rep. Manwaring** made a motion to approve **Docket No. 13-0108-2001.**

**Chairman Lickley** asked for any public testimony from the audience for this Docket and any of the previous Dockets.

**Benn Brocksome**, Idaho Sportsmen stood **in support** of all the Dockets on the agenda.

**Chairman Lickley** requested the record reflect no one signed up for remote testimony on any Dockets and no one else from the audience came forward to testify.

**VOTE ON MOTION:** **Chairman Lickley** called for a vote on the motion to approve **Docket No. 13-0108-2001. Motion carried by voice vote.**

**DOCKET NO. 13-0109-2002:** **Paul Kline**, Deputy Director, Idaho Department of Fish and Game, stated this Pending Rule is found in Chapter 9 of IDAPA and will establish consistent requirements for the use of game bird tags authorized by **Idaho Code, Section 36-409(c)**, and will establish mandatory check and reporting requirements for swans. He remarked, game tags are currently authorized for turkey, crane, swan, and could encompass grouse or other species if game birds tags are authorized in the future. He stated this rulemaking will also authorize the Commission to designate two special waterfowl hunting days for Veterans and active military, will authorize the Commission to delay the opening date for pheasant season for all nonresident license holders, and will simplify the turkey hunt framework consistent with executive order requirements for rule simplification. He remarked during the 21-day comment period there was broad support for their proposals.

Committee members expressed concern Section 100 on page 16, was being written before any legislation is in place to support it and this is not, in their opinion, the process agencies should be following. After much discussion on this topic, **Mr. Kline** explained this Section is harmless as written because it doesn't depend on any new legislation since it is already in place for turkeys, cranes, and swans. The purpose was to provide a place-holder as a means to add additional species, if approved, in the future.

**MOTION:** **Rep. Gibbs** made a motion to approve **Docket No. 13-0109-2002.**

**ROLL CALL  
VOTE:**

**Rep. Boyle** requested a roll call vote on the motion to approve **Docket No. 13-0109-2002**. **Motion failed by a tie vote of 8 AYE, 8 NAY, and 2 Absent/Excused**. **Voting in favor** of the motion: **Chairman Lickley, Reps. Gibbs, Wood, Kauffman, Addis, Manwaring, Rubel, and Mathias**. **Voting in opposition** to the motion: **Reps. Moyle, Boyle, Vander Woude, Gestrin, Mendive, Moon, Okuniewicz, and Yamamoto**. **Reps. Blanksma and Davis were absent/excused**.

**MOTION:**

**Rep. Wood** indicated the Docket is still before the committee awaiting action since the motion failed on a tie vote. For that reason, he made a motion to **HOLD Docket No. 13-0109-2002** in committee time certain, Tuesday, February 23, 2021.

**SUBSTITUTE  
MOTION:**

**Rep. Mathias** made a substitute motion to approve **Docket No. 13-0109-2002**, with the exception of Section 100.

**ROLL CALL  
VOTE ON  
SUBSTITUTE  
MOTION:**

**Rep. Moon** requested a roll call vote on the substitute motion to approve **Docket No. 13-0109-2002**, with the exception of Section 100. **Motion carried by a vote of 16 AYE, 0 NAY, and 2 Absent/Excused**. **Voting in favor** of the motion: **Chairman Lickley, Reps. Gibbs, Moyle, Wood, Boyle, Vander Woude, Gestrin, Mendive, Kauffman, Addis, Moon, Manwaring, Okuniewicz, Yamamoto, Rubel, and Mathias**. **Voting in opposition** to the motion: none. **Reps. Blanksma and Davis were absent/excused**.

**Chairman Lickley** turned the gavel over to **Chairman Gibbs**.

**Chairman Gibbs** recognized **Kyra Cronin**, the committee's Page, for her excellent work during the first six weeks of the Legislative Session.

**Chairman Gibbs** put the committee at ease at 2:19pm to wait for the arrival of the next presenter.

**Chairman Gibbs** resumed the meeting at 2:34pm.

**James Curry**, Governmental Affairs Lead for the Northwestern United States, Bayer, provided an update on the Roundup litigation. He stated Roundup has been the subject of litigation for the last six years spanning the transition of the mine from Monsanto to Bayer. In January 2020, EPA released an assessment which stated Roundup and its active ingredient pose no risk to human health and is not carcinogenic. In June 2020, a settlement was announced to mitigate risk moving forward including 125,000 cases and \$9.6B in settlement payments. As part of the settlement agreement, there was no admission of any wrong doing or liability; Roundup is a transformative product in agriculture and its use will continue. He indicated the company is also prepared to set aside \$2B for future claims and settlements, and as part of multiple efforts to remain transparent with their product the company will work with EPA to revise the label to provide links to all available science.

**Randy Vranes**, Business Unit Lead for Minerals, Bayer, gave a brief update on operations. He stated they received approval for the Caldwell Canyon Mine last year and with \$328M approved to be invested in the mine to build out the infrastructure, they are looking forward to starting up operations in 2024. They are currently working in the Blackfoot Ridge Mine and will transition over to the Caldwell Canyon Mine upon its completion.

**ADJOURN:**

There being no further business to come before the committee, the meeting was adjourned at 2:48pm.

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Representative Lickley  
Chair

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Tracey McDonnell  
Secretary