

MINUTES
SENATE RESOURCES & ENVIRONMENT COMMITTEE

DATE: Wednesday, February 22, 2023

TIME: 1:30 P.M.

PLACE: Room WW55

MEMBERS PRESENT: Chairman Burtenshaw, Vice Chairman Adams, Senators Guthrie, Den Hartog, Harris, Okuniewicz, Schroeder, Semmelroth, and Taylor

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 Burtenshaw** called the meeting of the Senate Resources and Environment Committee (Committee) to order at 1:30 p.m.

S 1098: **ENVIRONMENTAL QUALITY - Amends existing law to authorize the director of the Department of Environmental Quality (IDEQ) to enter into certain voluntary contracts and agreements.** **Jess Byrne**, Director, IDEQ, explained **S 1098** modified Idaho Code § 39-105, to add a new subsection (5)(c), which allowed the director of IDEQ to enter into voluntary funding agreements with public agencies, municipal organizations, and private parties. He explained under existing language, IDEQ could only enter into voluntary funding agreements in limited instances, which were most commonly when there was a federal agency involved. He stated current cost recovery options were either to limit their participation or request additional general funds. He explained the option of entering into voluntary funding agreements would be considered on a case by case basis in instances where private parties wanted to voluntarily cover IDEQ's costs associated with their work. This legislation limited the term of these agreements to a maximum of five years. IDEQ believed it would be approximately \$180,000 per year worth of work. He clarified this would be new work and they would not replace funding for existing work. He reviewed the specific language changes in the legislation and provided examples of instances where this option might be utilized. He explained on Page 4, line 10, they accidentally omitted the word "state" and the line should read "provided by state statute and administrative rule", and he requested the Committee send **S 1098** to the amending order to correct this omission.

DISCUSSION: In response to a question from Senator Den Hartog, **Mr. Byrne** stated he was not familiar with a prohibition on entering into a contract longer than one year because of the appropriation, but there might be an issue if it is an ongoing appropriation. **Senator Semmelroth** asked how IDEQ would help ensure that these voluntary agreements did not eventually turn into mandatory agreements. **Mr. Byrne** responded this was the intent in putting the five year limit, and their intention was to include the ability for parties to remove themselves from the process with a 30 day notice. In response to a question from Senator Guthrie, **Mr. Byrne** confirmed IDEQ already had some of these voluntary cost recovery agreements, but they were only able to do so because the Federal Government included the State as part of their agreement. **Senator Guthrie** asked if Mr. Byrne thought IDEQ could remain unbiased. **Mr. Byrne** responded that he did not see this as a concern, and so far, he had not seen a case where the funding source impacted how the job was done.

- TESTIMONY:** Roy Eiguren signed up to testify, but waived the opportunity as his issues were addressed by Mr. Byrne.
- MOTION:** **Senator Okuniewicz** moved to send **S 1098** to the 14th Order of Business for possible amendment. **Senator Guthrie** seconded the motion. The motion carried by **voice vote**.
- S 1084:** **WILDLIFE - Adds to existing law to provide an exception to requirements for wildlife held captive in Idaho.** **Jeremy Chou**, Givens Pursley, representing Yellowstone Bear World, explained **S 1084** amended Idaho Code § 36-202 to clarify that animals living in a wildlife exhibit under a USDA Class C Exhibitors Licence were not generally living in a state of nature, and accordingly, were not included in the definition of "wildlife". He explained this would remove facilities such as Yellowstone Bear World, who were already regulated by the United States Department of Agriculture (USDA), from the jurisdiction of the Idaho Department of Fish and Game (IDFG). This also eliminated the duplicity of state and federal regulations of wildlife exhibits in Idaho. He stated after this legislation was printed, they reached out to IDFG, who expressed some concerns, including concerns about chronic wasting disease, so he requested the Committee send this legislation to the amending order to negotiate their concerns.
- DISCUSSION:** **Senator Taylor** asked for clarification on the definition change for wildlife under 36-202(g) compared to 36-701(d), and how this might change the importation or exportation of wildlife. **Mr. Chou** responded that the USDA regulated the importation and exportation of wildlife. He stated they require a health certificate as well as a permit from the USDA and the USDA provides oversight and regulates standards for all aspects of handling and transportation. In response to questions from Senator Guthrie, **Mr. Chou** explained the language stating USDA Class C Exhibitors, such as Yellowstone Bear World, contained animals that were not living in a state of nature was used to tie into the original language, which stated that wildlife means any form of animal life, native or exotic, generally living in a state of nature. In response to questions from Senator Okuniewicz, **Mr. Chou** clarified that the USDA and IDFG regulate the same issues, but they have different requirements, and this legislation allowed wildlife exhibits under a USDA Class C Exhibitors Licence to be regulated by only one set of requirements under the USDA. He provided multiple examples where Yellowstone Bear World followed USDA requirements to the USDA's satisfaction, but violated IDFG's rules. **Senator Semmelroth** asked if there were any more ongoing investigations related to complaints by People for the Ethical Treatment of Animals (PETA), such as the one that led to this legislation. **Mr. Chou** responded no, they had not heard from them since the USDA and IDFG investigated the last complaint.
- TESTIMONY:** **Jonathan Oppenheimer**, Idaho Conservation League, **Brian Brooks**, Idaho Wildlife Federation, and **Amber Worthington**, Deputy Director, Idaho Department of Fish and Game testified against **S 1084**. All testifying cited the rulemaking effort that addressed some of the issues that were raised in response to the PETA investigation and duplicative regulation, shared that this legislation did not address concerns about transmitting disease from captive animals to wildlife, and believed this legislation would create a significant gap in regulatory authority over captive animals maintained for exhibition in Idaho. Mr. Oppenheimer provided a handout with IDFG comments on proposed rules governing wildlife (Attachment 1).

DISCUSSION: **Chairman Burtenshaw** asked who had responsibility over animals in a regular zoo. **Trisha Hebdon**, Assistant Chief of Wildlife for IDFG, responded that all three municipal zoos in Idaho were Association of Zoological and Aquarium accredited, but zoos and aquariums owned by county or state or municipalities were not regulated. In response to a question from Senator Semmelroth, **Ms. Worthington** confirmed that IDFG did not support **S 1084** in its current form. **Senator Semmelroth** then asked if IDFG supported this legislation with the proposed amendments. **Ms. Worthington** responded that IDFG had not yet had the opportunity to amend the bill to their satisfaction. **Senator Guthrie** asked Ms. Worthington if the Committee sent this legislation to the 14th Order of Business, would IDFG enter into good faith negotiations to achieve this legislation's objective, while protecting IDFG's interests. **Ms. Worthington** agreed to do so.

MOTION: **Senator Guthrie** moved to send **S 1084** to the 14th Order of Business for possible amendment. **Senator Harris** seconded the motion. The motion carried by **voice vote**.

PRESENTATION: **Idaho Rangeland Resources Commission. Gretchen Hyde**, Director, Idaho Rangeland Resources Commission (IRRC), referred the Committee to the IRRC 2022 financial report (Attachment 2). She spoke about the broad definition of rangeland, and shared the results of an IRRC Public Opinion Poll (Attachment 3) on the use of public lands for livestock grazing. She reviewed the funding, role, and goals of the IRRC (Attachment 4), and she shared IRRC's main education and outreach programs, including their Care and Share Campaign to minimize conflict between rangeland users, their materials promoting recreational user stewardship, their Idaho Rangeland Outdoor Adventure Mobile, and their Life on the Range Video Series. She presented a video on increasing carbon storage on rangelands as a climate solution.

AGENCY UPDATE: **Idaho Department of Parks and Recreation. Susan Buxton**, Director, Idaho Department of Parks and Recreation presented an update of the Idaho Department of Parks and Recreation (IDPR). In addition to her presentation (Attachment 5), she provided four letters of support for additional IDPR funding (Attachment 6), and a 2023 Economic Impact Update (Attachment 7). She provided an overview of IDPR responsibilities and the economic impact of their programs and visitation. She reviewed IDPR's increased visitation, increased staffing needs, and the use of prior year appropriations and investments to address maintenance and expand capacity and access. She spoke about IDPR's off-highway vehicle media campaign to promote responsible off-highway vehicle use. She concluded with a review of 2022 performance measures.

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

Senator Burtenshaw
Chair

Shelly Johnson
Secretary