

MINUTES
HOUSE RESOURCES & CONSERVATION COMMITTEE

DATE: Wednesday, March 15, 2023

TIME: 1:30 P.M.

PLACE: Room EW40

MEMBERS: Chairman Mendive, Vice Chairman Shepherd, Representatives Boyle, Vander Woude, Blanksma, Manwaring, Yamamoto, Raybould, Durrant, Hill, Mickelsen, Nelsen, Pickett, Raymond, Tanner, Burns, Necochea, Galaviz

**ABSENT/
EXCUSED:** Representatives Blanksma, Tanner

GUESTS: The sign-in sheet will be retained in the committee secretary's office; following the end of session the sign-in sheet will be filed with the minutes in the Legislative Library.

Chairman Mendive called the meeting to order at 1:31 P.M.

MOTION: **Rep. Durrant** made a motion to approve the minutes of March 9 and March 13, 2023. **Motion carried by voice vote.**

**UNANIMOUS
CONSENT
REQUEST:** **Chairman Mendive** requested unanimous consent to re-order the agenda to consider **S 1084aa** first. There being no objection, the order was changed.

S 1084aa: **Rep. Judy Boyle**, District 9, presented the bill. It would allow three private wildlife exhibitors with a USDA Class C Exhibitors License to be treated the same as city zoos. The Department of Fish and Game would still be able to regulate importations of deer and elk to control for instances of Chronic Wasting Disease. The bill is brought on behalf of Yellowstone Bearworld, a family-owned drive-through wildlife park which has been operating near Rexburg for over 25 years. The amendment in the Senate was brought at the request of the Department of Fish and Game (IDFG).

Jonathan Oppenheimer, external relations director of the Idaho Conservation League, testified **in opposition** to the bill.

In response to questions from the committee, **Mr. Oppenheimer** said the bill would remove a current requirement for bonds under IDFG rule.

Jeremy Chou, attorney at Givens Pursley representing Yellowstone Bearworld, testified **in support** of the bill.

In response to questions for the committee, **Mr. Chou** noted there is no bonding requirement under USDA regulations but the insurance policy would remain. OSHA would still have oversight over the business. IDFG would still have the ability to review Yellowstone Bearworld's records, but would no longer have the ability to inspect the facility, though USDA would still have that power.

In response to further questions from the committee, **Tricia Hebdon**, Assistant Chief of Wildlife at the Department of Fish and Game, said USDA can do surprise inspections and has done so at least once a year for the last 20 years, and more frequently in case of complaints. The bill would remove two facilities from IDFG's regulation, which would lessen the regulatory burden for the agency. IDFG would know through USDA records the types and numbers of animals on the property. She noted the Department has a good working relationship with Yellowstone Bearworld, and she does not foresee any obstacles to IDFG inspecting their records. IDFG would retain oversight over the cervids (deer, elk, etc.) at Bearworld, but none of the other animals.

Lorren Oesch, a preschool teacher from Boise, testified **in opposition** to the bill.

In closing, **Rep. Boyle** pointed out the required records for import, possession, or sale of wildlife are currently in state code and the USDA regulations. In response to questions from the committee, she noted the bill does not affect the Boise Zoo. **Ms. Hebdon** clarified IDFG does not have authority over the Boise Zoo, though they maintain a good working relationship as any county or municipal zoo is exempt from the regulations in question.

MOTION: **Rep. Raymond** made a motion to send **S 1084aa** to the floor with a **DO PASS** recommendation. **Motion carried by voice vote. Reps. Burns and Galaviz** requested to be recorded as voting **NAY. Rep. Boyle** will sponsor the bill on the floor.

Rep. Raymond noted he ranches near Yellowstone Bearworld, and while he was skeptical when they opened, they have been highly professional in their operations and keep a well-maintained facility with healthy animals.

S 1112: **Rep. Josh Wheeler**, District 35, presented the bill, which would add Bear Lake to a section of code which preserves the lakes and waters of Idaho. It would maintain Idaho's sovereignty, encourage collaboration among agencies and stakeholders, and protect the endemic species in the lake.

Paul Arrington of the Idaho Water Users Association testified **in support** of the bill.

Claudia Cottle, representing Bear Lake Watch, testified **in support** of the bill.

MOTION: **Rep. Mickelsen** made a motion to send **S 1112** to the floor with a **DO PASS** recommendation. **Motion carried by voice vote. Rep. Wheeler** will sponsor the bill on the floor.

HJM 5: **Rep. Sage Dixon**, District 1, presented the memorial, which would petition the federal government to delist grizzly bears as endangered species. The result of delisting would allow Idaho, along with the federal government, to help manage conflicts between grizzly bears and humans and livestock.

Jonathan Oppenheimer, external relations director of the Idaho Conservation League, testified **in opposition** to the memorial.

In response to questions from the committee, **Mr. Oppenheimer** said he is unfamiliar with any program through which the Idaho Conservation League has paid any funds for depredations caused by grizzly bears.

Darcy Lammers of Bonners Ferry testified **in support** of the memorial.

In response to questions from the committee, **Mr. Lammers** clarified recovery of the species is said to be impossible in some recovery zones due to smaller size and the lack of a national park or similar preserve as a core habitat. He also noted he was not compensated when his daughter's 4-H lambs were killed by a grizzly bear on his farm due to US Fish and Wildlife Service policy not to reimburse for damages caused by endangered species. The individual bear in question was a known problem bear; it was trapped and ultimately euthanized.

Chyla Wilson, representing the Idaho Farm Bureau Federation, testified **in support** of the memorial.

In closing, **Rep. Dixon** stressed the challenge of basing measurements of healthy bear populations based on the numbers in individual small areas.

MOTION: **Rep. Pickett** made a motion to send **HJM 5** to the floor with a **DO PASS** recommendation. **Motion carried by voice vote. Reps. Necochea and Galaviz** requested to be recorded as voting **NAY. Rep. Dixon (1)** will sponsor the memorial on the floor.

S 1085: **Tim Frost**, Deputy Administrator at the Division of Occupational and Professional Licenses, presented the bill, which would move several definitions regarding outfitter and guide licensing from rule into code, and eliminate duplicative licenses to make it easier for guides to work for multiple outfitters. The bill does not change any fee schedules or dedicated funding.

Tricia Hebdon, Assistant Chief of Wildlife at the Department of Fish and Game, testified **in support** of the bill.

MOTION: **Rep. Mickelsen** made a motion to send **S 1085** to the floor with a **DO PASS** recommendation. **Motion carried by voice vote.** **Chairman Mendive** will sponsor the bill on the floor.

Gary Spackman, Director of the Idaho Department of Water Resources, summarized his department's performance reports. He noted four of the nine measures relate to water rights, and in this area the workload has been growing.

In response to questions from the committee, **Director Spackman** said the influx of new population to the state is playing a role in the increased water right activity. In response to a question about the Department being behind on its goals of groundwater recharge in the Snake River basin, he noted recharge efforts are dependent on snowpack and rain, which are outside the Department's control, and the goals in question are an average rather than an annual target. He explained the correlation between groundwater recharge and groundwater monitoring.

ADJOURN: There being no further business to come before the committee, the meeting was adjourned at 2:59 P.M.

Representative Mendive
Chair

Cameron Douglas
Secretary