

MINUTES
SENATE RESOURCES & ENVIRONMENT COMMITTEE

DATE: Wednesday, January 17, 2024

TIME: 1:30 P.M.

PLACE: Room WW55

MEMBERS PRESENT: Chairman Burtenshaw, Vice Chairman Bruner (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 1:31 p.m.

GUBERNATORIAL APPOINTMENT VOTE: **Senator Schroeder** moved to send the Gubernatorial appointment of Mathew Weaver of Boise, Idaho as Director of the Idaho Department of Water Resources to the floor with recommendation that he be confirmed by the Senate. **Senator Den Hartog** seconded the motion. The motion carried by **voice vote**.

DOCKET NO. 13-0104-2301 **Rules Governing Licensing - Temporary and Proposed Rule. Amber Worthington**, Deputy Director, Idaho Department of Fish and Game (IDFG) presented all rule changes for IDFG. She referred during her presentations to the 2024 Resources & Environment Committee Pending Rules Review Book on the Idaho State Legislature website. She explained this Docket supported the implementation of changes to IDAPA 13.01.04 Section 506 made in the 2023 legislative session. This Docket removed the limit for outfitter tag set-aside, which then allowed flexibility for the Idaho Fish and Game Commission (IFGC) to meet the basis for outfitter tag allocation as outlined in 2023.

DISCUSSION: In response to a question from Senator Burtenshaw, **Ms. Worthington** explained that the noted first-come, first-serve basis in Section 500.01 applied to regular hunters, or over-the-counter sales for nonresidents, not outfitters.

MOTION: **Senator Harris** moved to approve **Docket No. 13-0104-2301**. **Senator Schroeder** seconded the motion. The motion carried by **voice vote**.

DOCKET NO. 13-0106-2301 **Rules Governing Classification and Protection of Wildlife (ZBR Chapter Rewrite) - Proposed Rule. Ms. Worthington** explained that changes to this chapter primarily addressed common and scientific names. Most scientific names were removed, with the exception of the genus and species that must be identified due to season setting complications or specificities in what was allowable to hunt or harvest. Scientific names for native salmon and trout species for benefits of Endangered Species Act regulatory mechanisms were left intact. Changes also updated common and scientific names to follow recognized taxonomic and nomenclatural authorities in North America and created a new section specific to anadromous game fish.

MOTION: **Senator Den Hartog** moved to approve **Docket No. 13-0106-2301**. **Senator Harris** seconded the motion. The motion carried by **voice vote**.

**DOCKET NO.
13-0108-2301**

Rules Governing Taking of Big Game Animals - Proposed Rule. Ms. Worthington explained changes to this Docket related to the muzzleloader only season. As a result of concerns brought by sportsmen around the availability of projectiles, IDFG engaged in negotiated rulemaking and provided public comment opportunities. Changes included removing the words non-jacketed, changing lead or lead alloy to metal or metal alloy, and providing allowance for the use of pressure bases and polymer tips.

DISCUSSION:

Senator Okuniewicz stated that it had come to his attention that there were some who believed the changes in this Docket needed more research.

MOTION:

Senator Okuniewicz moved that **Docket No. 13-0108-2301** be held subject to call of the Chair. **Senator Den Hartog** seconded the motion. The motion carried by **voice vote**.

**DOCKET NO.
13-0111-2301**

Rules Governing Fish (ZBR Chapter Rewrite) - Proposed Rule. Ms. Worthington explained IDFG took the opportunity to restructure, update, and clarify rules content in this chapter, which underwent major modifications, relocation of content throughout the chapter, and streamlining. Changes included allowances around the live transport of crayfish, which made this legal as long as they were not invasive species, an electronic tag option for salmon and steelhead fishing, and integrating Section 1301.12, which was the rules governing commercial fishing, into this Section. **Ms. Worthington** shared that the only changes of note to Section 1301.12 prior to their consolidation updated the rule to reflect current practices, such as revising the license process from permit to application, and removing fish species with no commercial opportunities. Most other changes were related to cleanup, reducing redundancy, and clarifying language that was confusing to anglers.

DISCUSSION:

Senator Okuniewicz asked for more information on the electronic tag concept and if this was something IDFG intended to expand. **Ms. Worthington** responded that the electronic tag concept was under development with the intent to release this option for salmon and steelhead fishing on April 1, 2024. She added that IDFG intended to add other tagging options if they could develop ways to make them work. In response to a question from Senator Schroeder, **Ms. Worthington** confirmed that **Docket No. 13-0112-2301** was deleted and incorporated into this Docket. As a follow up, **Senator Schroeder** stated that a vote on **Docket No. 13-0111-2301** should be done together with a vote on **Docket No. 13-0112-2301**. **Chairman Burtenshaw** asked for an explanation of Commercial Gear Tags, noted on page 47. **Joe Zacha**, State Fisheries Manager, Idaho Department of Fish and Game, responded that this related to commercial fishing licenses and enforcement and that commercial fishermen had to affix their commercial tags to their gear, such as large nets, seines, or commercial crayfish traps.

**DOCKET NO.
13-0112-2301**

Rules Governing Commercial Fishing (ZBR Chapter Repeal) - Proposed Rule. Ms. Worthington explained this Section was proposed for repeal as it was incorporated into the prior Section.

MOTION:

Senator Schroeder moved to approve **Docket No. 13-0111-2301** and **Docket No. 13-0112-2301**. **Senator Taylor** seconded the motion. The motion carried by **voice vote**.

**DOCKET NO.
13-0115-2301**

Rules Governing the Use of Dogs (ZBR Chapter Rewrite) - Proposed Rule Ms. Worthington explained changes to this Docket focused on updating language and making clarifications, such as changing the words "a dog" or "dogs" to "one or more dogs", revising the words "take" or "taking" to "hunt" or "hunting", and adding language to clarify requirements for outfitters and the need for a Hound Hunter Permit. Language related to nonresident permit exemptions was modified or removed to be consistent with IFGC, and the section related to the use of captive propagated game birds was restructured to ensure consistency and eliminate redundancy.

MOTION:

Senator Harris moved to approve **Docket No. 13-0115-2301**. **Senator Den Hartog** seconded the motion. The motion carried by **voice vote**.

ADJOURNED:

There being no further business as this time, **Chairman Burtenshaw** adjourned the meeting at 1:55 p.m.

Senator Burtenshaw
Chair

Shelly Johnson
Secretary