

MINUTES
SENATE RESOURCES & ENVIRONMENT COMMITTEE

DATE: Wednesday, January 29, 2025

TIME: 1:30 P.M.

PLACE: Room WW55

MEMBERS PRESENT: Chairman Sessions (Burtenshaw), Vice Chairman Hart, Senators Guthrie, Harris, Okuniewicz, Cook, VanOrden, Kohl, 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: **Vice Chairman Hart** called the meeting of the Senate Resources and Environment Committee (Committee) to order at 1:30 p.m.

RS 31977 **Relating to Irrigation District Contracts. Paul Arrington**, Executive Director, Idaho Water User's Association, explained this legislation provided an exception in Idaho Code to allow irrigation districts to enter contracts relating to recharge activities, even if a director or officer had an interest in the contract, provided that the director or officer received none of the profits from that contract.

MOTION: **Senator Okuniewicz** moved that **RS 31977** be sent to print. **Acting Senator Sessions** seconded the motion. The motion carried by **voice vote**.

RS 31978 **Relating to Irrigation and Drainage. Mr. Arrington** explained this legislation amended Idaho Code § 42-909 to recognize that in addition to irrigation districts, canal companies and other irrigation entities could receive a petition from those on a lateral who may be disputing management of that lateral and help them resolve their dispute. This revision was requested by water users in the Wood River Valley.

DISCUSSION: **Senator Guthrie** asked if this legislation would make it not possible for the canal company and the laterals to be one unit, and administered as such, with the lateral expense kept separate. **Mr. Arrington** responded that this legislation did not affect local arrangements for billing and maintenance type of agreements.

MOTION: **Senator Guthrie** moved that **RS 31978** be sent to print. **Senator Taylor** seconded the motion. The motion carried by **voice vote**.

GUBERNATORIAL APPOINTMENT: **Committee Consideration of the Gubernatorial Appointment of Mike Roach of Fairfield, Idaho to the Idaho Fish and Game Commission** (Commission) to serve a term commencing August 29, 2024, to June 30, 2028. **Mr. Roach** presented before the Committee and told them a bit about himself. He was a lifetime resident of Idaho and enjoyed fishing and hunting. He had a degree in wildlife fisheries from the University of Idaho. He had worked with multiple state and federal agencies while working as the State Natural Resources Director for Senator Risch.

DISCUSSION: **Vice Chairman Hart** asked how geographically diverse the board was. **Mr. Roach** responded that the board represented seven regions from all over the State. **Senator Cook** asked for the biggest challenge facing the Commission. **Mr. Roach** responded that the biggest challenge was being able to manage Idaho's resources. **Acting Senator Sessions** requested introductions of the members of the Commission that were in the audience. **Mr. Roach** introduced Ron Davies, Chairman, representing the Salmon area, Brody Harshbarger from the Upper Snake Region, himself representing the Magic Valley Region, Tim Murphy representing the Southwest Region, Don Ebert representing the Clearwater Region, and Dave Bobbitt representing the Coeur d'Alene area.

GUBERNATORIAL REAPPOINTMENT: **Committee Consideration of the Gubernatorial Reappointment of Ronald Davies of Clayton, Idaho to the Idaho Fish and Game Commission** to serve a term commencing June 30, 2024, and expiring June 30, 2028. **Mr. Davies** presented before the Committee and told them a bit about himself. He was a lifetime resident of Idaho, an avid hunter and fisherman, and a retired firefighter and paramedic. He had served on the Commission for four years and had spent the last few months as the Commission's chairman.

DISCUSSION: **Senator Cook** asked what Mr. Davies thought was the biggest asset he brought to the Commission. **Mr. Davies** responded that his biggest asset would probably be his passion for the resources that they manage. **Senator Guthrie** asked what was being done to address the problem of invasive wild turkeys. **Mr. Davies** responded that wild turkeys could be difficult to manage and somewhat of a nuisance. He knew that Idaho Fish and Game (IDFG) had relocated some problem birds in the past, and he hoped that they could continue to keep them controlled. **Senator VanOrden** asked for Mr. Davies's experience interacting between IDFG and the Tribal Fish and Game Department, because she noticed that some depredation tags had been given to people hunting elk that likely traveled on and off the Fort Hall Reservation. **Mr. Davies** responded that he did not have a lot of knowledge in that regard, although he knew this was a problem, particularly in the heavy winter months.

Vice Chairman Hart asked about the need for a wildlife overpass or underpass for the elk wintering near the Interstate 15 and causing accidents, and for the status of this type of facility across the State. **Mr. Davies** responded that he thought that these overpasses were vitally important to the migration routes of Idaho's big game animals and for avoiding conflicts with motor vehicles. He shared that IDFG took the Commission on a tour of the overpass by Lucky Peak, which was a vast improvement over the processes used in the past. He thought IDFG was good at working with the Idaho Department of Transportation to identify problem areas and rectify them. **Senator Taylor** thanked Mr. Davies for his service as a firefighter. **Acting Senator Sessions** asked for an update on the management of grizzly bears. **Mr. Davies** responded that Idaho wanted to manage the grizzly bear population, but their hands were tied by federal lawsuits.

DOCKET NO.
13-0102-2401

Rules Governing Mandatory Education, Mentored Hunting, and Shooting Ranges - Temporary and Pending Rule. **Amber Worthington**, Deputy Director of Programs and Policy, IDFG, referred the Committee to the 2025 Senate Resources and Environment Pending Rules Review Book, with the temporary rule on page 4 of the Temporary Rules Book, and on page 6 of the Pending Rules Book. She explained the temporary and pending rules were the same, and intended to support the tradition of black bear hunting in Idaho. The rule required passage of an online test to prevent mistaken identity and potential killing of grizzly bears by black bear hunters. She stated reviewing the companion education material and completing the test involved a small time investment by the hunter.

DISCUSSION: **Senator Guthrie** asked what the pass fail rate of the test was. **Ms. Worthington** responded there was no recorded rate because if you failed, you could take the test over and over until you passed. **Senator Van Orden** asked what other states did this testing. **Ms. Worthington** responded that there were at least two and they were Washington and Montana. **Acting Senator Sessions** asked what the consequences were if a hunter accidentally shot a grizzly that they thought was a black bear after they passed the test. **Ms. Worthington** did not know the penalties, but stated she would get back to the Committee with that information.

MOTION: **Senator Kohl** moved to approve **Docket No. 13-0102-2401**. **Senator Cook** seconded the motion. The motion carried by **voice vote**. **Acting Senator Sessions** requested that she be recorded as voting nay.

DOCKET NO. 13-0107-2401 **Rules Governing Taking of Wildlife - Pending Rule.** **Ms. Worthington** referred the Committee to the 2025 Senate Resources and Environment Pending Rules Review Book, starting on page 9. She explained this rule revised four game management zones, the Owyhee, the Boise River, the Big Desert, and the Snake River, to facilitate more effective management. This revision incorporated staff recommendations that modified zone boundaries to address emerging issues such as human development, habitat loss, and increased tourism. In addition, language was added to reinforce and reaffirm Idaho's legal and policy position that the federal government could not commandeer Idaho personnel and resources to implement or enforce federal laws regulating the take of wildlife.

DISCUSSION: **Senator Cook**, **Senator Okuniewicz**, and **Vice Chairman Hart** asked if this language was in statute, or might be more appropriate in statute. **Ms. Worthington** stated she would get back to the senators regarding this question.

MOTION: **Senator Van Orden** moved to hold **Docket No. 13-0107-2401** subject to call of the Chair. **Senator Okuniewicz** seconded the motion. The motion carried by **voice vote**.

DOCKET NO. 13-0111-2401 **Rules Governing Fish - Pending Rule.** **Ms. Worthington** referred the Committee to the 2025 Senate Resources and Environment Pending Rules Review Book, starting on page 13. She explained this rulemaking was brought in response to a petition to IDFG from a group of spearfishing enthusiasts in North Idaho. Through negotiated rulemaking, IDFG worked with interested parties and made the changes represented in this docket. Staff added the definition shown in Section 011.08 for spearfishing to differentiate between using a physical spear above water and the activity of spearfishing which takes place underwater, modified Section 200.02.a to clarify that unprotected fish may be taken by the methods shown as long as there was an open season for game fish, and modified Section 200.02.b, which gave IDFG the authority to set game fish take by proclamation.

DISCUSSION: **Senator Taylor** asked why the rule mentioned both bow, arrow, and crossbow, but there was no mention of archery or bow fishing. **Ms. Worthington** responded that bow fishing was an above water activity and not covered under spearfishing.

MOTION: **Senator Guthrie** moved to approve **Docket No. 13-0111-2401**. **Senator Harris** seconded the motion. The motion carried by **voice vote**.

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

Senator Hart
Vice Chair

Shelly Johnson
Secretary