

MINUTES
SENATE RESOURCES & ENVIRONMENT COMMITTEE

DATE: Wednesday, March 04, 2026

TIME: 1:30 P.M.

PLACE: Room WW55

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

DOCKET NO. 13-0104-2401 **Rules Governing Licensing (ZBR Chapter Rewrite) - Pending Rule**, p. 9. **Amber Worthington**, Deputy Director, Idaho Department of Fish and Game (IDFG), explained the three rules dockets on the agenda were initiated in compliance with the Governor's Zero-Based Regulation Executive Order. Each set of rules underwent the traditional negotiated rulemaking process where the public and or interested parties were directly engaged and their comments taken into account when making changes to the rules.

Ms. Worthington explained **Docket No. 13-0104-2401** covered anything related to licenses, tags, permit eligibility, sales, and use. A non-resident tag issuance advisory group was formed in 2024 to review current processes for how the IDFG issued general season deer and elk tags to non-residents, and to develop recommendations to the Fish and Game Commission (Commission) on potential changes and improvements. The recommendations of the advisory group were integrated into this Docket. Changes that were not directly addressed were changes to clean up, clarify, or simplify existing language. Notable changes were:

- Section 010, page 11, language was added for the proposed new non-resident draw framework, which had historically been a first-come, first-served sale and was now an application-required draw, including definitions for Capped Hunt, Controlled Hunt, Leftover Tag, NR DAV Draw Hunt, NR Draw Hunt, NRL Hunt, and Over the Counter.
- Section 010.08, page 12, added "at least 79 acres of land" to the eligible property definition. This provided reasonable acreage for a turkey-controlled hunt in the Landowner Appreciation Program (LAP) and landowner permission hunts.
- Section 200.01, page 14, added trapping to the lifetime licenses certificate option.
- Section 304.01.c, page 17, revised to clarify that an optometrist can certify visual disability for a reasonable modification permit.
- Sections 310, 311, 312, and 315, starting on page 19, anything related to licenses, tags, permits, eligibility, sales, and use that was in 13.01.08 was moved, without substantive changes, to this chapter to assist in streamlining and providing consistency of understanding and use.

- 315.01.a, page 20, raised the minimum threshold of resident-controlled hunt tags available before a non-resident tag was available from 10 to 19, revised the 10 percent non-resident controlled hunting limit to apply at 20 tags rather than 10, and no non-resident tags would be issued if a controlled hunt only offered up to 19 tags.
- Section 320, page 20, reiterated that an Idaho license was required to apply to a controlled hunt.
- Section 320.07, page 21, added the "79 acres of land" provision to the landowner permission hunt type for turkeys.
- Section 320.08, page 21, added a new herd health landowner permission hunt to address health related issues affecting wildlife, such as chronic wasting disease.
- Section 330, page 22, moved language from 13.01.08, consolidated and restructured into individual sections to make the IDFG website and proclamation brochure the ultimate reference for deadlines and information around controlled hunts, and clarified application requirements and rules pertaining to deadlines.
- Sections 340 and 350, page 23, updated language for the non-resident draft framework. Other language in section 350 was moved from 13.01.08.
- Section 400.01, page 25, added language to include turkey as a species eligible for LAP.
- Section 400.07, page 26, added stronger language to reinforce the illegality of selling, marketing, and purchasing LAP-controlled hunt tags.
- Section 550.01, page 29, combined quotas for deer tags into one amount. The numbers themselves did not change.
- Section 550.03.b, page 29, removed the ability for a non-resident to buy a tag and assign it to someone else.
- Page 30, 31, and 32, sections 601 and 602, consolidated all refund language under one section, and added eligibility language.
- Section 700.02 and 800.02, pages 32 and 34, revised the validity for bighorn sheep auction and lottery tags. Big game management units 11, 13, and 18 were added as potential hunting areas for auction tags, and 13 and 18 were added as potential hunting areas for lottery tags should seasons be open in those game management units.
- Section 801, page 34, was moved from 13.01.08. Language was streamlined to provide clarity on how the Super Hunt program works.
- Sections 900 and 901, pages 36 and 37, the same changes were made to both sections. Changes included removing moose as an eligible species, requiring at least 10 tags in a controlled hunt before they became available for these programs, and providing the Director the discretion to require a new selection of a controlled hunt if both programs had applicants asking for the same controlled hunt in a given year.

DISCUSSION:

Senator Okuniewicz asked how IDFG determined the figure of 79 acres for LAP. **Ms. Worthington** responded that was a quarter of a quarter of a section of land (640 acres).

MOTION:

Senator Harris moved to approve **Docket No. 13-0104-2401**. **Senator Guthrie** seconded the motion. The motion carried by **voice vote**.

**PASSED THE
GAVEL:**

Chairman Burtenshaw passed the gavel to Vice Chairman Hart.

**DOCKET NO.
13-0117-2401**

Rules Governing Use of Bait for Hunting Big Game Animals (ZBR Chapter Repeal) - Pending Rule, p. 70. **Ms. Worthington** referred the Committee to their Pending Rules Review Book page 71. She explained **Docket No. 13-0117-2401** repealed the content of 13.01.17.2401 and moved it into 13.01.08.2401.

MOTION:

Senator Guthrie moved to approve **Docket No. 13-0117-2401**. **Senator Harris** seconded the motion. The motion carried by **voice vote**.

**DOCKET NO.
13-0108-2401**

Rules Governing Taking of Big Game Animals (ZBR Chapter Rewrite)- Pending Rule, p. 39. **Ms. Worthington** referred the Committee to their Pending Rules Review Book starting on page 41. She stated she would present the bulk of changes in **Docket No. 13-0108-2401**, but would skip Sections 410.04.g and h, which would be presented by Ellery Tucker Williams.

Ms. Worthington reviewed notable changes:

- Section 010, starting on page 41, "bait" as a definition was moved from 13.01.17 and consolidated with language from section 410.04.b on page 55, and a definition for verifier was added.
- Section 200, page 42, language was moved to another section, and language was added for clarity.
- Section 250 to 270, pages 42 to 50, language related to license tag or permit eligibility sales or use was moved to 13.01.04.
- Section 270, page 50, removed due to redundancy.
- Section 320.01, page 51, revised language to clarify how tags were validated and added language providing the Commission the option to offer electronic tagging in the future.
- Section 405.01c, page 53, added an exception to allow the use of verifiers.
- Section 406, page 53, updated the legalization of sabots per H 128 (2025).
- Section 408.01, page 54, added a centerfire open sites season option to address concerns around mule deer populations and long-range weapons use.
- Sections 407.01.c and 410.02, pages 54 and 55, removed restrictions that were not easily enforced, such as draw weight, and left off percentage for compound bows. Updates also aligned rule to statute changes from H 507 (2022) that legalized expanded broadheads and lighted knocks.
- Section 411, page 56, revised the motorized hunting rule, including moving the use restriction date from December 31 to November 14 to allow for mountain lion hunter access and removing areas with low travel use.
- Section 500.01, page 58, language was revised to authorize mountain lion or wolf hunting on private property within one half mile of an active department big game feeding site.
- Section 610, page 60, added language that authorized the Director the authority to issue kill authorizations to private landowners for management of wildlife disease, such as chronic wasting disease.
- Sections 700 and 701, page 60 and 61, content was brought over from 13.01.17 and metal was removed from the prohibited list under 700.04.a.

- Section 702, page 61, made permanent the temporary rule that required anyone who witnessed a grizzly bear over a black bear bait site to immediately report it, stop using the site, and remove the bait.

DISCUSSION:

Vice Chairman Hart asked if evidence was needed before a herd health kill authorization. **Tricia Hebdon**, Assistant Chief of Wildlife, IDFG, responded that if IDFG had a suspicion, first they would work with the private land owner to try to get samples from those animals. They would also work with the Idaho State Department of Agriculture (ISDA) to make sure that diseases they suspected were not going to affect domestic livestock. Once they received a definitive diagnosis, IDFG would work with the landowner and ISDA to decide on the next steps, which would depend on the disease.

Ellary TuckerWilliams, Legislative and Community Engagement Coordinator, IDFG, reviewed changes to Section 410.04.g and h. She referred the Committee to her handout on IDFG's hunting and advanced technology working group recommendations (Attachment 1). She provided some background of what led to the updates in this section. She explained that Idaho has worked to balance hunter opportunity, wildlife management objectives, and evolving technology while upholding fair-chase ethics. In response to increasing public concern, the Commission formed the Hunting and Advanced Technology (HAT) Working Group to assess what technologies were appropriate in the pursuit of game and to recommend policy. The group was comprised of 23 Idahoans representing a wide range of hunting perspectives. They met with professional facilitation, heard from other states and industry, and reviewed extensive public input. She reviewed the results of a random statewide survey of big game hunters. That survey found strong opposition to several technologies: transmitting trail cameras, smart optics, night vision, thermal imaging, and drones. A strong majority also opposed reducing tags or shortening seasons to accommodate advanced technology. The working group reached consensus on eight recommendations and narrowly missed consensus on three (thermals, night vision, transmitting trail cameras), largely over enforceability concerns. The Commission then proceeded with negotiated rulemaking, including statewide meetings and comment periods.

Ms. TuckerWilliams reviewed the proposed changes to **Docket No. 13-0108-2401** Section 410.04.g and h:

First, it clarified that for the taking of big game, smart optics attached to a weapon were prohibited, except for traditional scopes with battery-powered tritium or lighted reticles, as currently authorized through reasonable modification permits.

Second, on page 56, it stated from August 30 through December 31, no person may use the following for scouting, hunting, or retrieval of big game:

- thermal imaging technology
- night vision technology
- transmitting trail cameras

Limitations applied only to transmitting trail cameras, and only when used for hunting or scouting on public property.

Third, the rule included updated language on aircraft and drones, with clarifying provisions to ensure that backcountry pilots ferrying people or gear were not affected by these restrictions.

Ms. TuckerWilliams reviewed some of the changes made based on public input and Commission direction, the extensive discussion regarding retrieval that led to the recommended of no retrieval allowance, and the unchanged language and exceptions for the taking of wolves. Proposed restrictions did not change the expanded methods of take already in place for wolves and did not restrict livestock producers' ability to use these technologies to monitor or protect livestock.

TESTIMONY:

Nick Fasciano, Idaho Wildlife Federation, **Tal Sampson**, **Rob Thornberry**, Idaho Field Representative for the Theodore Roosevelt Conservation Partnership, **Craig Wilson**, **Gary Peck**, **John Cristensen**, **Brock Maynard**, **Nicole Swafford**, **Ken Crane**, HAT Working Group Chairman, and **Mike Garrett** testified in favor of **Docket No. 13-0108-2401**. They agreed it was time for Idaho to address the use of advanced technology in hunting seasons. They emphasized the importance of fair-chase ethics and preserving traditional hunting for future generations. They also voiced concern for Idaho's wildlife populations, noting that excessive harvest, which was made easier with high-tech equipment, could eventually force IDFG to reduce hunting opportunities for residents. They pointed out that every Western state except Idaho, including those in the Pacific Northwest, the Rocky Mountains, California, Hawaii, Alaska, and British Columbia, already restricted the use of technologies like thermals, drones, and night vision during hunting seasons. They expressed concern that if Idaho remained a high-tech hunting destination, it would draw more non-residents who could gain a significant advantage through technology. Many who testified were members of the HAT Working Group.

Justin Webb, Executive Director for the Foundation for Wildlife Management, and **Dexton Lake**, Idaho Farm Bureau, testified against **Docket No. 13-0108-2401**. **Mr. Webb** shared concerns that this legislation would limit Idaho's ability to manage its wolf population, which had already been substantially reduced by ongoing grizzly bear litigation. He reminded the Committee that S 1211, passed in 2021, made all lawful tools used to harvest coyotes also lawful for wolves. He added that Article I, Section 23 of the Idaho Constitution clearly stated that public hunting, fishing, and trapping should be the preferred means of managing wildlife. He believed Idaho sportsmen and ranchers could not afford to lose another tool used to manage wolves.

Mr. Lake stated he believed when IDFG amended the original published rule from big game ungulates to big game, it made the rule illegal, as big game includes wolves. Idaho Code § 36-2012 stated in part: Notwithstanding the classification assigned to wolves, all methods of take shall be authorized for the management of wolves. He advocated for allowing all stakeholders to be involved in a conversation during this year's interim to ensure changes to **Docket No. 13-0108-2401** included allowing the tools needed for wolf control.

DISCUSSION:

Senator Taylor asked Mr. Thornberry how the HAT Working Group, of which he was a member, managed to find unanimous agreement among 23 members. **Mr. Thornberry** responded through conversations and work. The group had eight meetings that were watched by the public and spent countless hours studying and talking to people. He did not think hunters would ever agree on everything, but they did agree on the family hunting tradition.

Senator Harris asked Ms. Swafford if the HAT Working Group discussed the wolf issue and the difference between big game and big game ungulates. **Ms. Swafford** responded that they had an extensive discussion about wolves. She thought that if they made an exception for wolves, everyone would become a wolf hunter. She stated between July 2021 to January 2026 there were 1,797 wolves harvested in Idaho, only eight of those were harvested using thermal imaging, and none were taken during the 77 days covered by the prohibition window. **Senator Harris** asked why there were no wolves killed in that 77 days. **Ms. TuckerWilliams** responded that it was not that no wolves were harvested, but according to their reporting, during that timeframe no wolves were harvested using thermals.

Senator Kohl asked Mr. Crane for his response to the point brought up about the 2005 legislation regarding wolves. **Mr. Crane** stated he was not an expert on the different rules regarding wolves, but he felt that there were enough rules and legislation in place that allowed a livestock owner to address depredation issues.

TESTIMONY:

David Silcock testified against **Docket No. 13-0108-2401**. He explained that current rules allowed him to use technologies such as transmitting trail cameras, night vision, and thermal optics to locate and pattern predators in all 99 Idaho big-game units year-round. Under the proposed rule change, however, he would be prohibited from using these tools from August 30 to December 31 in 55 units and from November 15 to December 31 in the remaining 44 units, which covered the most effective period for locating, patterning, and harvesting predators. He noted that throughout the rulemaking process, the public was assured that these restrictions would apply only to big-game ungulates, not to predators such as mountain lions, wolves, and bears. While he agreed that regulating some of these technologies for big game was appropriate, he disagreed with extending those restrictions to predators. He also emphasized that stating only eight wolves were taken using thermals did not account for how they were located in the first place.

DISCUSSION:

Senator Okuniewicz stated he agreed that something needed to be done to address this use of technology, but thought implementing these rules probably violated the Idaho Constitution. **Senator Taylor** asked if implementing these rules would negatively affect wolf control in the State of Idaho. **Jim Frederick**, Director, IDFG, responded that reducing the wolf population in Idaho was a priority for IDFG and if they thought that these rule changes would significantly hinder their ability to control wolves, they would not have advanced them. He did not believe that the technologies addressed in these rules were helping to significantly drive down the wolf population.

MOTION:

Senator Okuniewicz moved to approve **Docket No. 13-0108-2401** with the exception of Section 410, Subsections 04(g) and (h). **Senator Cook** seconded the motion.

DISCUSSION:

Senator Okuniewicz cited the Finding of Fact for the motion: Section 410, Subsections 04(g) and (h) were in potential conflict with Article 1, Section 23 of the Idaho Constitution, which preserved to the people broad protections to hunt, fish, and trap. In addition, Idaho Code § 36-201(2) stated "any method utilized for the take of any wild canine in Idaho shall be available for the taking of wolves". Further, the restriction of hunting aids for one group of hunters, while allowing such aids for another group of hunters during the same seasons and for the same game, was contrary to the Equal Protection Clause found in Section 1 of the 14th Amendment to the U.S. Constitution.

Senator Guthrie asked Ms. Worthington to clarify that the exceptions in the motion would not compromise what the HAT Working Group tried to accomplish. **Ms. Worthington** responded that the motion would essentially remove the work that was done by the working group.

Senator Guthrie stated he was concerned about the use of technology in hunting and he could not support the motion.

Senator Cook asked the Committee's permission to withdraw his second to the motion. **Senator Harris** seconded the motion.

SUBSTITUTE MOTION:

Senator Guthrie moved to approve **Docket No. 13-0108-2401**. **Senator Taylor** seconded the motion.

ROLL CALL VOTE:

Chairman Burtenshaw called for a roll call vote. **Vice Chairman Hart, Senators Guthrie, Cook, and Taylor** voted aye. **Chairman Burtenshaw, and Senators Harris, Okuniewicz, VanOrden, and Kohl** voted nay. The substitute motion failed.

DISCUSSION:

In response to a question about what would happen to the rule if the original motion failed from **Chairman Burtenshaw, Lauren Smyser**, Idaho Division of Financial Management, responded that if no action was taken on the pending rule, it would go away as of sine die. However, if the House took action and the (Senate) Committee did not, there could be an issue of understanding what action to take, so they preferred committees approved or rejected for clarity.

AMENDED SUBSTITUTE MOTION:

Senator Harris moved that **Docket No. 13-0108-2401** be held subject to call of the Chair. **Senator Cook** seconded the motion. The motion carried by **voice vote**.

PASSED THE GAVEL:

Vice Chairman Hart passed the gavel to Chairman Burtenshaw.

ADJOURNED:

There being no further business at this time, **Chairman Burtenshaw** adjourned the meeting at 3:10 p.m.

Senator Burtenshaw
Chair

Shelly Johnson
Secretary