

MINUTES
Approved by the Committee
Invasive Species Working Group (Room EW 42)
Monday, October 17, 2016
9:00 A.M.
Room EW 42
Boise, Idaho

Co-chair Representative Gestrin called the meeting to order at 9:00 a.m.; a silent roll call was taken. Members present: Representatives Dayley, Hixon, and Erpelding; Co-chair Senator Rice and Senators Heider, Harris, and Burgoyne; Legislative Services Office staff Katharine Gerrity, Ray Houston, and Jennifer Kish.

Other attendees: Bill Reese - Idaho State Police; Lloyd Knight, Adam Schroeder - Idaho State Dept. of Agriculture; Claudia Cottle, Dave Cottle, Jesse Taylor - Bear Lake Watch; Ed Schriever - Idaho Dept. of Fish and Game; Lyla Dettmer, Chris Hatch - Franklin Soil and Water Control District ; Brian Jensen - Consolidated Irrigation Co.; David Herter, Kathy Dahlke - Bannock County; Dennis Tanikuni - Idaho Farm Bureau; Tim Miller - Twin Falls Co. Sheriff's Office; Bryce Fowler - Fremont County; Rayola Jacobsen - NorthWest Power Planning Council; Jeffrey Pettingill - Bonneville County; Kali Sherrill - Twin Falls County Weed Control; Steve Martin, Tammy Kolsky, A. Canning - Idaho Dept. of Parks and Recreation; Pat Carr, Mollie McCarty, Ramon Hobdey-Sanchez - Idaho Transportation Dept.; Grant Simonds; Mitch Whitmill.

NOTE: presentations and handouts provided by the presenters/speakers are posted to the Idaho Legislature website: <http://legislature.idaho.gov/sessioninfo/2016/interim/invasivespecies.htm>; and copies of those items are on file at the Legislative Services Office located in the State Capitol.

Co-chair Rice commented that he was already considering what items should be included in the final report to be submitted to the Legislature. He suggested: an overview of what was currently being done, what the committee felt should be done, what challenges faced those goals, and probable costs related to those goals.

Co-chair Gestrin called to the podium Lloyd Knight, Administrator of the Division of Plant Industries for the Idaho State Dept. of Agriculture (ISDA), for his [presentation](#) on items requested by the committee.

- Co-chair Rice asked whether the ISDA preferred to have law enforcement on-site at the inspection stations or in the immediate area. Mr. Knight stated that the department preferred officers to be on-site.
- Co-chair Rice asked whether there had been any discussion about having the LEA (law enforcement agencies) at the sites perform the inspections and provide security. Mr. Knight explained that the operations assumed that LEA would work in their own capacity and the trained inspectors would do the inspections. He submitted that, if the legislature desired a different structure, the department could consider such a situation. Mr. Knight noted that other states operated with officers (conservation officers) performing the inspections, which would reduce personnel costs. He cautioned that both LEA and ISDA didn't want to cross lines of authority without having the expertise to do so.
- Co-chair Rice requested a report about how costs would be affected if stations operated with officers performing the inspections, specifically with fish and game officers, since the duties seemed more appropriate to the department's mission.
- Senator Heider inquired whether there had been any documented incidents during this year's nighttime inspections that required law enforcement. Mr. Knight reminded the committee that the stations only ran dawn to dusk and so there were no such incidents.

- Senator Burgoyne inquired whether there were incidents during the dawn to dusk operations where the department felt having a law enforcement presence would have been advantageous. Mr. Knight explained that the need for law enforcement was most often needed when a boat was impounded for having a presence of invasive species; given that would be a contentious situation. He noted that inspectors were trained to look only for invasive species and ignore other items of possible violation, which were not of their purview. He said that to his knowledge, there were no incidents because the stations were fortunate enough to have law enforcement when needed.
- Senator Burgoyne asked, in regard to Mr. Houston's previously presented [financial history of the program](#), how the department felt about the cost of the ratio of inspections to the cost of identified fouled watercraft. Mr. Knight commented that the department was pleased no mussels have been found in Idaho, and felt that the success should be attributed to the efforts and protocols implemented. He submitted that the importance of the prevention program was more valuable than the cost per fouled vessel, as explained by the numbers.
- Co-chair Gestrin asked whether marine deputies were used for inspections. Mr. Knight explained that the department worked with the marine deputies of the Idaho Dept. of Parks and Recreation (IDPR) but the ISDA did not have a formal arrangement that the deputies had to be trained on invasive species inspection; efforts on training were more of an awareness for the deputies. Co-chair Gestrin commented that maybe the marine deputies should make it more a part of their duties since they were at the boat ramps daily.
- Rep. Dayley asked Mr. Knight to comment on the Army Corps of Engineer grant [WRRDA] and how that money might be used within the prevention program. Mr. Knight reported that the Corps had not yet launched its program and so no funds, nor guidelines on how the funds were to be used, were available at this time. He noted that ISDA was continually in discussions with the Corps so that, when available, the department could plan the guidelines and the range of use for the funds.
- Senator Burgoyne inquired what was necessary to attract enough individuals to staff the inspection stations. Mr. Knight commented that fulfilling the department's seasonal positions was an ongoing battle - for all of its divisions. He noted that it was not as simple as raising the wage, as it would affect the pay scale for seasonal positions within all the divisions. He stated that the seasonal positions in his division currently are paid \$12.35 per hour.
- Co-chair Rice asked what percentage of the total cost of the program was for personnel. Mr. Knight reported that, while he could not state an actual amount at this time, the majority of the program cost was personnel.
- Rep. Dayley asked whether there would be an update to [Idaho's prevention and contingency plan](#) or the [Columbia River Basin Interagency Invasive Species Response Plan](#), since the last versions were from 2012. [Rep. Dayley commented that he had requested a variety of reports and additional information from the department and requested that LSO submit those items to the other committee members.] Mr. Knight noted that the CRB response plan was updated in 2014, and the department was comfortable with the standards and protocols since there was no new data to cause a change to those protocols.
- Co-chair Rice asked whether ISDA had reviewed the data collection application used by Utah and other states, which tracked and reported watercraft travels. Mr. Knight explained that ISDA was aware of the program, but had opted out of it at its inception. He reported that the department had wagered their funds on an internally developed Idaho specific program that accomplished the same functions, in an attempt to limit types of information being shared with other states. He noted that the department was still involved in communication with other states and was notified by email and phone about watercraft travels. He submitted that if the Colorado program proved to be effective and lasting, that the department would revisit the option of acquiring it.

- Co-chair Rice asked whether a requirement to have a plug-out policy would be effective for compliance with the clean-drain-dry advocacy. Mr. Knight commented that the requirement would be beneficial but wondered how it could be enforced.
- Senator Burgoyne inquired which agencies or universities were studying these organisms. Mr. Knight responded that studies had occurred for many years, especially with a presence in the Great Lakes. He feared that money devoted to prevention might be taken for the purpose of research.
- Senator Burgoyne requested a report on the number of out-of-state and in-state watercraft that were inspected at the stations so that educational outreach could be better focused. Mr. Knight commented that the department did create an invasive species specific website for awareness (invasivespecies.idaho.gov), and that he would submit the requested information.
- Co-chair Gestrin commented that, in his experience attempting to read the inspection station signage (while traveling at the posted speed limit), proved difficult in that there was too much verbiage on the signs. He requested signage be redesigned to be more simplistic. Senator Burgoyne echoed the Co-chair's comment as he too had been unable to completely read the signs during his travels.
- Senator Harris asked how the department could better handle the multiple points of access. Mr. Knight commented that the ideal goal was to have every watercraft inspected before being launched. He recognized that to do so was a challenge.
- Rep. Hixon asked how the information was sent or received by those at the inspection stations. Mr. Knight explained that the stations were equipped with tablets, Wi-Fi service, and cell phones in order to receive information in real-time; he noted that department personnel were also cc'd on such communications.
- Rep. Hixon inquired whether ISDA had any plans to integrate the Colorado data tracking system into Idaho's process. Mr. Knight reported that Tom Woolf, Idaho's AIS Coordinator, attended the western regional panel meetings where the topic was discussed. If any revelations about the program occurred, the department would be aware. Rep. Hixon requested a report regarding the program from Mr. Woolf's attendance at the next regional meeting.
- Rep. Dayley, commenting that the last [letter to other agencies](#) was from 2012, inquired what was being done currently to coordinate prevention efforts with other states and federal agencies. He also inquired how the Legislature could assist in those efforts. Mr. Knight commented that coordination efforts were always on the agenda, but recognized that the department could only make requests - it was the responsibility of the other agencies to enact the request.
- Rep. Dayley inquired about USFWS's recent announcement that Idaho could request to redirect the funds provided by USFWS. Mr. Knight said that he had not been aware of such a possibility until he heard Mr. Kibler (Idaho AIS Coordinator for USFWS) report during the last meeting that it could be done. He noted that the department would still need permission/direction from the Legislature on how to redirect the funds, especially if used out-of-state.

At 10:45 a.m., Captain Tim Miller, Twin Falls County Sheriff's Office, [presented information](#) on his department's efforts to provide support to the invasive species inspection program. Capt. Miller reported on the number of employees involved, the hours that were devoted to the program, and the type of enforcement issues that the department encountered. He gave details on the cooperative agreement between the sheriff's department and ISDA to provide security and enforcement for the inspection station, and submitted projected costs for sheriff personnel. Capt. Miller also provided a brief list of recommendations for improvements to the program (slide #11). And finally, he commented that, if the committee was seeking year-round, 24 hour coverage, it would require four full-time staff to cover that assignment.

- Senator Burgoyne asked whether a citation should be an infraction or a misdemeanor, and whether there should be a tiered penalty for multiple offenses. Capt. Miller explained that an infraction could be remedied by paying a fine and required no court appearance, whereas a

misdemeanor would require a bond to be posted and a court appearance. He reported that there was no ability to track multiple offenses without having the driver's history, which required a capable computer within the officer's vehicle.

- Senator Burgoyne asked Capt. Miller to describe the involvement of the officer if the citation was a misdemeanor. Capt. Miller explained that it was often up to an officer's discretion (consider frequency of violation), but he would not encourage an arrest for such an offense.
- Co-chair Rice commented that Capt. Miller had provided necessary information that the committee was anticipating, especially the recommendations.
- Senator Heider commented that Capt. Miller's presentation exposed the need for better education of what types of watercraft (i.e., non-motorized) needed to be inspected, and proposed that the committee consider that topic when submitting the final report.

At 11:20 a.m., Major Bill Reese, Operations Commander for the Idaho State Police (ISP), provided his [presentation](#) on his department's current regional staffing operations, possible participation in the invasive species prevention program, and personnel costs for a trooper.

- Co-chair Rice asked whether the personnel cost was considering that a trooper would be on-site at the inspection station for a 24/7 assigned coverage. Major Reese stated that it did. Co-chair Rice asked whether the committee could simply consider a percentage of the presented cost if it was not for a full-time position. Major Reese stated that would be correct.
- Co-chair Rice inquired whether ISP troopers also could be trained to perform the inspections. Major Reese noted that it was a possibility but it would take some discussion.

The committee then recessed for lunch.

At 1:30 p.m., Co-chair Gestrin called the meeting back to order, and called upon Ed Schriever, Deputy Director for Idaho Department of Fish and Game (IDFG), for his [presentation](#). Officer Greg Wooten, Chief of Enforcement, accompanied Mr. Schriever. Highlights and additional information from the presentation:

- Submitted that the IDFG receives no funding from the General Fund for its operations; the department operates on license and tag revenue and usage of those funds were limited by statute.
- Noted that officer duties included, but were not limited to: land owner relations, depredation prevention, biological surveys, and compliance with hunting and fishing regulations.
- Operated check stations for the collection of information, educational outreach, or for compliance checks; nighttime check stations, when operated, require two staff for safety protocol; and, the department does not operate stations for 24/7 durations.
- Reported that all IDFG officers were POST (Peace Officer Standards and Training academy) certified; completion of all officer training required approximately seven months.
- Noted that IDFG does not employ any officers as reserve or part-time; the positions were all classified as full-time.
- Co-chair Rice inquired about the number of staff needed to fulfill current positions and inspection stations. The director submitted that the number would depend on expected duties and length of employment (i.e. an 8- or 12-hour shift, months of operation).
- Co-chair Rice asked, if the additional employees were dedicated to the check stations for seven months, whether the department could provide responsibilities for employees during the additional months of the year. Director Schriever replied that it was very probable, since there were currently work assignments/duties that went unassigned due to the lack of available

employee hours. He cautioned that the funding source needed to be clearly identified as to its usage when sharing duties as discussed.

- Co-chair Rice requested a more formal personnel cost calculation with these considerations: staff working dusk to dawn, for five (and six) stations, for 12 months employment but with seven months dedicated to the inspection station assignment. [Essentially, 7 days X 12 hours X 6 stations X 7 months] Additionally, to present the personnel cost as regular pay and as overtime pay; and to provide a list of possible duties for the additional five months.
- Rep. Hixon asked for some details about the daily duties of an IDFG officer. Officer Wooten explained that duties varied according to the district in which one served and to the seasonal activities. He commented that, traditionally, an officer worked big game hunting issues from October to February, assisted with biological studies throughout the winter, dealt with small game and fishing issues beginning in March, and then assisted with depredation issues in the summer as crops came in.
- Rep. Erpelding asked whether the IDFG officers were also responsible for enforcement of issues for the Idaho Outfitters and Guides Licensing Board. Officer Wooten responded that outfitters and guides were within Title 36, Idaho Code, and so were under IDFG purview. He added that conservation officers had full peace officer powers and were able to enforce all laws of the state.
- Senator Harris inquired whether both individuals at a check station would need to be POST certified, or whether one could be a volunteer without such training. Director Schriever responded that, per IDFG protocol, it was a safety protocol that required two staff at a check station, and so he had provided figures considering that two officers would be operating the station. He commented that the use of a non-IDFG officer as the second employee would seem possible.
- Rep. Dayley asked whether the IDFG coordinated with other states. Director Schriever explained that interstate coordination for prevention was done within the ISDA; IDFG had no discussions with other states on this topic, but the officers definitely worked with border states for other issues.

At 2:00 p.m., Co-chair Gestrin called upon Tammy Kolsky, manager of the Invasive Species Sticker Program for the IDPR, for her [presentation](#) on alternatives for the program.

- Co-chair Rice asked whether the department could sell the invasive species sticker at inspection stations. Ms. Kolsky responded that she would have to consult with ISDA but felt that it could be arranged. She noted that it would be beneficial since many people have asked why they could not buy it at the time of inspection when needed.
- Co-chair Rice asked whether the department had considered applying a monthly color-coded system, such as the DMV distributed. Ms. Kolsky reported that the monthly color-coded system would be like their Scenario #2 that was presented.
- Co-chair Rice inquired what was the total revenue difference when the boat registration stickers had been prorated. Ms. Kolsky responded that she would have to research that information.

Co-chair Gestrin then called to the podium representatives of the Idaho Transportation Department (ITD), Mollie McCarty (Governmental Affairs Manager) and Pam Carr (Port of Entry Manager), for their [presentation](#) on the operations for the Port of Entry and the department's cooperation with the invasive species inspection program.

- Senator Burgoyne, noting that ports operate 19 hours per day and 7 days a week, asked for details how compliance occurred during the hours the ports were closed. Ms. Carr explained that there was no follow-up with those that by-passed the port during closed hours. She also noted that the roving stations did not operate at night and were only open for 10 hour shifts during the daylight hours.
- Senator Burgoyne asked for details on the protocol for vehicles that by-passed the port during open hours. Ms. Carr reported that the port inspectors were authorized by an MOU with ISP, at their own discretion, to stop a commercial vehicle for by-passing a port. She noted that the

process of locking-down a station for the purpose of catching a drive-by vehicle was not very productive to the inspector's time. If necessary, the inspector could call for assistance from the ISP.

- Senator Burgoyne asked whether the department had a formal MOU with ISP or local law enforcement to enforce compliance with inspections. Ms. Carr reported that the department did not have an established MOU with ISP for that purpose, but rather had good rapport with ISP officers, since the two departments worked together quite a bit.
- Senator Burgoyne asked whether there was any financial agreement between ITD and ISP for enforcement of the inspection. Ms. Carr explained that if a citation was issued for by-passing, it would be issued by the Port of Authority inspector; but per ISP being involved in the enforcement, she assumed it was within their scope of duty to assist in the enforcement.
- Co-chair Gestrin asked whether the by-pass fine was an infraction level penalty, and what was the amount of the fine. Ms. Carr responded that she believed the fine was actually a misdemeanor and the amount of the fine was approximately \$350.
- Co-chair Rice inquired whether there was any suitability for port stations to operate at night. Ms. Carr explained that it would be the responsibility of the Division of Highways (DOH) to study and plan. She added that there were detailed standards for POE roving sites, established by DOH.
- Rep. Dayley asked Ms. Carr to confirm an earlier statement that ISDA had trained POE inspectors on invasive species verification. Ms. Carr responded that ISDA did train the POE inspectors on a superficial level during the first year of the invasive species inspection program. She added that the POE inspectors are routinely retrained, and as recently as this year POE staff received training.
- Rep. Dayley inquired how POE staff handled a situation at the port when a boater requested an invasive species inspection but the IS station was closed. Ms. Carr surmised that there was an established protocol for such situations; she could not confirm whether the procedure was to inform local law enforcement or ISDA.

At 2:40 p.m., Co-chair Gestrin concluded that the committee was at the point for discussion as to where and how it should proceed.

- Co-chair Rice offered these items for inclusion in the final report: a brief background of these invasive species (quagga and zebra mussels); the possible financial impact on industries and communities; the location and hours of operation of the current IS inspection stations; annual data about the number of inspections performed and the number of IS confirmed cases; recommendations regarding additional IS inspection stations and the cost to fund 24 hour operations at specific stations; recommendations regarding safety protocol, including LEA assistance, lighting issues, and DOH counsel; and recommendation to seek federal funding assistance for more permanent structures. Co-chair Rice commented that other items worth discussing for possible inclusion in the report were: suggesting a target of \$3.5 million in funding to adequately provide on-site LEA staff along with the trained inspector, for safety reasons; suggesting an increase in the boat sticker; and suggesting an inspection for firefighting and construction equipment that traveled among bodies of water, to prevent possible contamination.
- Senator Burgoyne asked whether the goal was to have zero mussels; if so, such a goal seemed impossible and quite expensive. He requested the report include items that reflected the difficulty/ambivalence in treating the problem: lack of concrete research on treatment for eradication; finding an acceptable cost effectiveness in the prevention efforts, including regional participation; and safety factors related to the inspection stations, such as remote locations, lack of electricity/lighting, and viable turn-arounds.
- Rep. Hixon requested that the report recognize and encourage federal level involvement in the problem, possibly by submitting a joint memorial to Congress.
- Senator Heider felt that the involvement of IDFG officers in the prevention process was not an appropriate fit, considering their other duties during the season, nor was it a function desired by

the IDFG. He recommended that an infraction level fine be created for by-passing an inspection station; and, he suggested that detection canines - trained on invasive species - be considered for use at the inspection stations.

- Senator Harris suggested that the soil and water conservation districts be more involved in the process since they were well connected within the communities.
- Rep. Erpelding provided these items for consideration by the committee: support an effort to restructure the boat tag system to create a tiered/stratified level of cost for different types of watercraft; include in the report a statement that water sources were not solely for recreation and laws should be permitted to enforce limited use; recognize that Idaho's fish and game mission most certainly aligns with the prevention efforts, and its officers should be considered an integral part of these efforts; and, encourage an update to Idaho's strategic plan, which would be included in the final report.
- Co-chair Rice agreed that irrigation companies should have the ability to limit the use of the reservoirs, and that the violation of such limited use could be enforced as trespassing. He encouraged a discussion that compared costs of local law enforcement to ISP to that of the IDFG officers for IS prevention enforcement.
- Senator Burgoyne suggested a pilot program to establish a cost benefit analysis on the operation of stations. He felt a discussion on the use of General Funds for law enforcement assistance in prevention was appropriate since the issue was a general risk to the public in many ways.
- Rep. Dayley felt it appropriate to spread the cost of prevention efforts to include other users that would be impacted.
- Co-chair Gestrin commented that he desired to see these items in the final report: methods for educational outreach; improvement to signage at inspection stations; efforts to impress urgency for the National Park Service and other federal level agencies to be invested in this interagency issue; creation of an enforceable fine for the act of by-passing an inspection station; consideration of other entities for manning the inspection stations; and the consideration of this issue needing cabinet level priority in the governor's office.

Co-chair Gestrin offered the opportunity for anyone to provide public testimony to the committee.

- Mr. Grant Simonds, Government Affairs Liaison for the Idaho Outfitters and Guides Association, spoke to the fact that many of the members' equipment never left Idaho waters, yet they were being required to pay the invasive species sticker. Often, members have multiple pieces of equipment for the operation of their program, which can be quite expensive. He said that while the members and the association felt everyone should contribute to the preservation of Idaho's natural areas, he promoted the consideration of a "fleet sticker" for those folks that operated large groups of watercraft, especially those that don't leave Idaho waters. He commented on the fact that the stickers don't adhere well to float rafts and other types of watercraft requiring the invasive species sticker; he suggested that the department consider a signed affidavit that the operator would possess for proof of fees paid on required watercraft.
- Mr. Brian Jensen, Consolidated Irrigation Co. (Preston, ID), commented that the members appreciated the efforts of the ISDA inspection stations in southern Idaho. He shared that the members were very concerned about the possibility of the reservoirs becoming contaminated. He reiterated the fact that the reservoirs had originally been created to provide water for agriculture, not for the purpose of recreation. Mr. Jensen commented that it was necessary to re-educate the public that reservoirs for recreation was not a right but a privilege. He requested that the committee help communities provide a method for enforcement of laws or rules to limit the access to these waterbodies when necessary.

The committee determined that the next meeting would occur November 9th at the State Capitol, and the committee was adjourned at 3:30 p.m.