

MINUTES
HOUSE RESOURCES & CONSERVATION COMMITTEE

DATE: Wednesday, February 17, 2016

TIME: 1:30 P.M.

PLACE: Room EW40

MEMBERS: Chairman Raybould, Vice Chairman Gestrin, Representatives Moyle, Andrus, Shepherd, Wood, Boyle, Vander Woude, Gibbs, Miller, Bateman, Burtenshaw, Mendive, VanOrden, Youngblood, Pence, Erpelding, Rubel

**ABSENT/
EXCUSED:** None

GUESTS: Jerry Deckard, Associated Loggers; Roger Seiber, ALC; Rialin Flores, CVI; Brian Brooks, IWF; Sharon Kiefer, Idaho Department of Fish and Game; Mark Bell, NWTF; Tristram Mitchell; Cary Collins

Chairman Raybould called the meeting to order at 1:31 p.m.

HCR 35: **Rep. Malek** presented **HCR 35**, a resolution that recognizes and honors the associated logging contractors of Idaho for fifty years of logging accomplishments and service to Idaho. **HCR 35** is self-explanatory.

MOTION: **Rep. Burtenshaw** made a motion to send **HCR 35** to the floor with a **DO PASS** recommendation. **Motion carried by voice vote.** Rep. Malek will sponsor the bill on the floor.

H 462: **Rep. Luker** stated that **H 462** amends Idaho Code §36-401(3) and (4) because the current language is over broad and would technically require someone to have a hunting license to trap a mouse or gopher in their yard, with a couple of exceptions. The exceptions are for children under the age of 12 to hunt, take or kill predatory and unprotected birds and animals by means other than firearms, IC § 36-401(3), and for youth under 14 to trap muskrats from irrigation ditches or property on which they live during the open season, IC §36-401(4). **H 462** would expand those two exceptions to 'any person.' Idaho Department of Fish and Game regulations at IDAPA 13.01.06 define various classifications of game, protected and endangered animals and protected non-game species, all of which would be excluded from the proposed amendment. The definition for unprotected wildlife is a breathtakingly broad definition that says "all wildlife not classified in the preceding categories." The list of predatory animals is short: coyote, jackrabbit, raccoon, skunk and short tailed weasel. **H 462** is not concerned with the taking of normal game animals. The amendment is in keeping with the spirit of Idaho's Constitutional right to hunt, fish and trap as "the preferred means of managing wildlife in Idaho." There is another bill before us for hunter education in trapping, but it would require hunting education to trap a mouse in a home.

In response to committee questions regarding whether the reason for the bill is domestic mice trapping, **Rep. Luker** replied that it is because the law is over broad and needs to be made more user friendly.

Sharon Keifer, Deputy Director, Idaho Department of Fish and Game (IDFG), appeared to offer IDFG staff's interpretation of the consequences of **H 462**, which she clarified has not been discussed with the Fish and Game Commission and is, therefore, not being presented as a policy position. She said Idaho Code Section 36-103 declares all wildlife in the state to be the property of the state, which includes, in Idaho Code Section 36-202(g), predatory and unprotected birds and animals, and muskrats, and reviewed the mission of IDFG which is also defined in Idaho Code. Ms. Keifer stated a relationship exists relative to I.C. §36-103 and **H 462's** proposed amendments to I.C. §36-401.

Currently, a person must be licensed to hunt – the license is for hunting, not controlling. When discussing hunting licenses, it is not about control to protect property. **H 462** would substantially expand the license exemption for persons to hunt, take and kill predatory and unprotected wildlife by means other than firearms at any time on private and public lands not already restricted or closed for this activity. The proposed provisions would only exempt a person from the current requirement to have a license, it would not exempt them from existing rules and laws governing the method of taking or the prohibition to use a firearm to hunt, take or kill. Most likely, trapping would be the method used under the revision, and IDFG's interpretation is that current rules in IDAPA governing the trapping of predatory protected wildlife would apply except for the restriction on firearm use. The rules for trapping are lengthy and govern many elements, including methods of take, trap track reporting and area restrictions. The muskrat is a protected furbearing animal and **H 462** also expands the license to trap muskrats from ditches in irrigation ditches or property during open season.

There is a distinction between hunting and control. Control of wildlife damaging property is handled in Idaho Code Section 36-1107, which contains broad provisions regarding wild animals and birds damaging property. There are already elements in code to grant properly safeguarded permission to people to control, trap or remove any protected or unprotected wildlife that are causing damage. The director can issue a permit to any owner or lessee of property being damaged by furbearing animals. This section of code is directed at control, such as when mice or gophers are in a yard, and I.C. §36-401 is directed at hunting. The intent of IC §36-401, which **H 462** proposes to amend, is hunting. **H 462** allows adult persons to take wildlife without financially contributing to the management of Idaho's wildlife, including rules, brochures, and enforcement. **H 462** will exacerbate the social conflicts about trapping on the Idaho landscape, and it will be harder for IDFG to reach out to unlicensed individuals to inform them of the laws and rules that govern their activities, particularly off private land, so more illegal activity may be seen as a function of uninformed individuals. By liberalizing license exemptions, particularly with trapping, challenges the IDFG Commission is currently presented with in the legal arena related to non-target catches of certain species will increase.

Tristram Mitchell, representing **Mr. Frazier's** class at Century High School where he has been participating in a mock legislature, spoke **in support** of **H 462**, but stated that it should be amended to not allow everyone over 12 or 14 years of age to be able to kill animals unless the animals are a nuisance.

Chairman Raybould informed the committee that **Patrick Carney** sent an e-mail **in opposition** to **H 462**, and a copy of it was delivered to each member as requested by Mr. Carney. (See attachment 1)

Rep. Luker was recognized to close testimony on **H 462** and stated that he failed to see how control can be done without hunting. The nature of hunting is that it is a broad activity that can include control. Rep. Luker said that he would not oppose an amendment with respect to private lands.

Rep. Luker replied, in response to committee questions of whether a domestic mouse is a good example of the difference between hunting and nuisance control, that his mice and gophers are not domesticated.

MOTION:

Rep. Erpelding made a motion to **HOLD H 462** in committee.

**SUBSTITUTE
MOTION:**

Rep. Gibbs made a substitute motion to send **H 426** to General Orders with an amendment limiting it to private property only.

**VOTE ON
SUBSTITUTE
MOTION:**

Motion carried by voice vote. Rep. Luker will sponsor the bill on the floor.

ADJOURN:

There being no further business to come before the committee, the meeting adjourned at 1:58 p.m.

Representative Raybould
Chair

Lorrie Byerly
Secretary