

MINUTES
HOUSE RESOURCES & CONSERVATION COMMITTEE

DATE: Monday, January 15, 2018

TIME: 1:30 P.M.

PLACE: Room EW40

MEMBERS: Chairman Gibbs, Vice Chairman Gestrin, Representatives Moyle, Raybould, Shepherd, Wood, Boyle, Vander Woude, Miller, Burtenshaw, Mendive, Youngblood, Kauffman, Giddings, Blanksma, Erpelding, Rubel, Jordan

**ABSENT/
EXCUSED:** Representative(s) Youngblood

GUESTS: Sharon Kiefer, Idaho Department of Fish and Game; Dennis Tanikuni, Idaho Farm Bureau; Rialin Flores, Conservation Voters for Idaho; Brandy Kay, Idaho Wool Growers; Mike Theine, self.

Chairman Gibbs called the meeting to order at 1:33pm.

MOTION: **Rep. Jordan** made a motion to approve the minutes of the January 11, 2018 meeting. **Motion carried by voice vote.**

Chairman Gibbs turned the gavel over to **Vice Chairman Gestrin**.

**DOCKET NO.
13-0104-1701:** **Sharon Kiefer**, Deputy Director, Idaho Department of Fish and Game, stated this pending rule establishes certain limitations on the use of the special needs big game tags, creates an application and draw process when eligible applications exceed the number of tags, and designates one disabled veteran special big game tag to the Idaho Division of Veterans Services to sponsor a resident applicant. Ms. Kiefer explained the special needs tag program is intended for children with life threatening medical conditions. In the past, this program didn't receive much use, but over recent years there are many more applications than the five available tags that were offered on a first-come-first-serve basis. To be fair, a set time period to apply has been established to issue the five tags. If the applications exceed available tags after the application period ends, then a random drawing will take place. Other clarifications include; only one species can be taken per tag during any open hunt, controlled or general, and the special needs tag cannot be used in a controlled hunt with less than five controlled hunt tags. If any special needs tags remain after the application deadline, the remaining will go to the Disabled Veterans Program. After considering sportsmen's concerns regarding the number of resident tags versus nonresident tags, a decision was made to issue only one nonresident special needs tag unless there are insufficient applications for resident tags.

MOTION: **Rep. Kauffman** made a motion to approve **Docket No. 13-0104-1701**. **Motion carried by voice vote.**

**DOCKET NO.
13-0104-1702:** **Sharon Kiefer**, Deputy Director, Idaho Department of Fish and Game, stated this pending rule revises the bighorn sheep auction and lottery tags. Currently these tags are only available for Unit 11. This revision will change the area from just Unit 11 to all of Control Hunt Area 11 for both the auction and lottery tags.

MOTION: **Rep. Erpelding** made a motion to approve **Docket No. 13-0104-1702**. **Motion carried by voice vote.**

DOCKET NO. 13-0104-1703: **Sharon Kiefer**, Deputy Director, Idaho Department of Fish and Game, stated this pending rule would give the Fish and Game Commission the flexibility to create an outfitter allocation of big game tags for an unlimited controlled hunt when a nonresident big game tag limitation is established. The purpose of this change is to maintain nonresident clientele for outfitters participating in unlimited controlled hunts and to reduce crowding in the unlimited controlled hunt areas. The number of tags issued will be based on historic use data for those controlled hunt areas.

MOTION: **Rep. Miller** made a motion to approve **Docket No. 13-0104-1703. Motion carried by voice vote.**

DOCKET NO. 13-0106-1701: **Sharon Kiefer**, Deputy Director, Idaho Department of Fish and Game, stated this pending rule reclassifies the Red Squirrel from a protected nongame species to an upland game animal which will allow the Commission to set a harvest season and bag limit. The purpose of this reclassification is due to how common and widespread the Red Squirrel has become statewide.

MOTION: **Rep. Mendive** made a motion to approve **Docket No. 13-0106-1701. Motion carried by voice vote.**

DOCKET NO. 13-0108-1704: **Sharon Kiefer**, Deputy Director, Idaho Department of Fish and Game, stated this pending rule allows the Commission the flexibility to proportionately limit the number of non-outfitted nonresident big game tags allocated in an unlimited controlled hunt. These restrictions would be established during the time of the Commission's annual season setting and would be no less than 10% of the average number of tags drawn annually during the previous 5-year period. The purpose is to reduce hunter crowding to support continued resident participation and a quality hunt experience while still providing hunt opportunities for nonresidents.

MOTION: **Rep. Gibbs** made a motion to approve **Docket No. 13-0108-1704. Motion carried by voice vote.**

DOCKET NO. 13-0108-1706: **Sharon Kiefer**, Deputy Director, Idaho Department of Fish and Game, stated this pending rule has three parts. The first deletes the reference to the Supertag drawing for hunters that comply with the mandatory reporting requirements because the drawing has not been effective in increasing reporting compliance. In addition, the Department is utilizing multiple methods to collect harvest information and assisting hunters comply with mandatory reporting so believe the Supertag drawing should be eliminated. Second, the Department streamlined the mandatory hunter orientation process for controlled archery-only hunts that require hunter orientation, no longer requiring hunters to attend classes. Any information a hunter may need can be found online. The third part removes duplicate language regarding mandatory reports, updates current reporting procedures, and removes the mandatory requirement that successful hunters must report wolf harvest with a telephone report because the telephone report is no longer applicable for in-season management. Mandatory harvest reports and presentation of animals for successful wolf hunters are not modified by this pending rule.

MOTION: **Rep. Raybould** made a motion to approve **Docket No. 13-0108-1706.**

In response to questions regarding the new **Section 421.2**, **Ms. Kiefer** addressed concerns about the language change from the mandatory requirement to report to "can be required" by explaining the Department gives hunters additional time, until January 31 of the following year, to file their mandatory reports and will work with hunters to ensure the reports are filed. If a hunter tries to obtain a new year's hunt license, the database will alert the Department if the mandatory report for that hunter is missing, then they will help the hunter complete the report so they will be allowed to purchase a new license. Because of this process, the Department believed the use of "mandatory" was no longer necessary. After much discussion, concerns remained among committee members regarding both the elimination or retention of the mandatory requirement.

SUBSTITUTE MOTION:

Rep. Boyle made a substitute motion to approve **Docket No. 13-0108-1706** rejecting the new language in new **Section 421.2**. **Substitute motion carried by voice vote.**

RS 25703:

Sharon Kiefer, Deputy Director, Idaho Department of Fish and Game, stated this proposed legislation would provide protections from recreational liability to parties, such as the Department, who fund, maintain, improve, or hold conservation easements on lands made available for public recreational use without a direct charge to individuals for access. This is similar to the protections from recreational liability currently provided to any landowner who does not charge individuals for recreational access. **Ms. Kiefer** stated without these protections, the Department would be exposed to recreational liability at potentially significant cost for supporting hunting, fishing, and trapping through actions such as funding access and providing infrastructure such as docks, on lands the Department doesn't own.

In response to a question regarding private landowner liability, **Ms. Kiefer** stated even though there could be many ways an individual may get hurt, a landowner is not required to warn users of dangers on their property in this situation. The landowner is exempt from the "duty of care" obligation.

MOTION:

Rep. Gibbs made a motion to introduce **RS 25703**. **Motion carried by voice vote.**

ADJOURN:

There being no further business to come before the committee, the meeting was adjourned at 2:41pm.

Representative Gestrin
Chair

Tracey McDonnell
Secretary