

MINUTES
SENATE AGRICULTURAL AFFAIRS COMMITTEE

DATE: Thursday, March 07, 2024

TIME: 8:00 A.M.

PLACE: Room WW53

MEMBERS PRESENT: Chairman Hartgen, Vice Chairman Nichols, Senators Foreman, Hart, Carlson, Zuiderveld, Semmelroth, and Taylor

ABSENT/ EXCUSED: Senator Schroeder

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 Hartgen** called the meeting of the Senate Agricultural Affairs Committee (Committee) to order at 8:01 a.m.

WELCOME: **Chairman Hartgen** informed the Committee the Minutes would be approved first to allow time for people to sign in to testify.

MINUTES APPROVAL: **Senator Foreman** moved to approve the Minutes of February 22, 2024. **Senator Taylor** seconded the motion. The motion carried by **voice vote**.

MINUTES APPROVAL: **Senator Zuiderveld** moved to approve the Minutes of February 29, 2024. **Vice Chair Nichols** seconded the motion. The motion carried by **voice vote**.

H 591: **CERVIDAE - Adds to existing law to provide for fencing and harvest during quarantine and to provide for the application of quarantine.** **Vice Chairman, Rep. Raymond**, District 31 introduced **H 591**. He stated the Idaho State Department of Agriculture (ISDA) had purview over domestic elk and the Committee had oversight over **H 591**. **Vice Chairman, Rep. Raymond** introduced former Senator Jeff Siddoway.

Senator Siddoway presented **H 591**, it would remove the requirement for double fencing around quarantined elk farms and would allow for transfer of potentially infected animals to other captive elk facilities for harvest. He cited there had been no positive cases of Chronic Wasting Disease (CWD) in Idaho. In 2023 two elk farms in Eastern Idaho imported 153 elk that had been in close contact with infected animals. These elk were imported from Alberta, Canada. He reported the elk were then quarantined and could not be moved to other pens. The requirement of double-fencing quarantined animals would put elk ranchers out of business. The cost of fencing was \$80,000 to \$100,000 per mile and most ranches had six miles to forty miles of fence. He stated that 31 of the 50 states did not require double-fencing. He added it was a costly regulation that would shut down many elk ranch businesses.

Senator Siddoway stated elk could not be tested until they had died or were euthanized. CWD was a sickness that attacked the brain of elk, the disease was fatal, and there was no cure. The trouble with double-fencing was predators could feed on carcasses of wild elk which could potentially spread the disease with or without double-fencing. He stated no one knew exactly how CWD was spread. The CWD proteins (prions) likely were spread between animals through body fluids like feces, saliva, blood, or urine. It was either through direct contact or indirectly through environmental contamination of soil, food or water. **Senator Siddoway**

cited that no captive elk in Idaho had ever tested positive for CWD. He urged the Committee to vote aye on **H 591**.

TESTIMONY: **Jonathan Oppenheimer**, Idaho Conservation League (ICL), testified he was opposed to **H 591**. The ICL was concerned that **H 591** would weaken existing rules and definitions for containing Chronic Wasting Disease (CWD) in suspected elk herds. He noted it was the existing rules for double-fencing that were implemented to allow for continued imports from Alberta, Canada where CWD was a major problem.

Brian Brooks, Idaho Wildlife Federation (IWF), testified in opposition to **H 591**. The IWF was opposed to loosening CWD control mechanisms such as double-fencing.

TESTIMONY: **Chase Jones** testified in support of **H 591**. He stated he was an elk producer in Idaho with 18 miles of fence around his ranch. He cited with the additional costs between \$70,000 to \$90,000 per mile it would cost him approximately \$1.3 to \$1.6 million dollars. The mandate would cripple his small business. Mr. Jones added if he lived in another state other than Idaho, this mandate would not threaten his business.

DISCUSSION: **Senator Zuiderveld** asked Mr. Jones how many wild elk had been in contact with his domestic elk herd and what he did to maintain his fence.

Mr. Jones replied he had never seen his elk in contact with wild elk and that the ISDA required a yearly inspection on his fence. He added he checked his fences regularly, the elk were valuable, and it was important to ensure they did not get out.

TESTIMONY: **Alana Lerwill**, Owner, Rocky Mountain Elk Ranch, testified in support of **H 591**. She stated the current laws in Idaho were more restrictive than other states. She added in order to do business there should be less government not more. The requirement for double-fencing would cripple her ranch, it would not be possible financially to add the fencing.

DISCUSSION: **Senator Semmelroth** stated in the 2022 negotiated rule-making process the issue with double-fencing was not addressed. She asked Ms. Lerwill why it was not brought up at that time.

Ms. Lerwill replied she did not know why the issue was not addressed at the negotiated rule-making process.

Vice Chair Nichols inquired what the current practice was if an elk tested positive, the financial impact it would have on her ranch, and how many positive cases had her ranch had.

Ms. Lerwill responded the ISDA would be notified. The ranch would be quarantined and a herd plan would be put into place. The quarantine would last five years or 100 percent testing of the elk would be done which meant all the elk would be put down. The financial impact would be from \$7,000 to \$75,000 a head. She stated her ranch had never had a positive case.

TESTIMONY: **Greg Golightly**, Golightly Elk Ranch and White Peaks Ranch, testified in support of **H 591**. He stated he was against double-fencing. It did not work and it would be a burden financially on elk ranchers.

DISCUSSION: **Vice Chair Nichols** inquired what the current federal regulation was to keep elk contained.

Mr. Golightly answered the current standard was a single eight foot high fence. His were tensile wire and were inspected once a year by the ISDA. He added he checked his fences daily. He cited the mandate would go above the federal regulations in place and Idaho would essentially be going beyond federal regulations.

TESTIMONY: **Raney Walters**, Mountain View Elk Ranch, stated financially double fencing was not feasible. He mentioned he was a fourth generation elk rancher and this was his livelihood; the extra costs of double-fencing his ranch would put his family business out of operation.

TESTIMONY: Testifying in favor of **H 591** were **Jeff Lerwill, Dillion Klingler, Raney Walters, Roy Klingler, Brad Walters, Rulon James, and Jon Reed.**

Issues and concerns that were addressed included:

1. Other states did not require double fencing.
2. The financial burden of double fencing at \$80,000 to \$100,000 per mile would ultimately put ranches out of business.
3. Predators that fed on CWD positive wild elk carcasses could potentially spread the disease even with double-fencing.
4. Quarantined elk could not be moved to other areas to be harvested.

DISCUSSION: **Senator Semmelroth** questioned the attendees from the Idaho Fish and Game Department (IDFG). She asked why back in 2004 when the rules were established double-fencing was not addressed. This was in response to the elk industry wanting to import elk from other countries. Again, in 2022 during the negotiated rule-making process double-fencing was not mentioned.

Ellary Tucker Williams, IDFG, responded the IDFG did not take a position on **H 591**. The financial burden of double fencing was a concern to the IDFG. She added that Colorado and Minnesota had double fencing requirements for cervidae. Other states have banned the importation of cervidae, or have banned the establishment of new farms. She cited that Wyoming, Colorado and, Oregon only allowed the importing of cervidae from facilities currently enrolled or meeting the United States Department of Agriculture (USDA), Captive Herd Certification Program.

Tricia Hebdon, IDFG, said rules had been put into place three years ago which restricted the importation of any elk from outside of Idaho. The USDA regulated the imports between states. She cited that double fencing was a bio-security measure to minimize disease transfer. She mentioned that CWD was an infectious disease transmitted through saliva, urine, and feces. The IDFG did understand the economic impact and their responsibility was to protect the wildlife.

DISCUSSION: In summary, **Vice Chairman, Rep Raymond** stated that **H 591** addressed how ranchers managed inventory and how animals in quarantine could be moved to a harvest facility to remove the risk to other animals. He stated these were Idaho ranches and businesses which were beneficial to the State and the added financial burden of double-fencing would put most elk ranches out of business.

MOTION: **Senator Carlson** moved to send **H 591** to the floor with a **do pass** recommendation. **Senator Zuiderveld** seconded the motion.

DISCUSSION: **Senator Taylor** stated the negotiated rule-making process would have been the time to implement the rules for double-fencing and for this reason he could not vote in support for **H 591**.

Senator Semmelroth stated it was important to control infectious diseases and to contain them. She added she needed more clarity on the issue and was not able to support **H 591**.

Vice Chair Nichols discussed with the Committee that the clear difference was between domestic and wild elk. The ranchers were going to do what was best to care for their animals. Federal regulations were in place and Idaho would be allowing more government regulation over elk ranchers and their businesses. She cited she was in support for **H 591**.

Senator Zuiderveld cited she was in support of **H 591**. She stated ranchers were going to take extra precautions in protecting their herds. These elk were their livelihoods and it was important to keep them healthy and safe. She added that the government did not need to interfere with their business.

ROLL CALL VOTE: **Senator Foreman** moved to send **H591** to the floor with a **do pass** recommendation. **Senators Foreman, Hart, Carlson, Semmelroth, Vice Chair Nichols and Chairman Hartgen** voted aye. **Senators Semmelroth and Taylor** voted nay. The motion carried.

PRESENTATION: **Idaho Wheat Commission Review, Britney Hurst Marchand**, Executive Director, Idaho Wheat Commission (IWC) talked about the IWC's Commissioners, mission, and funding. She emphasized that it was IWC's mission to maximize profitability for Idaho wheat producers. The IWC was founded in 1959 by wheat farmers and funded by Idaho's wheat growers. She reported the IWC was governed by a board of five wheat growers who were appointed by the Governor of Idaho to serve a five year term.

Ms. Hurst Marchand detailed the 2023 IWC budget allocation. She specified that one-third went to market development, one-third to communications and programs and, one-third to research. She stated collaboration with state and national organizations such as Idaho Grain, U.S. Wheat Associates, and Wheat Marketing Center maximized grower investments. **Ms. Hurst Marchand** cited that 50 percent of Idaho wheat was exported while the other 50 percent stayed in the domestic market.

Ms. Hurst Marchand explained there were six varieties of wheat, Idaho grew five of those varieties. Wheat was determined by kernel hardness, color, and planting time. Each class of wheat had its' own characteristics related to milling, baking, and agronomic needs. She mentioned "Bread in a Bag" was a program started 39 years ago, it was a hands-on, educational experience designed for fourth grade students and paid for by Idaho's wheat-growing families. She cited the Pepperidge Farm snacks she had brought for the Committee were produced in Richmond, Utah and made with Idaho wheat (Attachments 1 and 2).

DISCUSSION: **Senator Semmelroth** thanked Ms. Hurst Marchand for her presentation and the Pepperidge Farm treats. She mentioned a friend had bought a five pound bag of Pepperidge Farm goldfish because they were made with Idaho wheat and she was happy to support the Idaho wheat industry.

Vice Chair Nichols thanked Ms. Hurst Marchand for the marketing tour in Portland and stated it was an amazing learning experience.

ADJOURNED: There being no further business at this time, **Chairman Hartgen** adjourned the meeting at 9:54 a.m.

Senator Hartgen
Chair

Melissa Price
Secretary