

# Capitol Reflections



2017 Legislative Session

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“About the Declaration there is a finality that is exceedingly restful. It is often asserted that the world has made a great deal of progress since 1776, that we have had new thoughts and new experiences which have given us a great advance over the people of that day, and that we may therefore very well discard their conclusions for something more modern. But that reasoning cannot be applied to this great charter. If all men are created equal, that is final. If they are endowed with inalienable rights, that is final. If governments derive their just powers from the consent of the governed, that is final. No advance, no progress can be made beyond these propositions. If anyone wishes to deny their truth or their soundness, the only direction in which he can proceed historically is not forward, but backward toward the time when there was no equality, no rights of the individual, no rule of the people. Those who wish to proceed in that direction cannot lay claim to progress. They are reactionary. Their ideas are not more modern, but more ancient, than those of the Revolutionary fathers.” President Calvin Coolidge, July 5, 1926

## Big Game Winter Feeding is Complex Decision

Across most of southern Idaho, the winter of '16-'17 will be remembered as the most severe in 30 years. In the Treasure Valley, more than three feet of snow has fallen since the first of December with even greater amounts in the west end of the valley. Although most mountain locations are at or above normal snow depths, some in Idaho are not. However, this is generally not the case. The combination of deep snow and unusually low temperatures has created the need for emergency big game winter feeding in many parts of Southern Idaho.

Feeding is not a solution for every depredation complaint. Often, hazing, haystack protection or other measures can deal with potential big game depredation problems. The decision to conduct big game winter feeding is actually quite complex. As outlined in the Idaho Administrative Procedures Act (IDAPA) the general criteria are: 1) actual or imminent threat to private

property; 2) threat to public safety, including traffic hazards; 3) excessive mortality which would affect the recovery of the herd and 4) limited or unavailable winter forage caused by fire or unusual weather. IDAPA also makes provision for stockpiling feed.

Generally, no one factor will initiate winter feeding. Evaluation of animal and weather conditions starts in late fall. However, if one condition becomes severe enough to require feeding, it will be started. This year, deep snow and extremely low temperatures have been major considerations. For example, in the Upper Snake Region, animal condition, average daily temperature, snow depth on south facing winter range slopes and crusting are physical factors considered in the decision-making process. Also considered is the time of year. Feeding does not start until migrating deer and elk reach their winter range.

Feed site locations are carefully evaluated so as to avoid collateral problems. Some

considerations include: 1) public safety hazards 2) possibility of severe property damage 3) no landowner approval 4) proximity to livestock feed operations (elk especially are susceptible to a number of diseases, including brucellosis when congregated in large numbers) 5) near feed storage sites 6) back country locations 7) private feed sites that do not meet prior criteria and 8) depredation concerns.

Idaho Department of Fish and Game (IDFG) staff monitors conditions and report to the Regional Supervisor. Starting in the late fall, the Upper Snake Region the Region 6 office makes bi-weekly reports on animal and weather conditions to local newspapers. If conditions warrant consideration of big game feeding, IDFG meets with their respective regional Feeding Advisory Committee when considering decisions on winter feeding. If a decision to feed is made, feeding will start quickly.



*Idaho Farm Bureau's Governmental Affairs Report*

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## Crop Residue Burning Program

This week the Senate Health and Welfare Committee, chaired by Senator Lee Heider (R-Twin Falls) held a hearing on S1009. The bill, sponsored by DEQ, would allow the crop residue burning (CRB) program to continue through the rest of 2017 with no changes and then would slightly tweak the ozone standard for burning prior to the 2018 burning season. This would provide the time necessary to receive approval from EPA for the new standard.

S1009 is necessary since Idaho's CRB program stipulates that burning can only take place if air quality is 75% better than federal standards for specific pollutants. Recently, EPA reduced their standard for ozone nationally. This means that in Idaho, 75% of the new, lower national standard is essentially the natural background level of ozone in many areas of the state, and would have

precluded burning on many days that were otherwise ideal for burning.

That means burning would be more concentrated on the few days that met the criteria and would have possibly been more concerning to sensitive populations than if the burning were spread across more days and therefore was less concentrated. DEQ's simple solution to the problem was to change the ozone standard to 90% of the new, lower national standard, which kept it essentially at the same actual level as it was prior to the change by EPA.

DEQ has had eight years of data since the CRB program was put into effect and has found that there is virtually no effect on ozone by crop residue burning. Therefore, they have the scientific data to justify the adjustment to the ozone standard in the rule and can confidently assure the public that there will be no

adverse effects to public health. Even opponents of the rule change have admitted that there have been zero hospitalizations due to crop residue burning over the past eight years since the program went into effect. The new ozone level will be essentially the same as the old level, and will, therefore, protect the public health just as effectively.

The committee sent S1009 to the floor with a "do pass" recommendation after testimony from farmers and organizations in support of the bill. Senator Maryanne Jordan (D-Boise) was the only vote in opposition, and the Idaho Conservation League was the only testimony in opposition. IFBF policy #71 opposes air quality standards that are more strict than the current standards under the CRB program. **IFBF supports S1009.**

## ISDA Rules Move Forward

This week the rules proposed by the Idaho State Department of Agriculture cleared another hurdle and were approved by the House Agriculture Committee which is chaired by Rep. Judy Boyle (R-Midvale). One rule of note was the "Dairy By-products" rule which covers most aspects of manure management on dairy farms. A portion of that rule pertains specifically to a concern raised by Idaho Farm Bureau members in IFBF policy #31, Manure Management.

Previously, on a technicality in the rule, if a dairy farmer also happened to have beef cattle or any other type of livestock, even if they were completely separated from the dairy cattle, the other livestock were required to meet all the manure management standards in the dairy rule. This has caused some difficulties for a few producers around the state and was acknowledged by ISDA to be a completely unintended consequence of the way the rule was drafted.

IFBF worked with ISDA during this past summer and was able to develop language that would alleviate this unintended situation. We appreciate ISDA's willingness to address the concerns raised by our members and get the language corrected in this rule. All the Department's rules have now been approved by both the House and Senate Ag Affairs Committees and will take effect after the session.

## Nampa Wastewater Facility Upgrade

The City of Nampa held an advisory meeting this week to discuss the city's plans to expand its wastewater infrastructure, address regulatory requirements, and prepare for future growth. The Idaho Farm Bureau was invited to participate in the meeting and share our perspective.

As a core service provided by the City of Nampa, wastewater management is a utility paid for by its customers. Nampa's National Pollutant Discharge

Elimination System (NPDES) permit regulates the quality of water that leaves its wastewater treatment facility and enters into Indian Creek. Phosphorous and temperature have been identified as issues in the Treasure Valley's water bodies, and are regulated by the city's NPDES permit. The new regulations, coupled with population growth and an aging infrastructure, have required the city to look to upgrade and expand its

wastewater facilities.

The city has adopted a phased approach for this effort. The city is currently in the process of evaluating options to meet the required reductions in phosphorus levels and water temperature. More information about the city's wastewater management system and future plans can be found on their website at: <http://www.cityofnampa.us/wastewater>

# IDFG Reports on Big Game Winter Feeding

This week, the Idaho Department of Fish and Game (IDFG) presented a report on winter big game feeding to the House Resources and Conservation Committee.

The Winter Feeding Set-aside Account receives .75¢ from every deer, elk and Pronghorn antelope tag sold. Normally, the depredation complaints received are about 200. As of Monday, January 23, IDFG had received 345 complaints, 281 for elk and 54 for deer.

IDFG reported that its only permanent feeding site is Bullwhacker, near Sun Valley, which is maintained as a public safety measure to keep elk out of downtown Sun Valley and Ketchum. Depredation complaints in the Lemhi

Valley are occurring now. Complaints in the Pahsimeroi area are also increasing. No feeding has been conducted in either area yet, but significant preventative measures are being employed.

Boise County's Pioneer Fire affected mostly summer range, and no winter feeding was occurring in that part of Boise County. However, winter feeding started in Garden Valley on January 22. Winter feeding in the Weiser area started January 23.

This week, the Senate approved S1010, a supplemental appropriation of \$400,000 to allow additional winter feeding of big game. This additional appropriation is necessary because the base \$229,000

winter feeding budget was spent in eastern Idaho's Tex Creek Wildlife Management Area, important winter range that burned last summer.

The winter feeding account is allowed to accumulate from year to year in anticipation of increased feeding brought about by a severe winter. The \$400K supplemental appropriation increases IDFG spending authority. This year's winter feeding demand will almost, or completely deplete, the winter feeding account. The supplemental appropriation was previously approved by the Joint Finance and Appropriations Committee and now progresses to the House after Senate passage.

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