

IDAHO SPORTSMEN'S CAUCUS ADVISORY COUNCIL

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ISCAC Position Memo on Senate Bill S1391

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- ◆ ***Pheasants Forever***
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- ◆ ***Snake River Cutthroats***
- ◆ ***S.E. ID Mule Deer Foundation***
- ◆ ***The Idaho Bass Federation***

ISCAC has taken a position opposing any expansion of captive cervidae facilities in Idaho. Therefore, ISCAC is opposed to S1391 for several reasons. S1391 is not in the public's best interest. The proposed legislation is a thinly veiled attempt at state sponsorship of a private industry that is under fire from a number of directions. In essence, the Idaho Elk Breeders Association, Inc. is asking for state sponsorship of its own special interest, non-profit association. From a practical perspective, this is nothing more than another iteration of the Idaho Elk Breeders Association. The Duties, Powers and Authorities of the Council section lists no powers, duties, or authorities that the current corporation does not already have. If the Idaho Elk Breeders Assn. wants to promote its industry, it should do so through its own association, not through the State of Idaho. The public has no practical need for this new "council." However, it would be in the elk breeders' best interests because it would cement Idaho's position as the last bastion for the elk breeders.

This legislation provides for no input from the "outside." All members of the council must be board members of the Idaho Elk Breeders Assn. There is no provision for appointments to the council. For example, the governor (or any other elected official) does not get to make appointments after considering candidates. This would be a completely self-serving, state-sponsored, private council with no oversight by anyone but themselves. Although the legislation provides for a criminal sanction for not paying the assessment, it also provides that any member can request a refund of the assessment once it has been paid. This is no more than a phony assessment, that is practically unenforceable (and quite possibly, unconstitutional).

The Idaho Dept of Agriculture is charged with collecting the fees for this private association, even though the proposed council must only reimburse the Department for its reasonable and necessary expense "in an amount determined by the council and the department." In other words, the taxpayers will pay at least part of this once again because the council is not required to reimburse the department for its actual costs, only what can be "negotiated" by the council. Remember, this is a largely unregulated industry where no licenses or permits are required to operate. Owners now pay only \$5.00 per head to the Department of Agriculture to implement a program that costs much more than that. And, there have been complaints from the industry that any more than the \$5.00 per head would be cost prohibitive to their operation. Yet, now the elk breeders want to assess an additional \$3.00 per head, ostensibly to promote the industry. Any additional fees paid by the elk breeders should be implemented through regulation and would be better spent on regulatory oversight to pay for a licensing and/or permitting program with insurance and/or bonding requirements to protect Idaho's wildlife. Apparently, \$3.00 per head more than the current \$5.00 assessed by the Department of Agriculture is not too much for the elk breeders to absorb.

It is estimated that the cervidae facilities in Idaho provide less than \$10 million annually in taxable revenue. On the other hand, hunters in Idaho provide over \$171 million in annual taxable revenue from elk hunting alone. It does not make economic sense to allow an industry that provides less than \$10 million in local revenue to our economy to jeopardize the almost \$200 million in taxable revenue generated by our wild elk and deer. Sportsmen have borne, and are continuing to bear, the lion's share of the substantial costs involved in protecting Idaho's wildlife resource from the adverse affects of these captive facilities. Such facilities do not have the right to unilaterally impose these costs on Idaho's sportsmen. The right to use one's private property in a certain way is limited when that use adversely affects the public interest and the state's resources.