

**Idaho Fish and Game Commission
Special Meeting
February 26, 2009
Boise, Idaho**

Present in the Director's Office: Director Groen, Deputy Director Moore; Dallas Burkhalter, Deputy Attorney General; Kathleen Trever, Deputy Attorney General; Sharon Kiefer, Assistant Director - Policy; Lance Hebdon, Inter-Governmental Policy Coordinator; Mary Boyer, Executive Assistant; Mike Keckler, Chief, Communications; Bonnie Butler, Governor's Office; Jeff Gould, Wildlife Chief; and Brad Compton, Assistant Wildlife Chief, and Brian Oakey and Pam Juker, Department of Agriculture.

A special meeting of the Idaho Fish and Game Commission was held by telephone conference. The meeting was called to order by Chairman Wayne Wright with Commissioners McDermott, Trevey, Barowsky, Budge, and Power participating. Commissioner Wheeler was excused

Chairman Wright called the meeting to order at 8:00 a.m.

LEGISLATION

New Bill Analysis

Ms. Kiefer provided updates on the following bills (Appendix 42, Exhibit 16).

House Joint Memorial Number 1 states the position of the Idaho Legislature urging the United States to honor the commitment made to Idaho to delist wolves upon fulfillment of recovery standards; expressing its support for the draft final rule submitted by the U.S. Fish and Wildlife Service in January, 2009, for the purpose of delisting gray wolves in Idaho; urging that the Administration's directive to suspend publication of the rule be withdrawn; and requesting that the Idaho Department of Fish and Game and Office of Species Conservation (OSC) take all lawful action to control wolf-caused depredation and, pending delisting, to make annual reports to the Legislature relating to the economic impacts of wolf predation.

09-17 Commissioner Budge moved and Commissioner McDermott seconded a MOTION TO SUPPORT HOUSE JOINT MEMORIAL NUMBER 1. The motion carried in a unanimous vote.

HB 138 -- ACTIONS FOR NEGLIGENCE - Adds to existing law relating to actions for negligence to provide for negligence actions against certain individuals in the event of injury or death to a person caused by a nonnative animal species or subspecies introduced into the state of Idaho by a governmental agency.

There are both legal and classification issues in this bill. "Nonnative animal species or subspecies" is not specifically defined in Title 36 (Fish and Game code) or Title 22 (Agriculture and Horticulture code). Numerous species managed or regulated by both

IDFG and Dept. of Agriculture would presumably fall into this group (chukar, cows, pheasant, llama, brook trout, etc.). However, only nonnative animals introduced by a governmental agency would be a subject of this bill. We have a pretty good understanding of current and historical Fish and Game introductions of wildlife but have not discussed with Department of Agriculture their history of the state governmental role in introducing animals for domestic/industry purposes. This is needed to understand the scope of this bill.

This legislation is the subject of a pending legislative request for legal analysis by the Idaho Office of the Attorney General.

HB 138 has been printed. No hearing date set/ House Resources and Conservation Committee.

09- 18 Commissioner Power moved and Commissioner Barowsky seconded a motion TO MONITOR HOUSE BILL 138. The motion carried in a unanimous vote.

HB 139 – Adds to existing law relating to wolves to prohibit the protection of certain Canadian gray wolves, to provide for a felony and to provide penalties.

Wolves in Idaho are currently under protection of the Federal Endangered Species Act, which prohibits the unlawful taking of wolves.

House Bill 139 would provide criminal sanctions (felony imprisonment and fines) for any person protecting Canadian gray wolves if a wolf causes the death of a person in Idaho and the wolf population exceeds 150% of population objectives in Idaho's wolf conservation and management plan.

This legislation is the subject of a pending legislative request for legal analysis by the Idaho Office of the Attorney General. The legislation may pose constitutional issues in terms of enforcement of criminal statutes.

This legislation also does not distinguish between wild or captive (permitted or unpermitted) wolves, and it is unclear how it would apply to grey wolf hybrids. The population objective reference is also unclear – numbers, breeding packs, etc.

House Bill 139 has been printed. No hearing date set/ House Resources and Conservation Committee.

09-19 General consent by the Commission is to monitor House bill 139.

HB 150 – LICENSE PLATES - FEES - Adds to existing law relating to specialty license plates to provide for an additional fee.

The Idaho Fish and Wildlife Foundation worked with the legislature to initiate the wildlife specialty plate program in 1992 and it is described in Idaho Code (I.C.) 49-417.

In addition to the regular operating fee (also called vehicle registration fee) charged to all applicants for motor vehicle registration, an applicant for a wildlife specialty plate is also charged an additional \$10 that goes to the state highway account for both new issuance and renewals to fund the Idaho Transportation Dept. (ITD) administration of this specialty plate program but these funds can be used for other purposes of the state highway account. The “plate fee” of \$3.00 pursuant to I.C. 49-450 which imposes a \$3.00 per plate fee whenever any plate is issued for vehicle registration is not referenced in I.C. 49-417 so this plate fee appears to be waived for the wildlife license plates but staff is further investigating this to fully understand how ITD applies this plate fee, which is deposited in the plate manufacturing account with a rollover clause to the highway distribution account. Because of the \$10 fee to ITD, the wildlife specialty plates are one of the revenue bearing specialty plates for ITD program administration; not all specialty plates such as the disability plates/placards or the Centennial plate support ITD program administration.

For wildlife plates, an additional \$25 is charged for new issuance and \$15 for renewals, which goes to the Fish and Game nongame trust account. Thus, a new specialty license plate currently costs \$35 (\$25 to Fish and Game) and a renewal costs \$25 (\$15 to Fish and Game) in addition to registration fees. There are further statutory disbursements from the Fish and Game nongame trust account to the Fish and Game wildlife disease lab, the Department of Agriculture livestock disease control fund, and an Idaho Department of Parks and Recreation fund for non-motorized boating access for anglers that equal 10% of each new plate and 5% to 17% of each renewal, depending on the plate.

Currently, new issuance and renewals each year of the three (bluebird, elk, cutthroat) wildlife license plates account for a major proportion of the specialty license plates. They averaged about 49% of specialty license plate sales during the 2006-2007 period with average sales of 50,957 plates annually (new and renewal). The 2008 sales were 5,109 new wildlife plates issued and 42,540 renewals so sales are declining. This is likely an outcome of slowing car sales and the economy although the renewals of the wildlife license plates are stable and are clearly the primary annual financial contributor.

Revenue from the wildlife specialty license plates (bluebird, elk, and cutthroat trout) are the financial backbone of the Fish and Game nongame trust account, providing \$700,000 to \$1.0 million each year for nongame programs. These funds are critical to serve as state match for Federal funds that promote proactive conservation for species of special concern.

House Bill 150 is a component of the Governor’s 2009 transportation funding plan. The Department was not aware of this component of the plan. This bill would add a \$20 surcharge to most of the specialty and all personalized plates and the funds would go to the state highway account.

Staff expects that adding \$20 to the wildlife plate cost may attain an unacceptable financial threshold for voluntary purchase of these plates, particularly for renewals which are the financial base of the program. This is likely to occur in concert with other new

vehicle registration fees. Customer recognition that the majority of the revenue does not go to support the program of interest may be further disincentive to continue buying the plates. Given there is already decline in plate sales due to economic conditions, we can expect further decline due to the new fee but cannot quantify it. The loss will occur both from a direct funding perspective and foregone federal grants that we can no longer match resulting in reduction of proactive conservation actions for Idaho.

House Bill 150 had a hearing in House Transportation and Defense Comm. on 2/24. Due to questions, the Committee is holding the bill for further review.).

Commissioner Barowsky moved to take no position and instruct staff to monitor and testify when necessary on house bill 150. The motion died for a lack of a second.

09-20 Commissioner Power moved and Commissioner Trevey seconded a motion TO MONITOR HOUSE BILL 150. The motion carried in a unanimous vote.

Commissioner Fred Trevey is excused from the conference call at 8:45.

Director Groen commented that when reviewing SB 1124 and SB 1125 that both bills have definite agriculture and other agency impacts.

SB 1124 – Amends existing law relating to fish and game to revise provisions relating to the actions of the Director of the Department of Fish and Game regarding the translocation of bighorn sheep into certain areas and the augmentation of bighorn sheep in existing herds; and to revise provisions relating to testing and reporting for certain communicable diseases.

This bill is extensive and this is preliminary; staff is still researching the bill and its consequences.

Senate Bill 1124 broadens the notice requirements (of the department) to consult with additional stakeholders within affected areas of a proposed transplant or relocation of bighorn sheep. It requires the department to provide detailed information about bighorn sheep translocations to all stakeholders in the affected area and to consult, coordinate, and cooperate with affected boards of county commissioners.

This bill expands the authority of County Commission boards to have final decision-making authority over approving, modifying or canceling proposed transplants and relocation.

The bill requires the department to test deer, elk, antelope, moose, bighorn sheep, or bison for communicable diseases that can be transmitted to livestock before they are considered for translocation. Additionally, the mutually agreed upon list of communicable diseases (between IDFG and ISDA) is now broadened to include all diseases required by department of agriculture for these species, a new authority. No

animal of the above species that tests positive will be allowed to be relocated, transported or imported in Idaho.

The bill also gives Idaho state department of agriculture new authority over the disposition of any wildlife which tests positive for any communicable disease.

09-21 Commissioner Power moved and Commissioner McDermott seconded a motion TO MONITOR SENATE BILL 1124. The motion carried in a unanimous vote.

SB 1125 – Amends and adds to existing law relating to fish and game to revise provisions relating to the auction of bighorn sheep tags and the disposal of bighorn sheep tags by lottery.

Idaho Code 36-408 (5) (a) authorizes the commission to issue one big horn sheep tag to be sold at auction by a nonprofit organization dedicated to wildlife conservation selected by the Fish and Game Commission. No more than 5% of the proceeds for the tag may be retained by the organization. The funds are to be used for bighorn sheep research and management purposes. Funds are prohibited from being used for transplanting additional sheep into the area of Idaho south of the Snake River and west of U.S. Highway 93 nor can they be used for litigation or environmental impact statements involving big horn sheep. Transplants must comply with Idaho Code section 36-106.

Idaho Code 36-408 (5) (b) authorizes the commission to issue one big horn sheep tag which will be disposed of by lottery. The lottery permit can be marketed by the department of fish and game or a nonprofit organization dedicated to wildlife conservation selected by the commission. No more than 25% of gross revenue can be retained by the organization for administrative costs.

Funds generated by the lottery program are to be used for “solving problems between bighorn sheep and domestic sheep, solving problems between wildlife and domestic animals or improving relationships between sportsman and private landowners by being utilized in the veterinarian program established in subsection (e) 9. of section 36-106, Idaho code.

Senate Bill 1125 proposes to limit the spending of funds generated by the Idaho Big Horn Sheep auction tag to research and management of existing populations of big horn sheep in Idaho only.

The bill expands the requirement to comply with Idaho Code Section 36-106 relating to transplanting big horn sheep to the entire state of Idaho (as opposed to the area of Idaho south of the Snake River and west of U.S. Highway 93). The bill also subjects relocations of big horn sheep to the criteria described in section 36-106.

The bill would also specify that proceeds from both the big horn sheep lottery and auction tags be used for solving problems between big horn sheep and domestic sheep or

utilized in the veterinarian program established in subsection (e)9 only. The bill would delete language allowing the funds generated by the lottery and auction program to be used to solve problems between wildlife and domestic animals or improving relationships between sportsmen and landowners.

The bill limits the amount of funds retained by the nonprofit organization marketing the tag to no more than 5% of the proceeds.

If the restriction on the amount of funds available for marketing the lottery tag results in reduced interest or reduced logistics capability, it would reduce funds available for big horn sheep management. However, if interest in the lottery tag remained high and lottery implementation was not affected, the Department would retain a larger portion of the proceeds but would be more limited in scope in terms of how the Department could use the funds.

Other funding may be required to offset the loss of big horn sheep lottery funds for solving problems between wildlife and domestic animals or improving relationships between sportsmen and private landowners.

Senate Bill 1125 has been introduced. A hearing date has not been announced/ Senate Resources and Environment Committee.

09-22 Commissioner Power moved and Commissioner McDermott seconded a motion TO MONITOR SENATE BILL 1125 IN LIGHT OF NO HEARING FOR THIS BILL AT THIS TIME. The motion carried in a unanimous vote.

New Bill Information

House Joint Memorial 3 – Stating findings of the Legislature urging that the Senate and House of Representatives of the United State in congress and to the Idaho congressional delegation to cease and desist attempting to enact federal legislation impinging on the individual right to keep and bear arms.

Commissioner Randall Budge was excused from the conference call at 9:10 a.m.

Update on Analyzed Bills

Revised Revenue Proposal, RS18578C1

No print hearing yet, waiting for privileged committee introduction.

SB 1008 – Disabled veterans hunt program

Passed Senate, waiting for a hearing in the House Resources and Conservation Committee.

SB 1015 – Directs IDFG to contact states to solicit interest in getting wolves.

Passed Senate, waiting for a hearing in the House Resources and Conservation Committee.

SB 1020 – Prohibits offenders convicted of unlawful wildlife possession from buying back their seized wildlife.

Senate Resources and Environment Committee hearing on 2/25, testimony attached.

SB 1022 – Increases the penalty to cover meat processing assessed to violators.

Senate Resources and Environment Committee hearing on 2/25, testimony attached.

SB 1035 – Authorizes collection of reasonable fees for services.

Withdrawn by sponsor.

HB 16 – Restrict Superhunt tag issuance to no more than 10% nonresidents.

No hearing yet.

MISCELLANEOUS

Adjournment

The Commission meeting adjourned at 9:20 a.m.

Wayne Wright
Chairman

Cal Groen
Secretary