

# Idaho Fish and Game Commission

## Special Meeting - May 13-14, 2009

Idaho State University Student Union - Wood River Meeting Room  
1065 Caesar Chavez Way, Pocatello, Idaho

**Note:** Times on the agenda are approximate and subject to change.

### MAY 13

- 7:30 am Commission Field Trip** — The Commission will tour Blackfoot Reservoir, phosphate mining sites, Monsanto Fox Hills Ranch and the Blackfoot River WMA
- 7:00 pm Public Hearing** — Idaho State University Student Union - Wood River Meeting Room, 1065 Caesar Chavez Way, Pocatello

### MAY 14

- 8:00 am 1.** Opening Comments — Wayne Wright, Commission Chairman
- 8:05 am 2.** Agenda Changes — Wayne Wright, Commission Chairman
- 8:10 am 3.** Review of Public Comment — Wayne Wright, Commission Chairman
- 8:20 am 4.** Director's Report — Cal Groen, Director
- 8:40 am 5.** Commission Reports — Commissioners
- 9:35 am 6.** Consent Calendar (Action Requested by Department)
- a. Minutes
  - b. [Financial Report](#)
  - c. [Adjustment to 2009 Outfitter Allocated Tags](#)
- 9:40 am 7.** [Idaho Fish and Wildlife Foundation Report](#) — Sharon Kiefer, Assistant Director - Policy
- 9:50 am 8.** [Post Session Legislative Update and Review](#) — Sharon Kiefer, Assistant Director - Policy
- 10:10 AM — BREAK**
- 10:30 am 9.** [Potential Changes for Nonbiological Rules for 2010 Fishing Season](#) — Ed Schriever, Chief, Fisheries
- 10:45 am 10.** [Set Free Fishing Day for 2010](#) (Action Requested by Department) — Ed Schriever, Chief, Fisheries
- 10:50 am 11.** [Bear Lake Fisheries Management Plan](#) — Ed Schriever, Chief, Fisheries
- 11:00 am 12.** [Pelican Management Plan](#) (Action Requested by Department)

— Rex Sallabanks, Conservation Sciences Manager

**11:30 am 13.** [Review of Open Meeting Requirements](#) — Kathleen Trever, Deputy Attorney General

**11:45 am 14.** [Proposed Rule Amend Commission Procedures 13.01.01](#)  
(Action Requested by Department) — Kathleen Trever, Deputy Attorney General

**12:00 — LUNCH**

**1:15 pm 15.** [Updated Rules for Public Use of Department Lands and Access](#)  
— Jeff Gould, Chief, Wildlife

**15a.** [Pearl Island Donation](#) (Action Requested by Department) — Jeff Gould, Chief, Wildlife

**1:35 pm 16.** [Briefing on Potential Changes for Big Game & Upland Game & Nonbiological Rules](#) — Jeff Gould, Chief, Wildlife

**2:05 pm 17.** [Season Setting: Sandhill Cranes](#) (Action Requested by Department) — Jeff Gould, Chief, Wildlife

**2:20 pm 18.** [MDI Update](#) — J.J. Teare, Wildlife Mule Deer Initiative Coordinator

**2:40 pm 19.** [Aerial Gunning and the Use of Powersails](#) — Jon Heggen, Chief, Enforcement

**3:00 PM — BREAK**

**3:20 pm 20.** [Grizzly Bear/Wolf Update](#) — Jim Unsworth, Deputy Director

**3:50 pm 21.** [FY2011 Budget](#) — Jim Lau, Chief, Administration

**4:20 pm 22.** [Season Setting: Chinook Salmon](#) (Action Requested by Department) — Ed Schriever, Chief, Fisheries

**4:40 pm 23.** Executive Session I.C. 67-2345(1) (f) (c)

**ADJOURN**

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**Meeting Date:** May 14, 2009

**Agenda Item No.** 6b

**Agenda Item:** Financial Report

**Bureau Chief Approval:** \_\_\_\_\_

**Prepared by:** Jim Lau, Chief, Bureau of Administration

**Background:**

Update the Commission on the Financial Status of the Department

**Statutory Authority and/or Policy Issues:**

None

**Public Involvement Process:**

None

**Staff Recommendation:**

None

**Justification:**

None

**Meeting Date:** May 14, 2009

**Agenda Item No.** 6c

**Agenda Item:** Adjustment to 2009 Outfitter Allocated

**Approved by:** \_\_\_\_\_

Tags

**Prepared by:** Brad Compton

**Background:**

In March 2009, the Commission implemented new caps on Diamond Creek 'A', Sawtooth 'A', and Sawtooth 'B' elk zone tags (Table 1). The number of outfitted nonresident tags was based on historic use information provided by the Outfitters and Guides Licensing Board in March.

The Outfitters and Guides Licensing Board has informed us their original calculation of historic use was inaccurate, and they request a modification to the 2009 allocation established in March.

Table 1. Original Commission approved elk tag allocation for the Diamond Creek 'A', Sawtooth 'A', and Sawtooth 'B' elk zone tags.

Elk Zone (Tag)	Units	Total Tags	General Resident Tags	General Nonresident Tags	Outfitter Allocation
Diamond Creek (A)	66A, 76	1837	1017	800	20
Sawtooth (A)	33, 34, 35, 36	1342	1209	107	26
Sawtooth (B)	33, 34, 35, 36	2382	2048	274	59

**Statutory Authority and/or Policy Issues:**

**13.01.04.505. DEER AND ELK TAG ALLOCATION.**

**01. Allocation of Tags.** Pursuant to Idaho Code, Section 36-408, the Fish and Game Commission may allocate a number of deer and/or elk tags for use by hunters with signed agreements with licensed outfitters in zones with limited numbers of tags. The allocation will be calculated on a zone basis with reductions or increases in hunting opportunities to be proportionate among resident hunters, nonoutfitted nonresident hunters, and outfitted hunters. When the number of hunters in a general hunt unit or zone becomes restricted, the Department will calculate the initial number of allocated tags for each zone using the Idaho Outfitters and Guides Licensing Board's records of average historic use during the previous five (5) year period. Where it is biologically feasible, any reductions in the number of tags available within a zone which exceeds twenty percent (20%) will be spread over a three (3) year period with a maximum reduction of fifty percent (50%) taken in the first year and twenty-five percent (25%) in the second year. When an area becomes controlled, hunt application and eligibility rules will apply to allocated tags in controlled hunts. Only those units or zones with licensed outfitted areas with historic use will be considered for tag allocation.

**Public Involvement Process:**

None.

**Staff Recommendation:**

Staff recommends adjusting the 2009 elk tag allocations for Diamond Creek 'A', Sawtooth 'A', and Sawtooth 'B' zones as shown in Table 2.

Table 2. Proposed final 2009 elk tag allocation for the Diamond Creek 'A', Sawtooth 'A', and Sawtooth 'B' elk zone tags.

Elk Zone (Tag)	Units	Total Tags	General Resident Tags	General Nonresident Tags	Outfitter Allocation
Diamond Creek (A)	66A, 76	1837	1017	772	47
Sawtooth (A)	33, 34, 35, 36	1342	1209	106	27
Sawtooth (B)	33, 34, 35, 36	2382	2048	265	69

**Justification:**

Commission action required to adjust quotas in capped zones, and accommodate Outfitters and Guides Licensing Board request for adjustment to accurately reflect historic use.

**Meeting Date: May 13-15, 2009**

**Agenda Item No. 7**

**Agenda Item: Idaho Fish and Wildlife  
Foundation Report**

**Bureau Chief Approval: \_\_\_\_\_**

**Prepared by: Gayle Valentine**

**Background:** Commission has requested updates about the Idaho Fish and Wildlife Foundation activities.

**Statutory Authority and/or Policy Issues:** None

**Public Involvement Process:** None

**Staff Recommendation:** Present update as follows.

**Justification:** Requested by the Commission

1. The 2009 Online Trip Auction achieved the highest revenue since the auction changed to online bidding = \$13,176.00. Proceeds benefited the statewide BE OUTSIDE program to get kids in the outdoors.
2. Regional board members are meeting with regional IDFG personnel to conduct annual building inspections of IFWF-leased IDFG office buildings throughout the state.
3. Tom Parker, Foundation Land Consultant, begins his annual review of Foundation-owned conservation easements in May and June.
4. A board meeting was held on April 24 and 25, 2009 near Sandpoint, Idaho. A new Executive Board was elected, taking office on April 24, 2009. Richard Hansen is retiring from the Board. The board meeting concluded with tours of Waterlife Discovery Center and Pack River Delta.
5. The August board meeting will be held at Harriman State Park on August 28 and 29, 2009.

**Meeting Date: May 14, 2009**

**Agenda Item No. 8**

**Agenda Item: Post Session Legislative Update  
and Review**

**Bureau Chief Approval: \_\_\_\_\_**

**Prepared by: Sharon W Kiefer**

**Background:**

Staff will update the Commission about the outcome of the 2009 legislative session, including a review of actions required by the Commission and the Department to implement new laws. This briefing assumes that Sine Die will have occurred by the time of the Commission meeting.

**Statutory Authority and/or Policy issues:**

The Commission has both statutory and policy authorities that must be exercised to implement new laws resulting from the 2009 legislative session.

**Public Involvement Process:**

None; there will be future public involvement for any new rulemaking.

**Staff Recommendation:**

Proceed with measures to implement new laws.

**Justification:**

Commission action will be needed to implement certain bills approved during the 2009 legislative session.

**Meeting Date: May 14, 2009**

**Agenda Item No. 9**

**Agenda Item: Potential Changes for  
Nonbiological for 2010 Fishing Season**

**Bureau Chief Approval: \_\_\_\_\_**

**Prepared by: Bill Horton**

**Background:**

The Fisheries Bureau and regional fisheries staffs have developed non-biological rules proposals for the 2011-2012 Fishing Seasons and Rules. We are seeking Commission approval to take these proposals to the public.

**Statutory Authority and/or Policy issues:**

Idaho Code 36-104; IDAPA 13.01.11

**Public Involvement Process:**

Fisheries personnel have conducted open houses and/or scoping meetings across the state to seek comment from the public about potential non-biological rule changes. We have also had internal discussions about potential changes. We have coalesced these proposals into proposed rule changes to take back to the public for the official public hearings.

**Staff Recommendation:**

The Fisheries Bureau is seeking approval from the Commission to go to the public with the proposals that will be mailed in the packet of information prior to the May meeting.

**Justification:**

This is required under the IDAPA rules process to promulgate new rules.



**Meeting Date: May 14, 2009**

**Agenda Item No. 10**

**Agenda Item: Set Free Fishing Day for 2010**

**Bureau Chief Approval: \_\_\_\_\_**

**Prepared by: Bill Horton**

**Background:**

The Commission in a February conference call approved the extension of the 2008-2009 Fishing Seasons and Rules to include 2010. This was done to allow for the changes in the interpretation of approval of non-biological rules by the Legislature. The only Commission action required to make this process complete is to set Free Fishing Day for 2010.

**Statutory Authority and/or Policy issues:**

IDAPA 13.01.11

**Public Involvement Process:**

None

**Staff Recommendation:**

To have the Commission approve June 12, 2010 as Free Fishing Day.

**Justification:**

This is required under the IDAPA rules process to promulgate new rules.

**Meeting Date: May 14, 2009**

**Agenda Item No. 11**

**Agenda Item: Bear Lake Fisheries  
Management Plan**

**Bureau Chief Approval: \_\_\_\_\_**

**Prepared by: Bill Horton**

**Background:**

The Department in cooperation with the Utah Division of Wildlife Resources has developed the “Bear Lake Fisheries Management Plan” and wishes to seek Commission approval to take it to the public for review before eventually seeking passage of this plan.

**Statutory Authority and/or Policy issues:**

None

**Public Involvement Process:**

Management goals in this plan have been presented to interested anglers in localities close to Bear Lake to seek guidance on general direction of the plan. The Department wishes to formalize this process by going back to the public with the “Bear Lake Fisheries Management Plan” before seeking formal approval by the Commission.

**Staff Recommendation:**

The Fisheries Bureau is seeking approval from the Commission to go to the public with this draft plan.

**Justification:**

Bear Lake has four endemic fish species (Bear Lake whitefish, Bonneville whitefish, Bonneville cisco and Bear Lake sculpin) that should have defined management programs and goals. This plan lays out a cooperative approach between the states to manage these species, and the primary sport fish of the lake, the Bonneville cutthroat trout.

**Meeting Date:** May 14, 2009

**Agenda Item No. 12**

**Agenda Item:** Pelican Management Plan (Action)

**Bureau Chief Approval:** \_\_\_\_\_

**Prepared by:** Rex Sallabanks, Conservation Sciences Program Manager

**Background:**

Numbers of American white pelicans, including adult nesting birds, have increased dramatically in southern Idaho since 2002. The increase in nesting birds has been documented at Idaho's two primary nesting colonies located on islands in Blackfoot Reservoir and Lake Walcott (Minidoka National Wildlife Refuge). Increases in pelican populations are generally considered as positive contributions to pelican conservation goals in the Western population segment, but the increased number of pelicans has also resulted in documented predation impacts on native cutthroat trout subspecies and other important recreational fisheries. The Department believed there was a need to develop an approach to manage conflicts in Idaho between pelicans and fish populations that balance conservation and recreation interests for both. As such, the draft "Pelican Management Plan" was presented to the Commission at the March meeting and approved for release to the public for a 30-day comment period.

**Statutory Authority and/or Policy issues:**

The plan establishes management direction and provides objectives for pelican conservation. The plan contains both non-lethal (hazing birds, physical deterrents) and lethal (shooting birds, oiling eggs) management actions. Non-lethal methods could be implemented at any time. Because the American white pelican is federally protected under the Migratory Bird Treaty Act, however, authorization from the USFWS will be required before lethal take can occur. Pending Commission approval of the final plan, the Department will request USFWS authorization to implement lethal control components of the plan.

**Public Involvement Process:**

The Department opened a 30-day public comment period that ran from April 6 to May 5, 2009. The plan was posted on the Department's website accompanied by several news releases announcing its availability for review. In addition, specific requests for peer review and public input were sent to the USFWS, BLM, western states' fish and wildlife management agencies, tribes, academic institutions, fly-fishing groups, and local Audubon and Trout Unlimited chapters in Idaho. Four public meetings were held the week of April 20 (Pocatello, Soda Springs, Burley, and Hagerman). At the time this gold sheet was prepared – approximately halfway through the public comment period – the Department had received close to 100 comments. At the May 14 meeting, we will provide a summary of the public comments received, open house discussions, review any changes made to the draft plan as a result of public input, and present a final plan to the Commission for approval.

**Staff Recommendation:**

The Wildlife Bureau seeks Commission approval of the final Pelican Management Plan. If approved, the Department would like direction from the Commission to begin working with the USFWS to obtain the necessary authorization for plan implementation.

**Justification:**

The Commission sets policy and provides direction, considers input from the public, and has the authority to adopt, amend, or reject Department-recommended plans.

**Meeting Date: May 13-14, 2009**

**Agenda Item No. 13**

**Agenda Item: 13**

**Bureau Chief Approval: \_\_\_\_\_**

**Prepared by: Kathleen Trever**

**Background:** New open meeting requirements will take effect July 1, 2009.

The amendments involve:

- Requirements for amending agendas
- Limitations on executive sessions & requirements for executive session minutes
- Addition of penalties for unknowing violations and increase in penalties for knowing/repeat violations
- Ability to cure violations

**Statutory Authority and/or Policy issues:** The Open Meeting law is Idaho Code §§67-2340 through 67-2347.

**Meeting Date: May 13-14, 2009**

**Agenda Item No. 14**

**Agenda Item: 14**

**Bureau Chief Approval: \_\_\_\_\_**

**Prepared by: W. Dallas Burkhalter**

**Background:** The Commission's Rules of Practice and Procedure, IDAPA 13.01.01, have not been updated for a number of years. There are several items which need to be addressed to clarify and update the rules.

New rules are proposed to define the duties of the Commission Chairman and Vice-Chairman, and address annual election. Specific required months for quarterly meetings are deleted to comply with statute. The rule on telephone conference call meetings is deleted as this is now covered by the Open Meeting Law. The rule requiring an Order of Business is deleted since the Commission now handles this with an Agenda. The 'voting by proxy' rule is deleted. Proxy voting is not being used, and does not appear needed in light of telephone conference call meetings. Finally, the 'suspension of rules' rule is deleted. This rule has not been used or updated since the number of Commissioners was increased to seven, and it appears to be in conflict with the Administrative Procedures Act.

**Statutory Authority and/or Policy issues:** Idaho Code Sections 36-104 and 67-5206.

**Public Involvement Process:** The rules will be open for public comment under the Administrative Procedures Act.

**Staff Recommendation:** Adopt the proposed rule amendments.

**Justification:** To clarify and update the Commission's Rules of Practice and Procedure.

**Meeting Date:** May 14, 2009

**Agenda Item No. 15**

**Agenda Item:** Public use rules for Department lands

**Bureau Chief Approval:** \_\_\_\_\_

**Prepared by:** Tom Hemker

**Background:**

- These rules help keep public use of Department lands consistent with wildlife habitat needs, public safety, and other management constraints.
- The last major update of these rules was in 1993.

**Statutory Authority and/or Policy issues:**

- Proposed changes include:
  1. Allowing the Director to delegate more authority to regional staff;
  2. Clarifying several rules and definitions to make them more concise and easier to understand;
  3. Defining designated roads and trails where motorized travel is allowed;
  4. Defining commercial use;
  5. Without a permit, prohibiting landing or launching aircraft, discharging paintball guns, placing of geocaches, group events of over 15 people, and use of non-certified weed-seed-free forage.

**Public Involvement Process:**

- Public input will occur before adoption of rules at the July Commission meeting.

**Staff Recommendation:**

- Informational.

**Justification:**

- Informational.

**Meeting Date:** May 14, 2009

**Agenda Item No.** 15.a

**Agenda Item:** Region 1 – Pearl Island donation

**Approved by:** Jeff Gould

**Prepared by:** Gregg Servheen

**Background:**

This 7 acres property is located in the middle of Lake Pend Oreille. It consists primarily of forest and shrub wildlife habitats and is a high density goose nesting area. The island is being donated to the Department on behalf of the estate of Lorraine Haecker, whose wishes were that the island be preserved for wildlife habitat by the Department. The island is accessible only by boat and is completely undeveloped. The property will be put under the management umbrella of the Pend Oreille Wildlife management area. Initial appraisal costs were incurred as a part of this property donation and it is estimated it will cost an additional \$500 per year in operating and \$0 in FILT payments. This property was previously presented to the Commission during Executive Session in January of 2009.

**Statutory Authority and/or Policy issues:**

Land acquisition in accordance with Commission and Department land acquisition policy.

**Public Involvement Process:**

County commissioners will be notified and asked for their input. The public will be informed and contacted for their input regarding management of the property.

**Staff Recommendation:**

The Lands Committee recommends proceeding with acceptance of the donation of the property to the Department.

**Meeting Date:** May 14, 2009

**Agenda Item No. 16**

**Agenda Item:** Rules: Briefing on Potential Changes for Big Game & Upland Game & Nonbiological Rules **Approved by:** \_\_\_\_\_

**Prepared by:** Brad Compton

**Background:**

Annually or biennially, the Idaho Fish and Game Commission considers proposed changes for 2 types of hunting rules, biological and nonbiological. Biological rules are published annually (i.e. Big Game, Waterfowl) or biennially (e.g. Moose, Bighorn Sheep, and Mountain Goat; Upland Game) and include seasons, limits, size, sex, and harvestable species. Nonbiological rules include all other rules adopted by the Commission. Examples of nonbiological rules include methods of take, tagging requirements, evidence-of-sex requirements, and controlled hunt eligibility requirements. Nonbiological rules are officially published in the Idaho Administrative Code (<http://adm.idaho.gov/adminrules/agyindex.htm>) and included in hunting regulation brochures.

Historically, nonbiological rule changes were adopted by the Commission throughout the year. To accommodate requirements of the Idaho Administrative Procedures Act, the Commission now considers nonbiological rule changes during late spring through summer. For the 2010 hunting seasons, the Department will be proposing a number changes to big game and upland game nonbiological rules at the July 2009 Commission meeting.

**Statutory Authority and/or Policy Issues:**

Idaho Code 36-104 grants authority to the Commission to promulgate biological and nonbiological rules. Idaho Code 67-52 (Idaho Administrative Procedure Act) governs the process for considering, adopting, and implementing nonbiological rules.

**Public Involvement Process:**

Proposed rules will be scoped with the public via regional meetings and through the Department web site during June.

**Staff Recommendation:**

Staff will present a preliminary list of potential big game and upland game rule changes to be scoped with the public, and considered by the Commission in July.

**Justification:**

Potential rule changes are provided for informational purposes, and to solicit Commission direction.



**Meeting Date:** May 14, 2009

**Agenda Item No. 17**

**Agenda Item:** 2009 Early Goose, Mourning Dove, and Sandhill Crane Seasons (Action)

**Bureau Chief Approval:** \_\_\_\_\_

**Prepared by:** Jeffrey Knetter

**Background:**

Early goose, mourning dove, and sandhill crane seasons are set in the spring to allow permits to be issued during the summer, and for seasons to open as early as 1 September. Idaho's 2009 crane harvest allocation, as directed by the Pacific Flyway Council Rocky Mountain Population Crane Plan, is 449, similar to the 385 in 2008. Harvest in 2008 was 185.

**Statutory Authority and/or Policy issues:**

The early goose season has been used to manage problem goose populations. The mourning dove season is the earliest allowed by treaty and is unchanged since 1988. Sandhill crane depredation on grain crops is a problem in some areas; therefore, the season has been established to allow harvest of cranes that nest in Idaho before migration begins. The sandhill crane harvest allocation for Idaho has increased in recent years, but the number of birds harvested has remained relatively steady. The supply of sandhill cranes currently exceeds the demand by hunters. This may be due to the complexity and cost associated with harvesting a sandhill crane. Currently, potential sandhill crane hunters need to apply (\$6.25) for controlled hunt permits (\$7.75) to harvest cranes. Once obtained, hunters then need to purchase a sandhill crane tag (\$1.75). Overall, this totals \$15.75 per crane.

**Public Involvement Process:**

The Upper Snake and Southeast regions have issued news releases and held open houses concerning sandhill crane seasons. In addition, news releases and a copy of the draft 2009 sandhill crane brochure were posted on the IDFG website for comments.

**Justification:**

Early goose seasons are unnecessary with the recently-extended 107-day regular goose hunting season. The proposed mourning dove season is the earliest and most liberal allowed by federal framework. Sandhill crane seasons and tag allocation need to be simplified.

**Action Requested:**

Set the 2009 early goose, mourning dove, and sandhill crane seasons as recommended.

**Staff Recommendation:**

The Department's recommendations are:

- Do not offer any early goose seasons. The regular goose season is expected to be 107 days statewide and should provide adequate harvest of resident Canada geese.
- No change to the mourning dove season, which is 9/1-30 and a bag of 10 and 20.
- Adopt the sandhill crane season as follows with a daily limit of two and a season limit of nine. All tags (680) will be offered on a first-come first serve basis at any vendor as per the allocation below. Reduce the fees associated with obtaining a sandhill crane tag to \$15/tag.

<b>Hunt Area</b>	<b>Season</b>	<b>Permits</b>
1	9/1-9/30	400
2	9/1-9/15	100
3	9/1-9/15	100
4	9/1-9/15	40
5	9/1-9/15	40

- Area 1 – Includes all of Bear Lake County and all of Caribou County Except that portion downstream from the dam at Alexander Reservoir south of U.S. Highway 30, and that portion lying within the Grays Lake Basin.
- Area 2 – Includes all of Teton County Except that portion lying west of Highway 33 and south of Packsaddle Road (West 400 North) and north of the North Cedron Road (West 600 South) and east of the West bank of the Teton River.
- Area 3 – Includes all of Fremont County Except the Chester Wetlands Wildlife Management Area.
- Area 4 – Includes all of Bonneville County
- Area 5 – Includes all of Jefferson County.

**Meeting Date:** May 14, 2009

**Agenda Item No. 18**

**Agenda Item:** Mule Deer Initiative Update

**Approved by:** \_\_\_\_\_

**Prepared by:** Brad Compton

**Background:**

Mule deer are an important wildlife resource to Idaho's hunters and citizens. Southern and eastern Idaho have been renowned for abundant populations providing ample opportunity for hunting and taking mature bucks. The long-term trend in mule deer populations across the West, including Idaho, is downward. The Department's desire, consistent with public expectations, is to intensively manage mule deer and mule deer habitat to improve populations and hunter satisfaction.

In 2005, the Department initiated the Mule Deer Initiative (MDI). MDI is a focused and increased effort by sportsmen, landowners, land management agencies, and the Department to increase on-the-ground efforts with habitat management, predator management, population management, enforcement, public involvement/outreach, and access management to benefit mule deer and mule deer hunting.

Over the past 4 years, the Department has implemented a number of strategies identified in the Action Plan.

**Statutory Authority and/or Policy Issues:**

None.

**Public Involvement Process:**

None.

**Staff Recommendation:**

None. This agenda item is provided to update the Commission on MDI activities.

**Justification:**

Information only.

**Meeting Date:** May 14, 2009

**Agenda Item No. 19**

**Agenda Item:** Aerial Gunning and the Use of Power  
Gliders

**Bureau Chief Approval:** JKH

**Prepared by:** Jon Heggen

**Background:**

- 1) Aerial Hunting of certain wildlife species is authorized under the Airborne Hunting Act, 16 USC, 742 and delegates to the states authority to permit. The Idaho Dept. of Agriculture is the designated state agency to regulate and authorize aerial hunting in Idaho under IC 22-102A, and IDAPA 2.01.03.
  - a. IDAPA 2.01.03 describes the conditions and requirements for an Airborne Control of Unprotected or Predatory Animals to protect land, water, livestock, wildlife, domesticated animals, human life, or crops.
  - b. There are currently 15 of these permits issued by the Dept. of Agriculture, Animal Damage Control Board.
  - c. The use of powered parachutes and ultra lights is regulated by the FAA. These aircraft can be flown under FAR Part 103-Ultralight Vehicles . No pilot's license is required to fly these aircraft under Part 103. Two-seat versions may be flown under the new Sport Pilot license. These aircraft, flown under Part 103, are to be flown for recreational purposes, cannot be flown for hire or compensation, except an instructor teaching someone to fly. These aircraft are not required to become registered with FAA and have no airworthiness certificate.
  - d. To fulfill and be used with the Airborne Control permits, powered parachutes and ultra lights can become registered with FAA under FAR Part 91.319 as an "Experimental Aircraft". Experimental Aircraft cannot be flown for hire or compensation. I believe these types of craft flown under Part 91 would require a minimum of a Sport Pilots license.
  - e. The SE Region, IDFG, has identified some areas on maps where we would encourage people to harvest predatory wildlife as part of MDI.
- 2) The use of powered parachutes and ultra lights to conduct aerial wildlife surveys is being investigated. Wikipedia reported the use of powered parachutes for herding reindeer and counting the Saimaa ringed seal, although they did not report who or where this activity was being conducted. There are also reported uses by private individuals who have used ultra lights to monitor migration of whooping cranes in the US. We are still seeking information whether other agencies in the US are using ultra lights and/or powered parachutes for wildlife management purposes.
  - a. Due to the classification of these aircraft by the FAA, they cannot be used for hire or compensation (commercially) without a specific exemption from the FAA.
  - b. Wikipedia reports that powered parachutes are safer than normal fixed wing aircraft, and NTSB records tend to support this by the low number of reported accidents they have investigated. However, it is recommended that powered parachutes "should not be attempted in winds exceeding 10-15 mph or in gusty conditions."
  - c. Idaho Aeronautics Chief Pilot and Director of Flight Operations does "not believe the ultra light, powered parachute or light sport aircraft would safely fit any operational need of the F&G."
  - d. The state Director for Wildlife Services, USDA says these aircraft are not suitable nor allowed for their services.
  - e. We currently contract with Aviation Management Services, Dept. of the Interior, to monitor our safety protocols for the use of aircraft in conducting wildlife management activities. We have requested their input.

**Statutory Authority and/or Policy issues:****Policy Issue:**

**09-xx** Commissioner Budge moved and Commissioner Wheeler seconded a motion that staff investigate the issues surrounding aerial gunning and the use of power sails for both predator control and or for assisting in big game survey work done by the department and provide a report to the Commission at the next meeting if possible or at the following meeting. Based upon the results of the report the Commission can determine at that point if it is necessary to go further or adopt any specific policy related to those matters.

Commissioner Wheeler would like the Department to pursue this issue a little bit beyond the aerial gunning and take a look at the possibility of using this for aerial flying for survey work. Commissioner Wheeler stated that it could be a savings for the Department.

**Statutory Authority****AIRBORNE HUNTING ACT**

16 U.S.C. § 742j-1, November 18, 1971, as amended 1972. The Act, a section of the Fish and Wildlife Act of 1956, prohibits harassing, capturing or killing birds, fish and other animals from aircraft, with certain limited exceptions.

Idaho Code 22-102A: AIRCRAFT USE IN CONTROLLING UNPROTECTED OR PREDATORY ANIMALS. The director of the department of agriculture is hereby designated as the authorized agent of this state to aid in the administration or protection of land, water, wildlife, livestock, domesticated animals, human life or crops for the purposes of issuing permits to persons to shoot or attempt to shoot, capture, harass or kill unprotected or predatory animals, as designated by the director, while such person is airborne in an aircraft, under authority vested in such agency by public laws 92-159 and 92-502.

Idaho Dept. of Agriculture Rule: **02.01.03 - Idaho Department of Agriculture Airborne Control of Unprotected or Predatory Animals Rules**

FAA rules pertaining to classification and use of certain aircraft: FAR parts 103.1; 91.319

**Public Involvement Process:**

None

**Staff Recommendation:**

For Information Only

**Justification:**

**Meeting Date:** May 14, 2009

**Agenda Item No. 20**

**Agenda Item: Grizzly Bear/Wolf Update**

**Approved by: \_\_\_\_\_**

**Prepared by:** Jim Unsworth

**Background:**

On April 2, 2009 the U.S. Fish & Wildlife Service published a final rule delineating the Northern Rocky Mountain wolf distinct population segment (DPS) and delisting the Northern Rocky Mountain DPS. The final rule takes effect May 4, 2009 resulting in wolves in Idaho being returned to state management authority.

On April 30, 2007 a final U.S. Fish & Wildlife rule designating and delisting the Greater Yellowstone grizzly bear distinct population segment (DPS) went into effect, resulting in state management authority for grizzly bears found within the Greater Yellowstone DPS area.

**Statutory Authority and/or Policy Issues:**

Once delisted, grizzly bears and wolves are managed following numerous state laws, Commission rules and proclamations, and interstate/interagency agreements (e.g. Yellowstone Grizzly Bear Conservation Strategy).

**Public Involvement Process:**

None.

**Staff Recommendation:**

None. This agenda item is to provide an update to the Commission on state management of Yellowstone grizzly bears and gray wolves.

**Justification:**

Information only.

**Meeting Date:** May 14, 2009

**Agenda Item No. 21**

**Agenda Item:** FY2011 Budget

**Bureau Chief Approval:** \_\_\_\_\_

**Prepared by:** Jim Lau, Chief, Bureau of Administration

**Background:**

Report on FY2010 budget. Highlight challenges for setting the 2011 budget.

**Statutory Authority and/or Policy Issues:**

None

**Public Involvement Process:**

None

**Staff Recommendation:**

Informational update – no action required

**Justification:**

None

**Meeting Date: May 14, 2009**

**Agenda Item No. 22**

**Agenda Item: Season Setting: Chinook Salmon      Bureau Chief Approval: \_\_\_\_\_**

**Prepared by: Ed Schriever, Fisheries Bureau Chief**

**Background:**

The Commission approved, at its March meeting, Chinook salmon fisheries in the Clearwater River drainage and on portions of the Snake, Salmon and Little Salmon rivers. This agenda item concerns a fisheries targeting hatchery-origin Chinook salmon on the South Fork Salmon River and the upper Salmon River. Chinook salmon fisheries were conducted on the South Fork Salmon River in 1997 and 2000 through 2008. The upper Salmon River fishery is proposed to occur on a section of that river from approximately the town of Salmon upstream to near the Sawtooth Fish Hatchery weir near the town of Stanley. For both fishing areas, staff is forecasting the return of a sufficient number of hatchery salmon to allow sport fisheries that target the non-tribal harvestable share when hatchery production and brood stock targets are considered.

**Statutory Authority and/or Policy issues:**

Idaho Statute 36-104(b)2 gives the Commission the authority to set Fishing Rules. Fishing Rules are provided in IDAPA 13.01.11

**Public Involvement Process:**

The public involvement process was on-going at the time this gold sheet was prepared. Findings from the Public Involvement Process will be reported to the Commission during their meeting.

**Staff Recommendation:**

Approve the proposed 2009 Chinook salmon fishing seasons for South Fork Salmon River and Upper Salmon River.

NOTE: At the time of preparation of this gold sheet, Regional and Bureau fisheries staffs were in the process of updating salmon return forecasts and scoping fishery options. The specific fishery proposals are not included here but will be delivered to the Commission during the week prior to the May Commission meeting.

**Justification:**

Title 36 of Idaho State Code gives the Commission the authority to set rules to preserve, protect, or manage fish and wildlife in Idaho. The proposed fisheries are to address biological issues, mitigation hatchery programs and angler desires.