

**Idaho Fish and Game Commission
Quarterly Meeting – May 13-14, 2009
Idaho State University
Pocatello, Idaho**

May 13

MISCELLANEOUS

Commission Field Trip

Commissioners Tony Mc Dermott, Fred Trevey, Robert Barowsky, Wayne Wright, Randy Budge, Cameron Wheeler and Gary Power toured the Blackfoot Reservoir, phosphate mining sites, Monsanto Fox Hills Ranch and the Blackfoot River WMA.

Public Meeting

Chairman Wright called the meeting to order at 7:00 p.m. Commissioners Tony Mc Dermott, Fred Trevey, Robert Barowsky, Randy Budge, Cameron Wheeler and Gary Power were present.

Chairman Wright stated that the public meeting is a very important part of the process that the Commission goes through; and the public input and questions are useful for the Commission. All of the public comments will be reviewed at the open commission meeting.

Chairman Wright introduced Representative Bert Stevenson.

Representative Stevenson thanked Director Groen and Assistant Director Sharon Kiefer for their work during the legislative session. Representative Stevenson appreciates the efforts to keep the House Resource and Conservation Committee informed of the position of the Commission and the effects of some legislation that the committee considered passing.

Representative Stevenson stated that the House Resources and Conservation Committee is aware of the needs for additional funds to carry out the responsibilities that have been given to the Department to manage wildlife in the State of Idaho. Representative Stevenson reported that the sportsmen's groups were very united this past legislative session in identifying the needs for the Department and their desire to encourage the legislature to support the fee increase.

Nate Helm, Sportsmen for Fish and Wildlife (SFW), spoke regarding road mortality and fencing projects, experimental potential for use of surrogates in the propagation of upland bird species, supports habitat restoration projects, management of pelicans and supports the Department recommendation.

Roger Bray, representing self spoke regarding muzzleloader restrictions; they are not based on data. Mr. Bray stated that pelicans need to be managed.

Margie Kline spoke for non human species who share the earth with us. Ms. Kline is not in favor of the Pelican Management Plan.

Al Morrison spoke regarding the human safety issues at Island Park with grizzly bears and the disposal of gut piles from the Velvet Ranch.

Bob Saban spoke regarding the Diamond Creek elk allocation and nonresident numbers. Mr. Saban feels the Department was deceptive in this action and was made for financial gain.

Doug Gushwa supports Mr. Saban's comments on Diamond Creek. He wants to see fairness for residents of Idaho. Mr. Gushwa suggests a controlled hunt with 10% for nonresident hunters.

CH Trost, PHD opposes the Pelican Management Plan. Mr. Trost stated that the Department has a habitat problem not a pelican problem and that the Department should manage the environment.

Reggie Carlson stated that he is not in favor of the Diamond Creek elk allocation. Mr. Carlson feels betrayed and that the archery hunters are taking the brunt of this situation. Mr. Carlson has a petition of 300 signatures against the Diamond Creek allocation.

David W. Stoker agrees with other comments heard regarding Diamond Creek and stated that we need to keep resident hunters in the Diamond Creek zone.

Leo E. Lish, stated that we need realistic solutions to the pelican problem. If we have to go against the Federal Government to do it, so be it. This is our State. Mr. Lish would like to see the 2 fish limit removed on small mouth bass at American Falls Dam.

Katie Strong, representing the Greater Yellowstone Coalition (GRC), reported that GRC has already submitted written comments on the draft Pelican Management Plan. Some of the concerns are the environment and grazing threatens the cutthroat; nonnative rainbow over native pelican and supports hazing of pelicans.

Clay DeClark and Steve Chikato would like to see a spring goose season. Mr. DeClark reports seeing a larger number of birds in Southeast Idaho.

Rod Colton would like to see a spring goose season. Mr. Colton reports damage on grain seed fields. Mr. Colton is a concerned landowner and would like to see sportsmen have the opportunity to harvest instead of hazing.

David McAteer, representing self, stated that the Department lacks creditability in promises that they have made to the sportsmen of Idaho. Mr. McAteer reported that several years ago the Department asked sportsmen to support an upland bird stamp to produce pheasants, we still have no pheasants; set aside funds/ still starving deer; years ago 10 packs of 10 wolves way exceeded; MDI has not produced one deer. Mr. McAteer wants to see something for his money.

Sean Mottishaw supports the Pelican Management Plan. Mr. Mottishaw has concerns with road mortality and collision with motorists and would like for the Department to look at ways to minimize and save the big game herds.

Ed Lindahl, Sagle, submitted a letter regarding fee increases for nonresidents, spending authority for the FY 2010 budget and FY 2011 budget.

Robert Elieson submitted a comment card regarding education for sportsmen on the way to handle fish when they are being released.

Harley McAllister, Spokane Washington, submitted comments regarding the fee increases for nonresident hunting licenses.

Adjournment

The public meeting adjourned at 8:23 p.m.

May 14

MISCELLANEOUS

Opening Comments

Chairman Wright called the meeting to order at 8:20 a.m. Commissioners Tony Mc Dermott, Fred Trevey, Robert Barwosky, Randy Budge, Cameron Wheeler and Gary Power were present. Chairman Wright thanked Commissioner Budge and regional staff for the great job hosting the commission tour and meeting.

Agenda Changes

Agenda changes included the additional item 15. a. Pearl Island Donation.

Review of Public Comment

The Commission addressed comments relating to safety concerns at Island Park and elk parts being thrown over the fence attracting grizzly bears, early season for snow geese, MDI program and producing deer, Diamond Creek A, pelican plan and muzzleloader.

Director Groen noted the comment regarding Diamond Creek A elk allocation was not a deceptive action by the Department. Director Groen stated that the Department may have not explained the allocation historic rule well enough to the public and in fairness to staff allocation rules were established 10-12 years ago. The allocation process was developed in 1996 to 1998 to fairly distribute hunting opportunity. This allocation process was developed by “negotiated rule-

making” with two allocation teams consistent with legislative intent with SB1172. Director Groen reported that the Department needs to do a better education process regarding allocation rules. The Director will work with the Communications Bureau on how this rule works and how it is applied across the state. Director Groen stated that every time the Department decides to cap a zone the Department loses money. The Department is talking about a 3 year phase in approach. Beginning in 2009 the number of tags that will be reduced from the 5-year average for the Diamond Creek Zone is 336 tags; 185 resident tags, 142 nonresident tags, and 9 outfitted tags. The Department is trying to do what is right for the elk herd.

Director’s Report

Topics in the Director’s Report to the Commission included:

- The recent issue of *Fish and Game News* focusing on wolves is out
- Meetings with FWS to discuss verified wolf depredation complaints (Appendix 42, Exhibit 37)
- Nonresident deer and elk tag sales are down 25%
- Marketing letter/survey to 33,000 nonresidents (Appendix 42, Exhibit 38)
 - Inviting them back to hunt in Idaho
- The Department’s *Direction 2009* is out
- Staff is beginning work on a Stockholders report for the next budget cycle
- July Commission meeting agenda items will include a discussion on a new Headquarters building and Landowner Appreciation Permits
- The Department budget will have a 3% reduction directed by the legislature
- A discussion on bighorn sheep will be covered in the legislative report
- Access Yes! will not have any new enhancement license money applied to this program since Access Yes is an ongoing program

Commission Reports

Each Commissioner provided a Regional Update report.

Clearwater Region, Commissioner Fred Trevey:

- Constituents are concerned about the fish
 - Numbers are lower than expected
 - A report will follow from the Fisheries staff
- The Region has been working with the Nez Perce and Clearwater national forest on OHV and their respective big game outfitters
- Conducted annual harlequin duck survey along the Lochsa River
 - The number of pairs appears to be down slightly from average, but the number of singles appears to be up
- Completed third field season of the Clearwater Fisher Ecology Project
 - Staff has collared 12 fishers this year
- Discussion at Sportsmen breakfasts has been centered on fish
- Bighorn sheep is discussed constantly

- Lots of volunteers planting various types of vegetation on Craig Mountain
- A volunteer appreciation picnic was held last week with 120 in attendance in Julietta

Panhandle Region, Commissioner Tony McDermott:

- The Pack River Delta project was completed in April
 - The project was a cooperative effort venture between, IDFG, Ducks Unlimited, Avista, Bonner county Sportsmens' Association, Sandpoint areas schools, neighbors and others
- Trap and gill netting resumed on Lake Pend Oreille in early March
 - Netters effectively targeting juvenile lake trout and removing nearly a thousand per week
- Grizzly bears are out of their dens and some are putting on a pretty good wildlife viewing experience at Bismarck Meadows on the west side of Priest Lake
- Reports great turkey hunting in the Panhandle Region
- Funds are set to begin construction of shooting sheds for the Farragut Range
- The Bonner County Economic Development committee has approached IDFG and the Pend Oreille Fish Recovery Task Force with a proposal to look into the feasibility of establishing a commercial Lake Whitefish fishery on Pend Oreille
- There is a potential for a commercial fishery to be a low cost means for long term suppression of lake trout

Southwest Region, Robert Barowsky:

- Reports Jon Rachael was recently promoted to the State Game Manager stationed at Headquarters
- Conservation Officer Matt O'Connell was recently selected as the Citizen Against Poaching Officer of the Year
- Fishing has started to pick up around the region with C.J. Strike being the hot spot for 9 inch crappie
- Luck Peak kokanee fishing has also been good with anglers catching 15 to 17 inch fish
- The Region is currently tagging yellow perch in Cascade Reservoir for an estimate of angler exploitation
- Wolf depredations continue to keep regional staff busy
- Officers and staff have been busy this spring with many kids fishing events that we both host and support
- Officers partnered with WICAP Headstart and entertained approximately 40 children and their families for a day of free fishing at Blacks Pond near Emmett
 - The region made sure that if a child did not have a fishing pole at home that he or she got to take one home to keep
- Conservation Educator Evin Oneale has purchased a trailer that will be used to promote fishing in our urban areas
 - The trailer will carry the Take Me Fishing Logo
 - The trailer will be stocked with rods, reels and tackle, free for the public to use
 - Excellent outreach program for the Department to enhance public relations while promoting fishing as a family activity
- Reports in the Weiser-McCall Deer Zone has 83% fawn survival

- Bighorn sheep: we documented poor lamb production in the Unit s 20A and 26 sheep herd(17lambs:100 ewes) in April
- Eleven turkeys were captured on the Andrus WMA and fitted with a radio transmitter
 - To date 4 turkeys remain close to WMA headquarters where they were captured, 3 have dispersed up the Middle Fork drainage, 1 dispersed into Unit 22, and 3 have died of unknown causes
- Thirteen elk were captured in Unit 39 near Mayfield in March 2009 and collard with VHF radio transmitters
 - Reports that they are dispersing into several different areas
- Spring 2009 sage-grouse lek counts in Owyhee County overall were stable
- IDFG and ITD have applied for stimulus money to do some fencing on Highway 21 to assist with road mortality

Southeast Region, Randy Budge:

- Referenced a quote from Ernest Hemmingway commenting on Idaho’s diversity “there is a lot to this state that he did not know about.”
 - We all have to be very impressed with the great diversity we have in the wildlife and landscape in the State of Idaho
- Thanked Commission, Director, Regional Supervisor Mark Gamblin and staff for their participation and preparation on the field trip to the Blackfoot Reservoir, phosphate mining sites, Monsanto Fox Hills Ranch and the Blackfoot River WMA
- Reported that the Commission tour, sums up his report to the Commission
 - Was a benefit for the Commission to see the reservoir where the pelicans are a problem and complex
 - Commission will have to be diligent and persistent to deal with this issue
 - Cutthroat tagging operation will give us some valuable information and was a benefit to see the new technology first hand was beneficial
- Reports that the Region will have a good water year
- The Region had very high fawn survival rate expectations as late as March
 - Final numbers are in and show a 51% survival rate
- It is very easy to expand opportunity for seasons and bow hunters and muzzleloaders and archery but when we go over the amount and have to restrict opportunity it becomes increasingly difficult
- Long term management requirements of mandate reducing opportunity; there is a conflict between residents and nonresidents

Salmon Region, Gary Power:

- Reports that the steelhead season ended the end of April and was a good season
 - There were fishermen all the way from Salmon to Stanley
 - Tremendous economic advantage to the small communities
- Region is active in working with kids
 - Enforcement set up a “Hands on Program” for kids
 - BLM, Forest Service and local contractors were involved
 - Over 150 kids stopped by the IDFG booth
 - Kudos to the Department for the involvement in the Be Outside program for kids
- The USFWS is looking at a status review of the American Pika

- Another nongame species that could have some dramatic impacts on how everyone does business
- A situation in where the Department does not really have any information on this species
- Aerial Surveys
 - The Department flew bighorn sheep this spring
 - Highest number of sheep reported since the early 1990's
 - Drop in lamb rate
 - Also were able to get productivity information in the Middle Fork on elk
 - Cow calf ratio was in the single digits
 - Reports an increase in populations along the continental divide Unit 30
- As wolves expand and get into the front range units the depredations have increased
 - The region has been aggressive with depredation controls on wolves
 - We cannot wait 4 years before we fly a unit in some of these areas
 - Work more with sportsmen and other agencies to gather more data on the ground
 - Reported that a wolf killed under 10(j) on a legal take had a GPS collar and was marked above Flathead Lake, spent time in the Bob Marsh wilderness and then on down to Salmon where it got in trouble
 - Movements on these creatures are phenomenal

Upper Snake Region, Cameron Wheeler

- Feels it is important to look at other ways to gather survey information other than helicopter surveys as mentioned in Commissioner Power's report
- Stated that the he appreciates the one day meetings with a one day on the ground tour of the regions are very beneficial to the Commission
- Fawn survival rates are right about the state average at 60%
 - Had anticipated better but not as bad as some past years
- Region hosted a Youth Outdoor Skills program with 250 youth participating
- Reports someone put walleye in the Ririe Reservoir the region will work on what this will mean
- Reports a wolf depredation in Mackay and Arco

Magic Valley Region, Wayne Wright:

- Continue to have a great group of volunteers in the Region
 - There were 459 volunteers that planted 41,600 sagebrush and bitterbrush seedlings at 5 sites throughout the Magic Valley Region
- Fifty seven Columbian sharp-tailed grouse were trapped this spring for ongoing recovery efforts
 - Forty grouse were provided to Washington to augment their remnant grouse population
- Preliminary results from sage-grouse lek routs show a 12% decline in sage-grouse counted this spring from 2008 levels
- Grouse counted are down more than 50% from 2006 levels
- Public meetings were held in Burley and Hagerman to provide information on the Department's Draft Pelican Plan

- The annual Fur Auction was held on April 25 in the Region raising approximately \$11,000
- The mule deer fawn survival rate was about 50% through April
- Referenced a February meeting with Mike Styler, Director of Natural Resources, Utah and Jim Karportiz Director of Utah Fish and Game
 - Discussed Watershed Initiatives
 - Currently provides \$6-7 million a year for habitat in the state of Utah
 - A field trip is planned for May 26th to meet with the Utah delegation to find out more about the process to help and enrich Idaho's habitat.

Consent Calendar

Chairman Wright stated that usually the consent calendar is done because it allows the Commission to vote on all items in a block. But the Commission has the option of extracting any item within the consent calendar with a motion to extract an item and does not require a second.

Items covered in the consent calendar:

- a. Minutes
 - February 4,12,19,26, 2009
 - March 5,12,19, 2009
 - March 23-24, 2009
 - April 2,9,16, 2009
- b. Financial Report for the period ending March 31, 2009
- c. Adjustment to 2009 Outfitter Allocated Tags

09-42 Commissioner Randy Budge moved TO EXTRACT ITEM 6. C. FROM THE CONSENT CALENDAR.

Diamond Creek A

Deputy Attorney General, Kathleen Trever, reported on the legal procedures to add the Diamond Creek Zone Cap issue that came up during the public comment period to the agenda. The options for this year are to leave the action in place that was set in the March meeting or amend the proclamation to lift the cap for Diamond Creek A.

Director Groen stated that the Department needs to communicate better the historic process for deer and elk tag allocation (Appendix 42, Exhibit 39).

Regional Supervisor ,Mark Gamblin, stated that in concurrence with Commissioner Budge that the Department can let the Diamond Creek A go for another year(proceeding with the current reduction set at the March meeting, no change); take the intervening year to work through this carefully; and then come back during the next rule cycle with another option.

The Department recommends leaving in place the Commission decision approved at the March 23-24, 2009 meeting to implement a reduction towards 1500 tags and leave in place for the 2009 hunting season and use the intervening year to look at other options that we could consider for the next rule cycle. Commissioner Budge, Director Groen and Regional Supervisor Mark Gamblin agree that they can work with this option with the public and look at other options next year.

Kathleen Trever stated that for rules to be applied for 2010 they would need to be dealt with by August 15th. The Commission could address rules at the July commission meeting or via conference call.

Adjustment to 2009 Outfitter Allocated

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

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

09-43 Commissioner Budge moved and Commissioner Wheeler seconded a motion TO ACCEPT STAFF RECOMMENDATIONS ON AGENDA ITEM 6.C. AND TO ADJUST THE 2009 ELK ALLOCATIONS MADE LAST MARCH FOR DIAMOND CREEK ‘A’, SAWTOOTH ‘A’ SAWTOOTH ‘B’ ZONES AS SHOWN IN TABLE 2. The motion carried in a unanimous vote.

09-44 Commissioner Barowsky moved and Commissioner Power seconded a motion TO APPROVE ITEMS A. AND B. IN THE CONSENT CALENDAR AS PRESENTED. The motion carried in a unanimous vote.

REPORT

Idaho Fish and Wildlife Foundation Report

Ms. Kiefer, Assistant Director –Policy, presented the Idaho Fish and Wildlife Foundation (IFWF) report for Gayle Valentine, Executive Director.

- 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.
- Regional board members are meeting with regional IDFG personnel to conduct annual building inspections of IFWF-leased IDFG office buildings throughout the state.
- Tom Parker, Foundation Land Consultant, begins his annual review of Foundation-owned conservation easements in May and June.
- 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.
- The August board meeting will be held at Harriman State Park on August 28 and 29, 2009.

LEGISLATION

Post Session Legislative Update and Review

Sharon Kiefer, Assistant Director-Policy provided an update on the 2009 legislative session, including a review of actions required by the Commission and the Department to implement new laws. Ms. Kiefer distributed a copy of the bill status table showing 2009 legislation requiring Department action (Appendix 42, Exhibit 40).

SB 1008- Amends existing law relating to fish and game to provide that specified military veterans shall not be required to procure certain licenses; and to provide for the issuance of free permits and tags to specified military veterans.

Action: Create rules for Commission approval in July 2009

SB 1015- Adds to existing law relating to fish and game to require the Department of Fish and Game to make contact with certain agencies of other states for the purpose of soliciting the

Action: This letter has gone out to all states.

SB 1141- Amends and repeals existing law relating to fish and game to revise license fees; to provide legislative intent relating to certain monitoring; and to provide for otter tags and fees.

Ms. Kiefer provided a copy of (Appendix 42, Exhibit 41) showing the new fees that the revenue proposal created.

Ms. Kiefer stated that there are several new elements of law that are implemented along with the revenue proposal:

- General power and duties of the Commission has been amended to give the Commission the discretionary authority to establish by rule procedures relating to the application for the purchase of controlled hunt bonus or preference points. Ms. Kiefer stated that many people have read this section to believe this was mandatory. This is not a rule.
- The legislature gives us guidance when they attach a legislative intent to the law. It is the intent of legislature that the Department of Fish and Game continue to monitor and study populations of elk, deer and moose including predation by wolves to provide this beneficial information.

SB 1232a – Amends existing law relating to fish and game to provide that the department shall take specified action relating to the relocation of bighorn sheep, to state a policy of the state of Idaho, to provide for the development of a state management plan, to provide for the development of best management practices with certain permittees, to provide for certain certification by the Director of the Department of Fish and Game; and to delete reference to provisions relating to the employment of certain veterinarians by the Department of Agriculture.

HB 213 - Amends existing law relating to vessels to provide for additional fees for specified vessels, to provide for stickers, to provide for collection and deposit of fees in the Invasive Species Fund and to provide exceptions.

Action: Acquire and display invasive species stickers on Department vessels.

HB 333- Fish and Game Appropriation Bill

Action: Implement FY10 budget in conjunction with SB 1227

Deputy Director Unsworth and Attorney General Kathleen Trever provided an update on SB 1232a. Deputy Director Unsworth stated that he has been working with Brian Oakey, Department of Agriculture, on the Governor's Task Force for about 1 1/2 years discussing the bighorn sheep issues. There are at least 12 producers statewide that are on or adjacent to bighorn sheep habitat and about half already have best management practices in place to deal with the grazing of domestic sheep near bighorn habitat. The legislation does request the Director to do some new and additional things that may be difficult and will depend on how the Department defines things like viable habitat or viable populations. The Department is working through these issues and will be developing Best Management Practices. There is a very tight time schedule.

Deputy Attorney General Trever reviewed the handout (Appendix 42, Exhibit 42) covering what the new legislation (SB1232a) means for IDFG bighorn sheep management. She noted that the legislation does not change state policy. The legislation confirms Idaho's implied policy acknowledging existing sheep/livestock operations in the area of any bighorn sheep transplant or

relocation and accepting all risk associated with potential disease transmission from such domestic animals.

The legislation does not define viable or self-sustaining, but IDFG can establish such standards in its state management plan.

Within 90 days (by August 6, 2009), IDFG will cooperatively develop best management practices with public land domestic sheep grazing permittees. "Upon commencement of implementation of best management practices, the director shall certify that the risk of disease transmission, if any, is acceptable for the viability of the bighorn sheep." The legislation is silent as to what happens in the event IDFG is unable to cooperatively develop best management practices with permittees to support Director certification. It is reasonable to interpret the statute to require the Director to certify viability only in those instances where IDFG determines it is possible to develop best management practices that will be consistent with the viability of bighorn sheep.

State statute cannot effect Federal lands management decisions on public lands.

The legislation eliminates the veterinarian position jointly funded by IDFG and the Idaho Department of Agriculture.

The statute does not direct any change in Fish and Game Commission policy to maintain separation between domestic sheep and bighorn sheep.

Chairman Wright introduced Mike Webster representing the Governor's Office.

The Commission requests that they receive a copy of the draft plan prior to adoption.

REPORT

Potential Changes for Nonbiological for 2010 Fishing Season

Ed Schriever, Chief of Fisheries, presented the potential nonbiological rules proposals for the 2011-2012 Fishing Seasons and Rules. Mr. Schriever referenced the results of the public scoping that took place early this year by regional management staff in the Commission agenda packet. The Department postponed new regulations until 2011 to allow the temporary rule making to proposed rule making. Mr. Schriever stated there were 17 total fishery concepts that were flushed out through the public process. Four of the concepts were brought by members of the public and the other 13 were brought from staff. Of these 17 concepts the Department is moving 10 to the Commission.

The ten concept proposals are:

- Delete the Family Fishing Waters definition from IDAPA

- Require the use of barbless “circle hooks” and sliding sinker arrangement while fishing for sturgeon
- Eliminate the definition of “no bait” from IDAPA
- Remove statewide bag and possession limits and insert regional bag and possession limits in IDAPA
- Eliminate the definition of a “jack” salmon from IDAPA
- Change wording in IDAPA regarding steelhead season setting
- Change wording in IDAPA steelhead rules to make it consistent with Chinook rules in regards to when steelhead need to be recorded on an anglers permit
- Correct wording in IDAPA 13.01.11.503 regarding Chinook permit validation
- Clean up wording in IDAPA 13.01.11.201.09 regarding trapping or seining of minnows or crayfish
- Clean up language in IDAPA 13.01.11.201.11 regarding catching crayfish and bullfrogs by hand

Staff will take these proposals to the public and will present the proposals for Commission approval at the July 22-24, 2009 meeting.

RULES

Set Free Fishing Day for 2010

Ed Schriever, Chief of Fisheries presented the staff recommendation for Free Fishing Day 2010.

09-45 Commissioner Power moved and Commissioner Barowsky seconded a motion TO ACCEPT THE STAFF RECOMMENDATION OF JUNE 12, 2010 FOR FREE FISHING DAY. The motion carried in a unanimous vote.

MANAGEMENT PLAN

Bear Lake Management Plan

David Teuscher, Fisheries Manager, provided a report on the Bear Lake Fisheries Management Plan. Mr. Teuscher stated that 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.

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.

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.

Chairman Wright noted that the Fisheries Bureau is seeking approval from the Commission to go to the public with this draft plan and is not an action item.

Pelican Management Plan

Jeff Gould, Chief of Wildlife, presented the draft Pelican Management Plan to the Commission.

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.

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. The Department will request USFWS authorization to implement lethal control components of the plan.

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.

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.

Mr. Gould distributed a copy (Appendix 42, Exhibit 43) of the policy related comments on the draft pelican plan. Mr. Gould summarized the key issues that were raised during the 30 day review period and explained how the input will be folded into the plan. There were over 200 comments. Staff then compiled the comments into 5 policy related issues and 15 technical issues. The plan strives to balance public benefits for all of the species we manage. The Department is not recommending any changes based on responses that were received. Rather, the Department will develop detailed responses to address these key issues over the next 4- 6 weeks. Once the responses are completed they will be added as an addendum. This allows the Commission to approve the plan today with the understanding that the Department will cover these issues in detail and add them to the plan as an addendum.

Mr. Gould stated that the plan establishes a balanced management approach that leads to long term sustainability of pelicans in both colonies here in Idaho and will reduce foraging impacts on Yellowstone cutthroat trout, Bonneville cutthroat trout and other sport fish. Equally important is that the plan captures the policy direction expressed by the Commission. If the plan is approved the Department can begin discussion with specific permit requests with the Fish and Wildlife Service and provide the justification the service needs to allow the Department to move beyond the non lethal options that are laid out in the plan.

Virgil Moore, Deputy Director, briefed the Commission on discussions with the Fish and Wildlife Service and our path forward. Deputy Director Moore referenced a letter from the Service regarding the draft Pelican Management Plan (Appendix 42, Exhibit 44). He stated that he is disappointed in the tone of that letter based on a recent meeting with Robyn Thorsen, Regional Director, FWS and staff discussion on the draft Pelican Management Plan. This letter did not reflect the nature of these discussions.

Deputy Director Moore stated that when the Department met with USFWS we explained how the Department would move forward with the plan. He noted that the plan was developed under Commission direction to put the plan together to work with our public before we came to the Service with all of the proposals. We explained we could work with the USFWS as appropriate to secure the permits needed to implement the plan. Deputy Director Moore expressed to the Service that the Department is very concerned about balancing the needs of declining sensitive species with those of increasing species. We have a fish species Yellowstone cutthroat that is of critical concern to us and is a conservation dependent species unlike white pelicans. Conservation dependent species are those critters that because of human activities are going to need continued active management to provide the long term existence of those species and the benefits to society.

Deputy Director Moore noted that the issues brought up in the letter were not new to the Department. He is optimistic the Department will be able to work with FWS on their issues.

The Commission has directed the Department to take a long line of management actions relative to conservation dependent species and other species. Sometimes they are native and sometimes exotic. It gives you some referencing to the decision that the Commission will be making today. It is not just pelicans and cutthroat. The adaptive approach of this plan is: here is what we know today, we know we need to take some management actions, we implement those actions, monitor and evaluate them, then as needed adjust the plan and continue to move forward to achieve the goals of the plan.

09-46 Commissioner Budge moved and Commissioner Trevey seconded a motion TO APPROVE THE PELICAN MANAGEMENT PLAN AS PRESENTED, WITH ADDENDUM LISTING ISSUES RESULTING FROM PUBLIC REVIEW COMMENTS WITH DEPARTMENT RESPONSE, AND COORDINATE WITH US FISH AND WILDLIFE SERVICE TO IMPLEMENT THE PLAN IN AN ADAPTIVE MANNER BASED ON MONITORING AND EVALUATION, WITHOUT DELAY. The motion carried in a unanimous vote.

MISCELLANEOUS

Review of Open Meeting Requirements

Kathleen Trever, Deputy Attorney General, updated the Commission on new open meeting requirements that will take effect July 1, 2009 (Appendix 42, Exhibit 45). Open meetings apply to meetings of a quorum, 4 or more Commissioners, to make a decision or deliberate. The statute defines deliberation as receiving or exchanging information related to a decision.

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

RULES

Proposed Rule Amend Commission Procedures 13.01.01

Kathleen Trever, Deputy Attorney General, stated that 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 (Appendix 42, Exhibit 46).

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. The rules will be open for public comment under the Administrative Procedures Act. It was noted that this would be moving forward as a proposed non biological rule and would not be implemented until the after the 2010 legislative session.

09-47 Commissioner Barowsky moved and Commissioner McDermott seconded a motion TO APPROVE THE PROPOSED RULE AMENDMENTS FOR COMMISSION PROCEDURES. The motion carried in a unanimous vote.

REPORT

Updated Rules for Public Use of Department Lands and Access

Jeff Gould, Chief of Wildlife, provided an update to the Commission. Mr. Gould stated that these rules were last updated in 1993. These rules help keep public use of Department lands consistent with wildlife habitat needs, public safety, and other management constraints. Mr. Gould reported that public input will occur before any adoption of rules at the July Commission meeting.

Proposed changes include:

- Allowing the Director to delegate more authority to regional staff;
- Clarifying several rules and definitions to make them more concise and easier to understand;
- Defining designated roads and trails where motorized travel is allowed;
- Defining commercial use;
- 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.

LANDS

Pearl Island Donation

Jeff Gould, Chief of Wildlife, reported that 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.

09-48 Commissioner McDermott moved and Commissioner Barowsky seconded a motion TO ACCEPT THE STAFF RECOMMENDATION AS PRESENTED TO ACCEPT THE PEARL ISLAND LAND DONATION TO THE DEPARTMENT. The motion carried in a unanimous vote.

REPORT

Briefing on Potential Changes for Big Game and Upland Game and Nonbiological Rules

Jeff Gould, Chief of Wildlife presented the potential changes for big game and upland game and nonbiological rules. Mr. Gould reported that 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.

Potential Big Game and Upland Game proposed nonbiological rule changes:

- Scope a proposal reclassifying Yellowstone grizzly bears as big game animal, and the bald eagle and peregrine falcon as protected nongame species.
- Scope a proposal allowing leftover controlled hunt permits in hunts ending during August to be made immediately available first-come, first-served over-the-counter following the first drawing.
- Correct rule to accurately reflect locations where landowner permission hunts may be applied for
- Scope 2 options: 1) actively encourage black bear hunters to voluntarily take a web-based identification course developed specifically for Idaho, or 2) require black bear hunters to pass an on-line bear identification course prior to purchasing a license if they plan on hunting in areas where grizzly bears are known or expected to occur.
- Scope a proposal allowing the use of lighted nocks while hunting with archery equipment.

- Scope a proposal to apply the Motorized Vehicle Rule to Units 66A and 76 during the fall hunting seasons.
- Current IDAPA rule does not list the Unit 39 early muzzleloader elk hunt as having the Motorized Vehicle Rule, thus is not consistent with Commission action. Correct IDAPA to accurately reflect Commission action.
- Scope a proposal allowing senior and disabled hunters to apply for leftover first-come, first-served youth-only controlled turkey hunt permits.
- IDAPA rules on possession of deer and elk antlers have not been updated to reflect past Commission action. The current rule establishes season dates for possession of deer and elk antlers in the field in eastern Idaho. Commission action eliminated this rule several years ago. Clean-up IDAPA rules to reflect past Commission action
- Work with the Idaho Falconers Association through a negotiated rule-making process to develop new state falconry rules
- Scope a proposal allowing the use of 1 blood-trailing dog controlled by leash during lawful hunting hours and within 72 hours of hitting a big game animal to track wounded animals and aid in recovery.
- Current IDAPA rules have not been updated to reflect Commission action eliminating separate quotas for nonresident hound hunter permits in the Lolo Zone. Clean-up IDAPA rules to reflect past Commission action.
- Scope a proposal prohibiting the use of salt for bear baiting.

Chairman Wright noted that this presentation was for information only prior to the rules going out for scoping and the Commission will be asked to accept or reject them at the July meeting.

Commissioner Power stated that Commission previously talked about is the idea of allowing handguns during short range weapons season. Commissioner Power noted that Montana currently allows this and suggests that staff look at Montana's regulations. It is his understanding that on short range weapon hunts that it is a safety issue. It is not just allowing an opportunity it is trying to get a harvest in the area where you have safety issues. We allow all other forms of weapons but not handguns. Commissioner Power would like to see this idea scoped. Commissioner Power has had several constituents contact him about this issue.

09-49 Commissioner Power moved and Commissioner Wheeler seconded a motion TO MOVE FORWARD WITH PUBLIC SCOPING WITH THE PROPOSALS FOR BIG GAME AND UPLAND GAME NONBIOLOGICAL RULE CHANGES AS THE STAFF HAS SUGGESTED WITH THE ADDITION OF SCOPING THE POSSIBILITY OF USING HANDGUNS DURING SHORT RANGE HUNTS. The motion carried in a unanimous vote.

RULES

Season Setting: Sandhill Cranes

Jeff Gould, Chief of Wildlife presented the Department recommendations for 2009 early goose, mourning dove and sandhill cranes. Mr. Gould distributed a copy of the sandhill crane brochure (Appendix 42, Exhibit 47).

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.

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.

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.

The Department recommendation is to discount the price of the tags for both resident and nonresident to \$13.25 plus the issuance fee of \$1.75 making it \$15.00. Mr. Gould noted that the reason for the discounted tag price is due to the fact that the Department has unsold tags and also that it is a depredation situation and the Department wants to encourage participation.

09-50 Commissioner Barowsky moved and Commissioner Power seconded a motion TO ADOPT THE STAFF RECOMMENDATION FOR THE 2009 EARLY GOOSE, MOURNING DOVE AND SANDHILL CRANE SEASONS. The motion carried in a unanimous vote.

09-51 Commissioner Barowsky moved and Commissioner McDermott seconded a motion TO ACCEPT STAFF RECOMMENDATION TO DISCOUNT THE SANDHILL CRANE TAG FEE TO \$13.25 FOR BOTH RESIDENTS AND NONRESIDENTS. The motion carried in a unanimous vote.

REPORTS

MDI Update

Jim (JJ) Teare, Mule Deer Initiative Coordinator, provided an update to the Commission (Appendix 42, Exhibit 48).

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.

Aerial Gunning and the Use of Powersails

Jon Heggen, Chief of Enforcement, reported on what the ultra light or powered parachutes are and their capabilities. Mr. Heggen stated that aerial sport hunting is not allowed, but aerial hunting of certain wildlife species is authorized under the Airborne Hunting Act, 16,USC,Section742 and delegates to the states authority to permit. The Idaho Department of Agriculture is the designated state agency to regulate and authorize aerial hunting in Idaho under Idaho Code 22-102A and IDAPA 2.01.03. Currently there are 15 of these permits issued by the Department of Agriculture.

The use of powered parachutes and ultra lights to conduct aerial wildlife surveys is being investigated. There are reported uses by private individuals who have used ultra lights to monitor migration of whooping cranes in the United States. We are still seeking information whether other agencies in the U.S. are using ultra lights and/or powered parachutes for wildlife management purposes.

Mr. Heggen referenced a letter (Appendix 42, Exhibit 49) from the National Business Center - Aviation Management stating that they do not recommend the use of powered ultra light aircraft for wildlife surveys due to safety concerns.

09-52 Commissioner Budge moved and Commissioner Wheeler seconded a motion THAT RESOLVED, THAT IT BE THE POLICY OF THE IDAHO DEPARTMENT OF FISH AND GAME TO COOPERATE WITH THE OWNERS AND OPERATORS OF ULTRA LIGHT AIRCRAFT, PRIVATE AND PUBLIC LANDOWNERS AND THE PUBLIC TO FACILITATE THE LAWFUL USE OF ULTRA LIGHT AIRCRAFT FOR RESOURCE MANAGEMENT PURPOSES, INCLUDING CONTROLLING UNPROTECTED OR PREDATORY ANIMALS.

IT IS NOT THE INTENT OF THIS POLICY TO SOLICIT OR UTILIZE ULTRA LIGHT OWNERS AS VOLUNTEERS, AGENTS OR EMPLOYEES OF THE DEPARTMENT.

FURTHER, THAT THE DEPARTMENT COOPERATE WITH LOCAL OFFICIALS AND THE DEPARTMENT OF AGRICULTURE IN HANDLING VIOLATIONS OF STATE OR FEDERAL LAW ARISING OUT OF THE USE OF ULTRA LIGHT AIRCRAFT.

The motion carried with Commissioners McDermott, Wright, Budge, Wheeler, Power voting yes and Commissioners Barowsky and Trevey voting no.

Wolf Update

Jim Unsworth, Deputy Director provided a brief wolf update. Mr. Unsworth stated that the Department has been managing wolves as regular game animal since May 4th. Things seem to be going well and we are dealing with livestock depredations on a case by case basis. Regional Supervisors are making decisions on control actions and level of controls working directly with Wildlife Services. The Department identified 25 wolf packs last summer that were involved in 3 or more depredations. Some of these have been involved in depredations this year and others have not. But the Department is monitoring very closely and if they are involved in depredations the Department is moving to aggressive actions including the removal of entire packs very quickly.

Monitoring and radio collaring is going on. One wolf was collared during a bighorn sheep survey in the Middle Fork near Thomas Creek.

Continuing to evaluate where the Department is at with the lottery tag / auction tags. It is a different situation since the Department is not actually selling tags yet. The legislation does require the Department to use a nonprofit organization. Mr. Unsworth reported that both the Mule Deer Foundation and Sportsmen for Fish and Wildlife are interested in marketing these tags.

The Lolo Proposal is complete and on the shelf. If we get into a situation where we cannot move forward with our hunting seasons the Department is ready to submit the proposal to the Fish and Wildlife Service.

Kathleen Trever, Deputy Attorney General, reported on the various notices of intent to sue the Federal government. Idaho is prepared join in whatever legal cases get filed to support the delisting rule.

Grizzly Bear Update

Jim Unsworth referenced the briefing from Chris Servheen at the March Commission meeting. Mr. Unsworth noted the Interagency Grizzly Bear Committee (IGBC) is the regional oversight group that coordinates grizzly bear recovery. Director Groen is Idaho Department of Fish and Game representative for the Interagency Grizzly Bear Committee, and for the last 3 years Mr. Unsworth has been representing the Department in Director Groen's stead. IGBC meets two (2) times a year. Mr. Unsworth reported that in Idaho there are 4 recovery areas Yellowstone, Selkirk, part of the Cabinet/Yaak along Idaho border and Bitterroot. Recently IGBC has asked the different ecosystem area coordinators to work on a five year work plan. The Commission's motion to not support the reintroduction into the Bitterroot was incorporated into the five year work plan. The committee is now looking at a natural reintroduction.

Examples of work in the IGBC work plan are:

Working with local communities to continue to educate the public on grizzly bears.

Improving sanitation systems and working with the local and county governments.

Connectivity to assure that bears and other wildlife can move from one ecosystem to another.

Idaho is working with Wyoming and Montana on a draft MOU regarding discretionary mortality and when we can harvest bears in the Yellowstone eco system. The goal is to have it finished and signed by the August Tri State meeting. Mr. Unsworth proposed a small working group to evaluate the draft MOU to include Steve Schmidt and Commissioner Wheeler. Mr. Unsworth stated that one thing that the MOU does do is that it retains the rights and responsibilities of each states individual Commission.

The Department plans to reclassify grizzly bears in the Yellowstone recovery area as a big game animal this summer. Hopefully as the Department moves forward in the next couple of years we can offer a couple of tags.

Director Groen stated that IGBC meeting gave clear Commission direction that we want to get this policy focus back to the state Commissions.

FISCAL

FY2011 Budget

Jim Lau, Chief of Administration provided an update on the FY 2010 budget and challenges for setting the FY 2011 budget. Mr. Lau distributed a copy of (Appendix 42, exhibit 50) fiscal year 2010 appropriation by program chart. Mr. Lau reported that the FY 2010 budget is \$76.4 million, prior year was \$76.6 million. There will be a 3% reduction in personnel budget for 2010 and

noted that we need to understand that the legislature passed a 5 % personnel reduction for all state agencies. IDFG was allowed to add back 2% onetime only for FY 2010. When the Department goes into the FY 2011 budget we will be starting with an additional 2% budget reduction from where we are in FY 2010.

Capital spending for FY 2010 has been reduced by \$1.6 million and of the amount \$1.4 million was in the Department Fleet account. The Fleet spending was cut more than in half. The budget was originally cut \$600,000 by the Governor and an additional \$800,000 by the legislature. The Department was directed to transfer \$200,000 from the winter feeding set aside to the depredation set aside.

Mr. Lau stated that Department received several enhancements that were tied to the fee increase. They are as follows:

- Family Fishing Waters
- Hatchery Trout Production
- Improvements to Wildlife Habitat Restoration
- Pheasant Stocking
- Weed Control
- Kids in the Outdoors

The Natural Resource Policy Division officially goes away in FY 2010 and will not be part of the budget for 2010.

The FY 2011 budget will be due to the legislature September 1st. Mr. Lau reported that nonresident sales after 22 weeks are down 25% from prior years and equates to about \$600,000 shortfall. The Zero Based Budgeting is in process for FY 2011 and we do anticipate some re prioritizing of spending among of our programs still to be determined. Mr. Lau would like Commission direction on whether they would be interested in pursuing the other half of the fee increase that the Department did not get this year. Or would other timing be more preferable. At this time the Commission's desire is not to pursue a fee increase proposal for FY 2011.

RULES

Season Setting: Chinook Salmon

Ed Schriever, Chief of Fisheries, provided an update on the reduced Chinook salmon run for this year; and proposed changes for the Clearwater and Lochsa rivers (Appendix 42, Exhibit 51). Mr. Schriever reported that numbers are lower than expected.

Mr. Schriever presented the Department recommendations (Appendix 42, Exhibit 52) for Chinook salmon. Mr. Schriever stated that 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 concerned 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.

Mr. Schriever noted 2 changes on the proposal for the Upper Salmon river:

- Fishing hours are 5:00 a.m. to 10:30 p.m. MDT
- On page 5 of the proposal sheet to strike the last bullet “only Chinook salmon greater than or equal to 24 inches total length need to be entered on the salmon permit.”

Staff recommendation is to approve the proposed 2009 Chinook salmon fishing seasons for South Fork Salmon River and Upper Salmon River.

09-53 Commissioner Trevey moved and Commissioner Power seconded a motion TO ACCEPT THE RECOMMENDATIONS PRESENTED BY STAFF FOR THE SPRING CHINOOK SALMON SEASON SETTING IN THE SOUTH FORK AND UPPER SAMON RIVERS WITH THE ADDENDUMS NOTED. AND TO INCLUDE THE CHANGES FOR THE CLEARWATER AND LOCHSA RIVERS. The motion carried in a unanimous vote.

Commissioner Trevey reported that there is concern with the take of fish below Bonneville this year. It appears that this Commission should communicate in very strong language our displeasure with the fishery that occurred below the Bonneville and the effects that it has on Idaho’s fishery.

09-54 Commissioner Trevey moved and Commissioner Wheeler seconded a motion THAT COMMUNICATION BE DIRECTED TO THE RESPECTIVE COMMISSIONS OF WASHINGTON AND OREGON AND THAT THE COMMUNICATION BE IN THE FORM OF A LETTER SIGNED BY THE COMMISSION CHAIRMAN. The motion carried in a unanimous vote.

MISCELLANEOUS

Hunter Education Instructor Award

Mark Gamblin, Regional Supervisor, and Commissioner Budge presented Ken Foster, Hunter Education Instructor the “Continuing the Heritage” award.

Executive Session

09-55 Commissioner McDermott moved and Commissioner Barowsky seconded a motion TO HOLD AN EXECUTIVE SESSION PURSUANT TO IDAHO CODE SECTION 67-

2345(1)(C) AND (F) TO DISCUSS LAND ACQUISITION AND LITIGATION. The motion carried in a unanimous vote.

09-56 Commissioner Barowsky moved and Commissioner McDermott seconded a motion TO COME OUT OF EXECUTIVE SESSION. The motion carried in a unanimous vote.

The executive session ended at 6:26 p.m. with no action taken. Items discussed in the executive session were land acquisitions and pending litigation regarding wolves.

Wayne Wright, M.D.
Chairman

Cal Groen
Secretary