

**Idaho Fish and Game Commission
July 22-23, 2009
The Hunt Lodge
Holiday Inn Express
210 N. 3rd Street
McCall, Idaho**

July 22

MISCELLANEOUS

Commission Field Trip

Commissioners Tony McDermott, Fred Trevey, Robert Barowsky, Wayne Wright, Cameron Wheeler and Gary Power toured the Cascade Outdoor Aquarium and conducted fisheries work on Cascade Reservoir. Commissioner Randy Budge was excused.

Executive Session

Chairman Wright called the meeting to order at 3:40 p.m. with Commissioners Tony McDermott, Fred Trevey, Robert Barowsky, Cameron Wheeler and Gary Power present. Commissioner Randy Budge joined the meeting shortly after the executive session started.

09-62 Commissioner Trevey moved and Commissioner Barowsky seconded a motion TO HOLD AN EXECUTIVE SESSION PURSUANT TO IDAHO CODE SECTION 67-2345(1)(F) TO DISCUSS PENDING LITIGATION. The motion carried in a unanimous vote.

09-63 Commissioner McDermott moved and Commissioner Power seconded a motion TO COME OUT OF EXECUTIVE SESSION.

In executive session, the Commissioners discussed the gray wolf litigation with legal counsel.

The executive session ended at 6:00 p.m. with no final action taken.

Public Hearing

Chairman Wright called the meeting to order at 7:10 p.m. Commissioners Tony McDermott, Fred Trevey, Robert Barowsky, Randy Budge, Cameron Wheeler and Gary Power were present.

Chairman Wright introduced Senator Lee Heinrich, Cascade, Idaho.

Chairman Wright stated the Commission really appreciates the constituents taking the time to attend the public hearing and the Commission does take your comments and questions seriously. The comments and questions will be discussed as a regular agenda item on July 23rd during the regular meeting.

Dave Smith, President, Idaho Falconers' Association, stated that his organization has 82 members, which is about two thirds of the licensed falconers in the state. Of those 110 licensed falconers about 70 – 80 are active in flying birds. They are in support of Idaho Department of Fish and Game (Department) proposed Idaho Falconry regulations.

Blake Fischer, Idaho Traditional Bowhunters, would like for the Department to follow the Pope & Young Club by not allowing any electronics on the bow or arrow. The Pope and Young website says the Pope and Young Club will not allow any animal that is taken outside of the rule of fair chase. Mr. Fischer stated that the Idaho State Bowhunters have a strict anti-electronic policy for both the bow and the arrow. Mr. Fischer distributed a copy of a photo taken at sunset, one arrow had a lighted nock, and one did not. Asked if you could tell which one had the lighted nock.

Jeff Fealko, Idaho Traditional Bowhunters, and self, stated that Pope and Young does not recognize lighted nocks. He does not support lighted nocks.

Butch Suor representing himself spoke regarding wolves. Mr. Suor stated that we need sportsmen ethics, there is a predator prey imbalance and that sportsmen should stop buying tags until the wolf issue shows action because of the federal government.

Joseph Peterson, representing the Flying B Ranch, spoke regarding Idaho Outfitters and Guides Licensing Board (IOGLB) and the Idaho Department of Fish and Game Memorandum of Understanding (MOU). Mr. Peterson stated that outfitted turkey hunting on public lands must have a demonstrated need for it. What does constitute a need for outfitted services? Also comments on the nonresident hunter survey agenda item number 24. The survey said nonresident elk and deer tags sales are down about 25 – 35 % respectively. He feels this IDFG is looking at ways to market Idaho in order to bring in income. Mr. Peterson wants to provide a service.

Mike Medberry, representing himself, stated that the wolf recovery in the west has been the most successful program that the Endangered Species Act has brought to the United States. I say this as one who doubted it for many years. In the late 1980's I worked as the Conservation Director of the Idaho Conservation League (ICL) and we challenged the reintroduction proposal in court and we lost that case, hands down. There were wolves in Idaho but the US Fish and Wildlife Service thought that only a reintroduction plan could recover the wolves. In the intervening years since 1995 that has proven accurate.

When the wolves were reintroduced in 1995 and 1996 the decision was that when the population grows to 15 pairs in two out of three of the reintroduction states, that the wolves would be delisted. In a few years the number of pairs that would trigger the delisting was increased to 30 breeding pairs in two of the three states. In 2009, I am no longer working for ICL but I know that the number of wolves is far greater than 30 breeding pairs. I think the each of the environmental

groups should accept that the wolves have been recovered. Not to accept that is just disingenuous.

However, the rules of Idaho Fish and Game have to reflect that these wolves were slaughtered in the past and should assure that they will not be slaughtered in the future. If wolves are left having fewer than 15 pairs in both Idaho and Montana the route to relist the wolves should be clear, rapid, and automatic. Each wolf that is shot should bring in \$500 or a \$1,000 to the State of Idaho rather than being sold as a minor pittance, which shows the disrespect in which the IDFG apparently holds the wolf. Wolves are neither bears nor cougar and they should not be treated as if they were. We have paid to have them returned to our land. And now we should get the money to pay for the privilege to shoot a few wolves and that money should benefit each and every American. The trapping and poisoning of wolves should continue to be illegal, as that is what led us to exterminate them in the first place.

The Nez Perce Tribe had the good fortune and the guts to take on and recover the wolves in Idaho and was a great thing that they have done. It is because of the Tribe that the wolf exists in number in Idaho. The Tribe has gained what the IDFG never could have in managing wolves to a healthy population and I hope that they will do the same for bighorn sheep. The State of Idaho has a wolf policy that is not the best but it could be worse. I hope that you will live by it and that you will assure the human population in Idaho that wolves will continue management in Idaho to honor their existence in our country.

Bob Minter, representing Ada County Fish and Game League, stated that they oppose outfitter guided turkey, upland game and waterfowl hunting. The League would like for the Commission to consider seniors to be given an opportunity to hunt turkeys, antlerless deer and elk. Reported that hen pheasants that were proposed last year when the Department had a short fall budget, the bird release numbers were down and affected the quality of hunts on the WMA's. They encouraged the hunter to be allowed to take 1 hen and are waiting on results from the Department on this. The League supported the fee increase that was proposed by the Department and was not passed by the legislature. The nonresident took it in the shorts with the legislation that was passed.

Nate Helm, representing Idaho Sportsmen for Fish & Wildlife (SFW) spoke regarding the large-scale habitat restoration rejuvenation program and \$250,000 has been set aside for this project. SFW has again been granted intervenor status representing Idaho sportsmen. In his opinion Montana has sold out their sportsmen and is requesting that Idaho does not do the same thing and are asking for no more concessions. SFW led the effort to get some fencing on I-15 with a new program called the Wildlife Vehicle Collision Program. SFW has led the effort to use surrogates to propagate upland birds in Idaho. Thanks to IDFG for efforts in doing some research on the viability of that effort and how they might be more successful.

Jim Hagedorn, representing Idaho for Wildlife, stated that the sportsmen do not agree with the management of the Department and that is why they are forming this new group. Mr. Hagedorn presented the Commissioners with copies of disgruntled email messages from sportsmen he had received. Referenced the Clearwater Advisory Council in the 1980's. Mr. Hagedorn would like the Commissioners to hold all of their meetings in Boise and invites the Commissioners to travel

to the Clearwater Region and spend time with the sportsmen in the field. Mr. Hagedorn has heard from sportsmen about wolf depredation and stated that bears are also part of the predator issue.

Becky Johnstone, representing self and the Backcountry Recreation Club, stated that Fish and Game does a good job of making handicap permits available to those who need them. The new Payette NF Travel Plan will not allow those handicapped hunters motorized access to retrieve downed game even in areas where they allow motorized access to healthy people for motorized dispersed camping. Fish and Game needs to work with the public to improve access for all hunters and especially for handicapped hunters.

Larry Thorngren, representing self, spoke regarding bighorn sheep vs domestic sheep and the disease issue. Mr. Thorngren stated that he is a former member of the Governor's task force group on bighorn sheep and will not attend those meetings anymore after what the legislature did with SB1232. He is pro bighorn sheep and photographs sheep. He would like the commission to stand up against the forces that are forcing you to shoot bighorn sheep that come in contact with domestic sheep. Mr. Thorngren also photographs wolves and stated that there is lots of interest in the wolves in the Stanley area. He recently sold \$1,000 in wolf pictures over the weekend. Suggests that we go easy on the Phantom Hill pack, they are visible and people are taking lots of photographs. He supports killing wolves if you can show him that they are killing the elk.

Terry and Linda O'Donnell, Lewiston, submitted comments regarding bear baiting in Units 10A and hunt 10AX.

Mike Higgins, Lodi, CA, submitted comments regarding nonresident fee hike and quad use.

Adjournment

The meeting adjourned at 8:20 p.m.

July 23

MISCELLANEOUS

Opening Comments

Chairman Wheeler thanked Regional Supervisor Scott Reinecker and staff for their work in preparation of the field trip and commission meeting.

Review of Public Comment

The Commission addressed comments relating to Dave Smith and the falconry regulations, lighted nocks will be covered in agenda item # 10, outfitting for turkeys, Mike Medberry comments regarding wolves, staff is working on senior opportunities requested by Ada County

Fish and Game League, predator prey concerns, handicapped permits, bighorn sheep and legislation, large scale habitat restoration, deer vehicle collisions, more face time for Commissioners in the field, access via 4 wheelers for handicapped hunters, length in time between surveys, public education on predator control, wolf tag prices were set by the legislature and public process for response.

Commissioner Budge suggests that at the beginning of each meeting let the public know that the Commissioners and Department staff are available to answer their questions and have dialogue after the public meeting has ended.

Director's Report

- Director Groen referenced the staff reports in the commission agenda book and noted that there are lots of good things going on around the state.
- Thanks to Chairman Wright and Commissioner McDermott for their participation in the WAFWA conference meeting.
- Sharon Kiefer has been selected to attend the National Conservation Leadership Institute this fall.
- Tony Latham, Regional Investigator, Salmon Region received the Pogue-Elms Officer of the Year award at the Western Association of Fish and Wildlife Agencies (WAFWA).
- Landowner Appreciation Program (LAP) (Appendix 42, Exhibit 54)
 - A team composed of three Regional Supervisors identified several issues and potential solutions and / or modifications to the structure.
 - A commission workshop will be held in the future and will need to bring in our stakeholders to get broader discussion on these topics: Outfitters & Guides, Access Yes, Super Hunt, Trophy tags, controlled hunt fees and bonus points.
- Nonresident deer tags are down 31 % and nonresident elk down 25% compared to last year.
- Southeast Regional office construction is 98% complete.
- Flattop Ranch Conservation Easement tour on June 16th
 - South Idaho Wildlife Mitigation settlement Working Principles (Appendix 42, Exhibit 55).
- Regarding Salmon runs: Letter to Washington and Oregon Commission Chairs (Appendix 42, Exhibit 56)
- Commission Report at the August Meeting will include a report on pelicans /Yellowstone cutthroat trout and a meeting with FWS on Aircraft Use in Wilderness
- Access Yes: As of June 29, Private landowners have enrolled 430,000 acres of private lands
- Farm Bill coordination FY 09 Annual Summary (Appendix 42, Exhibit 57).

WAFWA Commissioner Report

Commissioner McDermott reported that 25 commissioners from various states attended the WAFWA conference.

Association of Fish and Wildlife Agencies (AFWA) conducted a workshop on the key roles of the commissioners and directors. Commissioner McDermott reported that this Commission and Department are following the right procedures as outlined by AFWA. One of the key roles for Commissioners was defined as the “custodian of public trust”.

The Idaho Fish and Game Commission was awarded the WAFWA “Commission of the Year”. The award was presented to the Commission for making significant contribution to the management, protection or enhancement of fish and wildlife resources within the past five years. These contributions have long-term or major positive effects on resources that overshadow routine activities.

Commission Reports

Each Commissioner provided a Regional Update Report.

Panhandle Region, Commissioner McDermott:

- Reports that he updated other state commissioners at the WAFWA meeting regarding wildlife programs and predators
- Lake Pend Oreille netting is on hold through the summer months
 - From March through June the netters removed just over 10,000 lake trout
 - To date anglers have harvested just over 3,000
 - 100 rainbows were implanted with PIT tags that have been assigned values ranging from \$50-\$1,000 in hopes of increasing harvest
- University of Montana team has done a great job identifying wolf packs and setting up monitoring in the St. Joe
- There is concern over the impacts of wolves on the last remaining caribou in the Selkirks

Southeast Region, Commissioner Randy Budge:

- Reports a great water year
- Record year for reservoirs
- Irrigation demand has been low all summer and we expect to go into this winter with above average normal reservoir pool levels
- 18.5 pound Rainbow trout taken out of American Falls reservoir a few ounces short of the new state record
 - Within a week another 18.5 was taken below the dam
- Good water conditions this winter will sustain excellent prospects for record breaking fish next year
- The 2009 pelican nest counts on Blackfoot Reservoir documented 3,174 breeding pelicans a rebound from the decline we observed last year (1,578 breeding birds)
- Bonneville cutthroat and Yellowstone cutthroat trout restorations projects are very well received in the region
- The new fish management plan has sparked some enthusiasm he has not seen before with sportsmen and that they like the direction the Department is going and like the things that are happening on the ground

- Our 2008-2009 mule deer fawn winter survival estimate was finalized in June
 - The survival rate was dismal – 28%, one of the lowest since we began monitoring fawn winter survival
- Collaborative effort going on with Idaho Transportation Department to put fences along the highway where there is a high number of road mortality reported
- Phase I of the new Regional office building addition is complete
- Difficult issue with the high percentage of out of state residents being allocated tags on one of the archery hunts in Unit 76 and is highly unacceptable to sportsmen in our area
 - We have assured the sportsmen the Commission will be dealing with this in the future

Southwest Region, Commissioner Bob Barowsky:

- We have secured through the stimulus package a \$500,000 grant to fence an underpass on state highway 21
- The region's new fish trailer has been out to 10 different locations in the last month and is very well received
- Everything has been approved for the construction of the Weiser Pond
- Officer Matt O'Connell received the Citizens Against Poaching Enforcement Officer of the Year Award
- Officer Marshall Haynes was instrumental in finding two lost boys in the mountains near Atlanta
 - Kudos to both Officers O'Connell and Haynes

Upper Snake Region, Cameron Wheeler:

- Referenced a grizzly bear mauling on June 28, 2009 near Bishop Mountain in Island Park
 - Reported that there are more and more grizzly bear incidents in the region, also a bear that has killed some cattle in Teton County
- Reports fawn mortality rates are 25-48% and have really dropped off
- Staff captured 39 elk calves in Island Park and fitted them with collars

Salmon Region, Gary Power:

- The final components of the Big Timber Creek reconnect to the Lemhi River are being implemented this month
- Beginning on June 20 the most extensive Chinook salmon fishery in over 30 years opened in the Upper Salmon River
- Referenced Nate Helm, SFW comments regarding money for habitat restoration
 - SFW was involved with setting up a tour to Utah to observe and see Utah's habitat restoration projects
 - Explained process that was used
 - Similar to what we have MDI only expanded and similar to model watersheds in the Salmon Basin
 - In the last 5 years Utah has restored over 2 million acres of habitat
 - Thanks to SFW for setting up the tour

Clearwater Region, Fred Trevey:

- Depredations on agricultural crops have demanded attention as usual for this time of year

- The Region continues to work with the local national forest on travel management
 - Critical to sportsmen and their access to public lands
- Salmon fishing was fast and furious
- Reports communication with neighboring commissioners continues to be of real interest to our sportsmen and fishermen in the Clearwater area
 - Anadromous fishing in the basin is significant economic as well as the public pleasure that people get out of fishing
- Reports of Mountain Lion attack when a camper in the Elk River area was gathering firewood

Magic Valley Region, Commissioner Wayne Wright:

- A pelican nest survey was conducted on upper Lake Walcott on June 3
- In 2009 22 lek routes were conducted in the Magic Valley to monitor sage-grouse population trends
 - The number of observed males in 2009 declined by only 6% from 2008 but was 49% lower than the number observed in 2006
 - Counts on routes north of the Snake River increased by 11% this spring compared to 2008 but remain down by 50%
 - Counts on routes south of the Snake River declined by 22% from 2008 and were 55% lower than 2006 levels
 - In the Jarbidge, counts declined by 33% this spring from 2008 are down 56% lower than 2006
- Attended the Governors Trail Ride tour of the Murphy Complex fire restoration efforts
 - Also attending Regional Supervisor Jerome Hansen, Director Groen, Governor from Nevada and Tom Tidwell, Chief of Forest Service

REPORT

Grizzly Bear

Commissioner Trevey reported that he attended a settlement conference in regards to removing the Yellowstone grizzly bear from the endangered species list in Missoula, Montana and provided a brief report to the Commission. There was not an agreement and the case will go to court.

Consent Calendar

Items covered in the consent calendar:

- a. Minutes, May 13-14, 2009
- b. Financial Report, May 2009
- c. Budget Modification, Rocky Mountain Elk Foundation

Chairman Wright moved to extract item 6.c Budget Adjustment Rocky Mountain Elk Foundation from the consent calendar

The Rocky Mountain Elk Foundation has committed \$12,500 to the Department for use in the elk/wolf research project during FY2010. The Wildlife Bureau requests an increase in its FY2010 budget, in the amount of \$12,500. This budget request is for the following purpose: conduct research into the effects of wolf predation on elk populations.

09-64 Commissioner Budge moved and Commissioner Barowsky seconded a motion TO APPROVE THE BUDGET ADJUSTMENT REQUEST MADE BY STAFF AUTHORIZING THE EXPENDITURE OF \$12,500 COMMITTED BY THE ROCKY MOUNTAIN ELK FOUNDATION WITH THE BUDGET TO BE ADJUSTED ACCORDINGLY. The motion carried in a unanimous vote.

09-65 Commissioner Power moved and Commissioner seconded a MOTION TO ACCEPT THE ITEMS IN THE CONSENT CALENDAR WITH ITEM 6.C. EXTRACTED. The motion carried in a unanimous vote.

REPORT

Idaho Fish and Wildlife Foundation Report

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

- The Foundation's Land Consultant is currently conducting baseline inventories of conservation easements throughout Idaho.
- Foundation board members completed newly-initiated annual IDFG office building inspections.
- New Foundation officers were elected and began taking office at the April meeting.
- Next board meeting is scheduled at Harriman State Park on August 28 & 29, 2009.

LEGISLATION

Review and Approve 2010 Legislative Proposals

Assistant Director Sharon Kiefer presented the 2010 legislative proposals (Appendix 42, Exhibit 58) to the Commission. The Department is seeking policy guidance regarding the Department package of legislation ideas for submission to the Executive Agencies Legislation System (EALS) for Governor Office approval. This is the first step of the executive agency legislative

process. Agency ideas must be electronically submitted to EALS by August 3. Approved ideas must be drafted as legislative proposals and submitted to EALS by September 18.

The Commission has already directed the Department to not seek legislation increasing resident license fees in 2010.

09-66 Commissioner Wheeler moved and Commissioner McDermott seconded a motion TO ACCEPT THE 2010 LEGISLATIVE PROPOSALS AS OUTLINED BY STAFF. The motion carried in a unanimous vote.

RULES

Temporary Rule Review and Adopt: Disabled Veterans Special Big Game Tag

Assistant Director Sharon Kiefer stated that per Commission direction and approval, the Department sponsored Senate Bill 1008, which created license exemption and authority for the Commission to issue free tags to create special hunting opportunity for disabled veterans sponsored by a qualified organization, similar to existing law (36-401(a)6.) and Commission rules in 13.01.04.900 – Children with Special Needs Big Game Permit/Tag. Senate Bill 1008 passed the 2009 Legislature and was signed into law by the Governor, effective July 1. The Commission had provided prior guidance that the current pool of tags defined in 13.01.04.900 would be allocated between both children with special needs and disabled veterans, requiring amendment to 13.01.04.900 to accommodate both programs.

In addition, Senate Bill 1141, as amended, removed control hunt permits from 36-416 except for turkey control hunts so scrubbing IDAPA Chapter 13 is required to remove obsolete reference to control hunt permits.

This rule proposal has three components: 1) Amend 13.01.04.900 to reallocate a portion of the tags applied to the children with special needs hunting opportunity to accommodate the new disabled veterans hunting opportunity, 2) remove obsolete control hunt permit references in 13.01.04.900, and 3) Create a new rule as 13.01.04.901, Disabled Veterans Special Big Game Tag, to implement Senate Bill 1008.

09-67 Commissioner McDermott moved and Commissioner Power seconded a motion TO ACCEPT AGENDA ITEM # 9 AS BRIEFED BY STAFF. The motion carried in a unanimous vote.

Rules: Nonbiological for all Game Animals

Brad Compton, Wildlife Assistant Bureau Chief, presented the nonbiological rule proposals for all game animals. Mr. Compton stated that annually or biennially, the Idaho Fish and Game Commission considers proposed changes for 2 types of hunting regulations, seasons (biological) and rules (nonbiological). Hunting season regulations 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. Hunting rules include all other rules adopted by the Commission. Examples of hunting rules include methods of take, tagging requirements, evidence-of-sex requirements, and controlled hunt eligibility requirements. Hunting rules are officially published in the Idaho Administrative Code (<http://adm.idaho.gov/adminrules/agyindex.htm>) and included in hunting season brochures.

Hunting rules adopted by the Commission undergo legislative review and approval prior to implementation. Rules approved today will not go into effective until 2010.

At the May meeting the Commission was provided a preliminary list of issues and proposals to take to the public. In addition to what was provided in May the Department added the proposal to allow the use of handguns in short range weapons. A survey soliciting public comment on proposed hunting rules was placed on the Department website June 19 through July 10, 2009. Mr. Compton distributed a copy of the (Appendix 42, Exhibit 59) results.

09-68 Commissioner McDermott moved TO APPROVE ALL RULE CHANGES, INCLUDING THE USE OF LIGHTED NOCKS FOR BIG GAME HUNTING AS OUTLINED BY STAFF. The motion died in lack of a second.

09-69 Commissioner Power moved and Commissioner Wheeler seconded a motion TO ACCEPT THE RULE CHANGES FOR ALL GAME ANIMALS AS PRESENTED WITH THE EXCLUSION OF LIGHTED NOCKS. The motion carried in a unanimous vote.

Proposed Rules

Deputy Attorney Dallas Burkhalter reported that as part of the rulemaking process under the Idaho Administrative Procedures Act (IDAPA), the Commission needs to adopt as Proposed Rules the Temporary Rules previously promulgated in January.

The Temporary Rules were promulgated after discussions with the Legislative Rules Review Committees, and errors were found in the previous rules. IDAPA 13.01.04 sets the nonresident deer and elk tag quotas, and nonresident outfitter set-aside quotas. IDAPA 13.01.08 amends the Big Game rules to include wolf in preparation for season-setting. The Commission's approval is needed for the rules to proceed through the rulemaking process and be reviewed by the 2010 Legislature.

09-70 Commissioner McDermott moved and Commissioner Barowsky seconded a motion TO ADOPT THE TWO OUTLINED RULES AS PROPOSED RULES:

1) IDAPA 13.01.04 RULES GOVERNING LICENSING (NONRESIDENT DEER AND ELK TAG QUOTAS AND NONRESIDENT OUTFITTER SET-ASIDE QUOTAS)

2) IDAPA 13.01.08 RULES GOVERNING THE TAKING OF BIG GAME ANIMALS (ADDITION OF WOLF TO THE BIG GAME RULES). The motion carried in a unanimous vote.

Rules: Nonresident Deer and Elk Tag Quotas

Brad Compton, Wildlife Assistant Bureau Chief, presented the Departments recommendations for nonresident deer and elk tag quotas. Mr. Compton stated that the Commission annually establishes quotas for nonresident deer and elk tags for the following years' hunting seasons. The Department is recommending no changes from 2009. The recommendation is for 2010 quotas and will go on sale December 1, 2009.

09-71 Commissioner Power moved and Commissioner McDermott seconded a motion TO ACCEPT AGENDA ITEM NUMBER 11 NONRESIDENT DEER AND ELK TAG QUOTAS AS PRESENTED BY STAFF FOR 2010. The motion carried in a unanimous vote.

Rules: Nonresident Deer and Elk Tag Outfitter Set-Asides

Brad Compton, Wildlife Assistant Bureau Chief, presented the nonresident deer and elk tag outfitter set-asides recommendations. Annually, the Commission establishes a quota on general nonresident deer and elk tags for use by hunters using the services of a licensed Idaho outfitter. Outfitter set-aside quotas are a subset of total nonresident deer and elk tag quotas, and are not in addition to. Any outfitter set-aside tags not claimed by outfitted clients by July 1 revert back to the Department for sale to nonresident hunters. The Department is recommending no change from last year. The proposed recommendation for nonresident deer and elk tag outfitter set-aside quotas are:

- 1,985 deer tags (regular or white-tailed)
- 2,400 elk tags (A or B tags for all zones)

09-72 Commissioner Barowsky moved and Commissioner Power seconded a motion TO ACCEPT THE DEPARTMENT RECOMMENDATIONS FOR NONRESIDENT DEER AND ELK TAG OUTFITTER SET-ASIDES QUOTAS 1,985 DEER TAGS (REGULAR OR WHITE-TAILED) AND 2,400 ELK TAGS (A OR B TAGS FOR ALL ZONES). The motion carried in a unanimous vote.

Rules for Public Use of Department Lands and Access

Jeff Gould, Chief, Bureau of Wildlife, presented the revised rules for public use of department managed lands. Mr. Gould stated that 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. The proposed changes are:

- 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.
- Prohibits leaving portable hunting blinds and tree stands unattended for more than ½ hour. This is consistent with the rule on use of decoys.

09-73 Commissioner McDermott moved and Commissioner Power seconded a motion TO ACCEPT THE REVISED RULES FOR PUBLIC USE OF DEPARTMENT MANAGED LANDS. The motion carried in a unanimous vote.

REPORT

2009/2010 Waterfowl Season and Bag Limit Recommendations **2009 Sage Grouse Bag Limit and Recommendation**

Jeff Gould, Chief of Wildlife, briefed the Commission on 2009 Waterfowl and Sage-grouse hunting seasons. Mr. Gould noted that the Commission sets seasons for ducks, geese, and sage-grouse in August. This presentation (Appendix 42, Exhibit 60) reviewed the 2009 status of Idaho's duck, goose, and sage-grouse populations as well as Department proposals for 2009 seasons. The 2009 waterfowl season frameworks will be finalized by the U.S. Fish and Wildlife Service on July 24, 2009 and the Commission will take final action during a conference call in August.

Direction on Expenditure of Animal Damage Control Board Fund

Jeff Gould, Chief of Wildlife, stated that Idaho statute annually appropriates \$100,000 of Department funds to the State Animal Damage Control Board for control of predatory animals and birds. Additionally, the Department annually transfers surplus funds from the expendable deprecation account to the State Animal Damage Control Board. Idaho statute authorizes the Commission to direct how these funds are to be used.

Since 2005, the Commission has directed \$50,000 or more to be used for intensive coyote removal in conjunction with the Mule Deer Initiative in eastern Idaho. Additional funds, approximately \$50,000, have been directed by the Commission to support Wildlife Services activities identified in the MOU between the Department and the Animal Damage Control Board.

09-74 Commissioner Budge moved and Commissioner Barowsky seconded a motion to approve staff recommendations for directing expenditures of funds allocated to the animal damage control board. The motion carried in a unanimous vote.

Release of Bighorn Sheep Tags for Auction and Lottery

Jeff Gould, Chief of Wildlife, provided an update (Appendix 42, Exhibit 61) on how the bighorn sheep auction tag is implemented compared to the lottery tag and activities that have benefitted from the auction tag.

The Idaho Fish and Game Commission is authorized to release a bighorn sheep tag for auction and a bighorn sheep tag for lottery. Department proceeds from the auction tag are used to fund bighorn sheep research and management. Proceeds from the lottery tag help fund Department activities for resolving problems between wild and domestic animals.

The Commission is authorized to select a nonprofit conservation organization to market the auction and lottery tags. No more than 5% of the auction tag proceeds, and no more than 25% of the lottery tag proceeds, may be retained by the nonprofit organization. The Wild Sheep Foundation (formally known as the Foundation for North American Wild Sheep) has been the conservation organization historically selected for marketing the tags.

These tags have provided more than \$2 million in revenue since 1988.

Mr. Gould stated that the original Department recommendation was to issue these two tags to the National Wild sheep Foundation for the auction tag and the Idaho Chapter of the Wild Sheep Foundation for the lottery.

Recently, the Department received a request from SFW (Appendix 42, Exhibit 62) to be considered and selected as the nonprofit conservation organization to market the auction bighorn sheep tag for 2010.

A letter of proposal (Appendix 42, Exhibit 63) was also received from the Wild Sheep Foundation.

Chairman Wright stated that this will be a Commission decision on which of the two organizations that have applied for this auction tag will prevail. Commission discussion followed. It was noted that Wild Sheep Foundation has been the only organization to ever request the bighorn sheep auction tag.

09-75 Commissioner Wheeler moved and Commissioner Budge seconded a motion TO AUTHORIZE IDAHO SPORTSMEN FOR FISH AND WILDLIFE AS THE NONPROFIT CONSERVATION ORGANIZATION TO MARKET THE AUCTION BIGHORN SHEEP TAG. The motion carried in a unanimous vote.

09- 76 Commissioner Wheeler moved and Commissioner McDermott seconded a motion TO RELEASE THE BIGHORN SHEEP LOTTERY TAG TO THE IDAHO CHAPTER OF THE WILD SHEEP FOUNDATION FOR 2010. The motion carried in a unanimous vote.

Commissioner Budge suggests that staff convey a clear message to both of these entities and others who may have an interest to submit their proposal in a timelier manner to allow the Commission and Department staff to review prior to the meeting. The Commission would like

for staff to put together some criteria which will be required for any conservation group to adhere to in the future.

Deputy Attorney General Burkhalter stated that the Department can put together some guidelines to be able to control this process, since we now know that there is some competition. There has not been any competition in the past, and terms have been negotiated annually with the entity awarded the contract. The Commission can adopt Commission rules to set application dates, requirements and work up a proposal. The state's purchasing policy procedure could be followed for accepting proposals. The Department could actually put out a request for proposal that would identify the criteria that needs to be met in order to make a valid application.

REPORT

Wolf Update

Jim Unsworth, Deputy Director provided an update to the Commission. Deputy Director Unsworth stated that some of the data is coming in for Elk Mortality Studies. Reports that in the Lowman area there is a 92% survival on cows, 81% survival on adult elk, and a 26 % survival on calf elk. Most of the depredation mortality is in the area associated with wolves. The North Fork Clearwater and Lochsa river drainage shows 87% survival on cows, 83% on bulls and 18% on calves. There is concern since it is only a six-month rate and not the annual rate. There are no mortality reports on adult moose in the Clearwater drainage area.

Livestock depredations on wolves we are tracking are very similar to last year perhaps slightly above. Through June 30 Wildlife Services has taken 30 wolves, and 23 other wolf mortalities have been documented with the private property protection process and 19 other road kills. Todd Grimm, Wildlife Services indicated that 7 more wolves have been taken in the last few days. Six of that number were from the Upper Snake Region.

The Department is on track to have about the same or slightly higher control actions and depredations as last year. Last year reports the Wildlife Services controlled 94 animals.

Grizzly Bear Update

Recently Deputy Director Unsworth sent out information to the other Grizzly Bear Subcommittee members Cameron Wheeler and Regional Supervisor Steve Schmidt. The information sent was a draft MOU on discretionary mortality for grizzly bears and how we would arrive at those numbers. The MOU is very short and simple and essentially says that we will use the grizzly bear study teams estimates from Yellowstone mortality rates. Then the Commissions of each respective state will have the final say on what the seasons would be.

Another document sent was a proposal to establish a grizzly bear and wolf trust fund among the 3 states to provide a funding mechanism for management. Currently this proposal would work through the National Fish and Wildlife Federation.

09-77 Commissioner Barowsky moved and Commissioner Power seconded a motion TO HOLD AN EXECUTIVE SESSION PURSUANT TO IDAHO CODE SECTION 67-2345(1)(C) TO DISCUSS LAND ACQUISITION. The motion carried in a unanimous vote.

The executive session ended at 1:34 p.m. with no official action taken.

LANDS

Land Acquisition (Pursuant to Executive Session)

Sharon Kiefer, Assistant Director-Policy, stated that the Department recommends that the Commission adopt the resolution pertaining to the Idaho Fish and Wildlife, Inc. revenue notes, series 2009 for consideration of purchase of the DeMeyer property (Appendix 42, Exhibit 64).

09-78 Commissioner Barowsky moved and Commissioner Power seconded a motion TO ADOPT THE RESOLUTION OF THE IDAHO FISH AND GAME COMMISSION, APPROVING THE PURPOSES AND ACTIVITIES OF IDAHO FISH AND WILDLIFE FOUNDATION, INC. AND THE ISSUANCE OF TAX-EXEMPT NOTES IN AN AMOUNT NOT TO EXCEED \$1,500,000 TO FINANCE THE ACQUISITION OF LAND FACILITIES AND AUTHORIZING THE EXECUTION OF LEASE AGREEMENTS FOR THE PROJECT. THE MOTION ALSO INCLUDES ASKING CHAIRMAN WRIGHT TO SIGN THE RESOLUTION. The motion carried in a unanimous vote.

RULES

Rules: Nonbiological for 2011 -2012 Fishing Seasons

Ed Schriever, Chief, Fisheries, presented the Department recommendations for the 2011-2012 fishing seasons (Appendix 42, Exhibit 65). Nonbiological rules will go into effect after Commission passage and after approval by the Legislature in 2010.

Mr. Schriever presented the following additional proposal:

The Panhandle Region recommends a change to allowing the use of unlimited rods/lines while fishing from a boat on Lake Pend Oreille. This recommendation comes from the Lake Pend Oreille Task Force as a means to increase the harvest of lake trout and rainbow trout on the lake. Currently anglers are allowed to fish with four rods on the lake if they have purchased a 2-pole permit. Advice from legal counsel is that we have inappropriately applied a four rod limit with a 2-pole permit. This was a Commission change to Code that we should not have asked you to do for the 2008-2009 Fishing Rules.

The Bureau recommends the proposal to allow unlimited rods/lines while fishing from a boat on Lake Pend Oreille. This needs to be done in concert with removing the 4 rod limit allowed with a 2-pole permit when the proclamations are addressed in 2010

09-79 Commissioner McDermott moved and Commissioner Barowsky seconded a motion TO APPROVE AGENDA ITEM NUMBER 17 NONBIOLOGICAL RULES FOR 2011-2012 FISHING SEASONS AS PRESENTED BY STAFF WITH THE ADDENDUM IN CONJUNCTION WITH THE ANGLER INCENTIVE PROGRAM IT IS LAWFUL TO FISH WITH UNLIMITED RODS/LINES ON LAKE PEND OREILLE FROM A BOAT. The motion carried in unanimous vote.

REPORT

Anadromous Fishery Update

Ed Schriever, Chief, Fisheries provided an update on the chinook salmon fisheries (Appendix 42, Exhibit 66). The update covered the results of the spring and summer Chinook salmon recreational fisheries in Idaho this spring. Also included in the report were season lengths, angler hours, numbers of salmon harvested. Mr. Schriever reported that the Upper Salmon had the most successful salmon fishery reported in 30 years.

LEGISLATION

Senate Bill 1232a Fish and Game Bighorn Sheep Relocation Update

Brad Compton, Assistant Chief of Wildlife reported that during the 2009 session, the Idaho legislature passed, and the Governor signed, Senate Bill 1232a. The new law primarily affects 3 areas of state management of bighorn sheep:

- 1) The legislation confirms Idaho's implied policy of acknowledging existing sheep/livestock operations in the area of any bighorn sheep transplant or relocation and accepts all risk associated with potential disease transmission.
- 2) The legislation requires the Department to develop a state management plan to maintain a viable, self-sustaining population of bighorn sheep in the state. The plan must consider federal/state domestic sheep grazing allotments that bighorn sheep occur on or in proximity to.
- 3) The legislation requires the Department to collaboratively develop best management practices with public land domestic sheep grazing permittees within 90 days (August 6th deadline). The Director shall certify that the risk of disease transmission, if any, is acceptable for the viability of bighorn sheep upon commencement and continued implementation of best management practices.

Additionally, the legislation eliminated the jointly funded wildlife veterinarian position shared between the Department and Idaho State Department of Agriculture.

Mr. Compton distributed a map (Appendix 42, Exhibit 67) identifying domestic sheep allotments both of federal and state lands that were on or immediately adjacent to bighorn sheep range. Eighteen permittees were identified that met the 30,000 ft level and all permittees have been contacted. Fourteen of the permittees agreed to pursue a Best Management Practices collaborative development plan.

Mr. Compton referenced a letter (Appendix 42, Exhibit 68) sent to the Commission from the Wild Sheep Foundation regarding Best Management Practices (BMP's) for domestic sheep grazing in occupied bighorn sheep habitat. The concerns are that BMP's do not work; you cannot certify population viability with existing BMP's.

Mr. Compton noted that these BMP's are being developed as an annual agreement that will be reviewed and updated adaptively as we learn.

Director Groen stated that SB 1232a was amended several times during the legislative session. There was a lot of emotion tied to this bill. Certification will be biologically driven, however federal government has authority on federal lands. The Department will have well written BMP's. Bighorn sheep was a huge topic at the Western Association of Fish and Wildlife Agencies meeting in July, eighteen of twenty-three states have bighorn sheep. The bill has opened communications and the Department is building relationships. Our biologists are going to the producers, sitting down, and asking how we can make this work. We cannot eliminate risk but we can reduce it and are looking at a coordinated holistic approach. There are some difficult management issues going on between the state, federal and tribes. This legislation directs the Department to develop a bighorn sheep management plan.

Chairman Wright stated:

“As Fish and Game Commissioners we often find ourselves immersed in dealing with wildlife management issues that are controversial. Over the past couple of years the management of bighorn sheep and domestic sheep has generated significant in-state and out-of-state interest.

As Commissioners, we are often pushed to “take a stand” by those who favor one particular outcome or another. That would be an easy thing to do: we all have opinions, some of them strongly held.

In this particular issue, “taking a stand” would have been easy, but quite likely unproductive. Working to bring all parties together in a collaborative manner to find solutions acceptable to everyone is difficult, but is ultimately the only way to find lasting solutions to complex problems.

As Chairman of this Fish and Game Commission, and on behalf of all the Commissioners, I want to publicly commend Director Groen and his staff of professional wildlife biologists for taking the time to work tirelessly and carefully to consider the needs and interest of all stakeholders, both animal and human.

We believe that both wildlife and livestock interests will benefit from this thoughtful and collaborative process, and encourage all parties to continue to work toward solutions to the issues that remain.”

Margaret Soulen, representing the American Sheep Industry, expressed her appreciation to Idaho Department of Fish and Game (Department). The legislation put the Department in a very difficult position. The Department has worked very diligently through what they have been instructed to do. Ms. Soulen’s perspective as a permittee in trying to work through a collaborative process in a number of different fronts, states that the Department has been outstanding and she commends the Department.

REPORT

Active Outdoors Update

Jim Lau, Chief, Administration introduced Richard Levin, President, Active Outdoors the Department’s licensing vendor. Mr. Lau stated that Outdoor Central had been acquired by Active Networks, located in San Diego, California.

Mr. Levin reported about the new ownership of Active Outdoors, and how it effects the Department’s licensing systems. Active Network has been around for 10 years and the company’s goal is to encourage participation in outdoor activities across the country. Mr. Levin addressed some of the issues the Department has experienced with the system within the last few months and a plan to correct them.

LANDS

Shields Land Acquisition

Gregg Servheen, Wildlife Program Coordinator, presented the Shields Land Acquisition to the Commission. Mr. Servheen stated that this 66.95-acre fee title acquisition is located along the west bank of the Pack River approximately two miles north of Highway 200. Acquisition of this property will add to the land base of the Pend Oreille River Wildlife Management Area (approximately 6,258 acres as of 2008).

The property is being acquired through the Albeni Falls wildlife mitigation program and will be funded by Bonneville Power Administration. The property will be managed as part of the Pend Oreille WMA and is directly across the Pack River from the Rapid Lightning Creek and Trout Creek habitat segments of the Pend Oreille Wildlife Management Area. This acquisition increases opportunities to provide waterfowl and upland game habitat.

Acquisition of this property may encourage neighbors to the north and south of the parcel to protect their properties from further development and provide greater protection for both fish and wildlife on the Pack River.

No buildings are part of the acquisition. IDFG pays a fee in lieu of taxes (FILT) for all fee-title properties. The FILT for properties acquired in Bonner County is estimated at approximately \$3.66 per acre, for a total of approximately \$245 for the subject property.

The property was previously presented to the Commission during Executive Session on November 7, 2008.

09-80 Commissioner McDermott moved and Commissioner Barowsky seconded a motion TO PROCEED WITH THE SHIELDS ACQUISITION AS PRESENTED BY STAFF. The motion carried in a unanimous vote.

REPORTS

Outfitters and Guides Licensing Board Update

Virgil Moore, Deputy Director, provided an update to the Commission.

The Department signed an MOU with the IOGLB in January, 2008 calling both entities to work together to resolve several issues of importance.

Wayne Hunsucker, IOGLB Board Chairman; Jake Howard, Executive Director, IOGLB reported on the recent activities to develop policies dealing with a request for licensing outfitter for waterfowl, turkey and upland game birds and the recent actions of the IOGLB in approval of a temporary Moratorium on Outfitted Waterfowl, Upland Game and Turkey Hunting. Draft policies for Needs/Capacity Assessment and Outfitting on State or Private Lands are being worked on by the IOGLB, IOGA and IDFG. Director Howard distributed a copy of the IOGLB June 17-18, 2009 draft minutes (Appendix 42, Exhibit 69) referencing where the moratorium was adopted.

Under the foundation of the IOGLB and IDFG MOU (January 16, 2008), both entities would like to develop policy that addresses outfitting on private lands. Policy will improve the evaluation of license applications and substantiate the need for such services which together will serve to develop a clear record of decision. IOGLB is moving forward with policy development and approval with IDFG.

Additional discussions are needed before a timeline and scoping process can be recommended to the Idaho Outfitter and Guides License Board and the Idaho Fish and Game Commission. The collaborative process will take time. Both IDFG and IOGB feel a realistic timeframe would be 12- 18 months.

Results of Nonresident Survey

Mike Keckler, Chief of Communications, presented the results of the nonresident survey (Appendix 42, Exhibit 70). Mr. Keckler noted that some of the reasons for the decrease in nonresident sales are wolves, nonresident fee increase and the economy. Mr. Keckler distributed copies of written comment received from the survey (Appendix 42, Exhibit 71).

Nonresident elk and deer tag sales are down about 25% and 31%, respectively, from this time last year. As a way to encourage nonresident hunters to come to Idaho this year, we put together a mass mailing to over 30,000 nonresidents who had purchased a license in at least one of the past two years but had not yet purchased one for 2009. The mailing included the SuperHunt brochure/application, a nonresident controlled hunt application, a "come to Idaho" letter, and a questionnaire.

We could not pass up the opportunity to ask 30,000 nonresidents questions about hunting in Idaho. By answering these questions, we will better target future communications and marketing efforts, help forecast nonresident sales, and engage them in a new kind of relationship with Fish and Game. Although not a scientific survey, we at least will get a coarse assessment about the following questions:

- 1) Why are nonresident sales down?
- 2) Who is our competition (i.e., are they going somewhere else)?
- 3) How much did the fee increase affect their decision?
- 4) Do they intend to come to Idaho in the next few years?
- 5) Why have they chosen Idaho in the past?

Results of this inquiry will be presented along with suggestions on how to better engage nonresident hunters as legitimate stakeholders.

The Department would like to mail a follow-up letter to at least the 2,500 nonresidents who have responded and preferably to all 30,000. We suggest that nonresidents have been a disenfranchised group of stakeholders and that we need to better understand them and engage them as stakeholders if we want them to return to Idaho.

Nonresident hunters account for nearly half of Fish and Game's license revenue. They have the power to choose which states to hunt and their choices can significantly affect Fish and Game's revenue. By conducting more inquiries such as this, we will better target future communications and marketing efforts and engage them in a new kind of relationship with Fish and Game.

MISCELLANEOUS

Adjournment

09-81 Commissioner Barowsky moved and Commissioner Power seconded a motion TO ADJOURN. The motion carried in a unanimous vote.

The meeting adjourned at 4:12 p.m.

Wayne Wright
Chairman

Cal Groen
Secretary