

Idaho Fish and Game Commission
Special Meeting
October 29, 2009
Director's Office
600 South Walnut
Boise, Idaho

Present in the Director's Office: Director Cal Groen; Sharon Kiefer, Assistant Director; Dallas Burkhalter, Deputy Attorney General; Kathleen Trever, Deputy Attorney General; Mary Boyer, Executive Assistant; Tom Hemker, State Wildlife Habitat Manager; and Gregg Servheen, Wildlife Program Coordinator.

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

RULES

Ratification of Rules

Dallas Burkhalter, Deputy Attorney General, provided a report on the procedure for ratification of rules. Mr. Burkhalter stated that as part of the rulemaking process under the Idaho Administrative Procedures Act (IDAPA), the Commission needs to adopt as Pending Rules those Proposed Rules previously promulgated during the last rulemaking year. We have referred to this process as 'ratification' because the Commission is formally approving rules which it has already promulgated. This approval is needed for the rules to be reviewed by the 2010 Legislature. If the Pending Rules are accepted by the Legislature, the rules will become Final Rules.

The staff recommendation is that the Commission adopt as pending rules the following proposed rules with one change: change the word regulation to proclamation in Docket No. 13-0104-0902.

- 1) IDAPA 13.01.01 Rules of Practice and Procedure of the Idaho Fish and Game Commission, Docket No. 13-0101-0901
- 2) IDAPA 13.01.03 Public Use of the Lands Owned or Controlled by the Department of Fish and Game, Docket No. 13-0103-0901
- 3) IDAPA 13.01.04 Rules Governing Licensing, Docket No. 13-0104-0901
- 4) IDAPA 13.01.04 Rules Governing Licensing, Docket No. 13-0104-0902
- 5) IDAPA 13.01.06 Rules Governing Classification and Protection of Wildlife, Docket No. 13-0106-0901
- 6) IDAPA 13.01.08 Rules Governing the Taking of Big Game Animals, Docket No. 13-0108-0902
- 7) IDAPA 13.01.09 Rules Governing the Taking of Game Birds, Docket No. 13-0109-0901
- 8) IDAPA 13.01.10 Rules Governing the Importation, Possession, Release, Sale, or Salvage of Wildlife, Docket No. 13-0110-0901
- 9) IDAPA 13.01.11 Rules Governing Fish, Docket No. 13-0111-0901

- 10) IDAPA 13.01.14 Rules Governing Falconry, Docket No. 13-0114-0901
- 11) IDAPA 13.01.14 Rules Governing Falconry, Docket No. 13-0114-0902
- 12) IDAPA 13.01.15 Rules Governing the Use of Dogs, Docket No. 13-0115-0901
- 13) IDAPA 13.01.16 The Trapping of Predatory and Unprotected Wildlife and the Taking of Furbearing Animals, Docket No. 13-0116-0901
- 14) IDAPA 13.01.17 Rules Governing the Use of Bait for Taking Big Game Animals, Docket No. 13-117-0901

09-102 Commissioner Power moved and Commissioner Wheeler seconded a motion TO CHANGE THE WORD REGULATION TO PROCLAMATION IN DOCKET NO. 13-0104-0902. The motion carried in a unanimous vote.

09-103 Commissioner Barowsky moved and Commissioner Power seconded a motion TO ACCEPT THE STAFF RECOMMENDATION TO ADOPT THE PROPOSED RULES AS PENDING RULES. The motion carried in a unanimous vote.

LANDS

Dionne Land Acquisition

Gregg Servheen, Wildlife Program Coordinator presented the Dionne Land Acquisition to the Commission. Mr. Servheen stated that this 49-acre fee title acquisition is located in Kootenai County, adjacent to Lane Marsh in the Lower Coeur d'Alene River Valley. Acquisition of this property will add to the land base of the Coeur d'Alene WMA, increasing the size of the WMA to approximately 5,800 acres. The parcel is particularly important habitat for tundra swans and other waterfowl and migratory birds because it remains uncontaminated from heavy metals resulting from mining activities, unlike the surrounding region. The parcel could also be easily restored to wetlands.

The landowners originally expressed interest in selling their property to the U.S. Fish and Wildlife Service (USFWS) in collaboration with the Coeur d'Alene Basin Natural Resource Trustees. The USFWS then approached the Department to cost-share the acquisition, since the Department already has the resources and personnel to manage the property. The property is being acquired through the Albeni Falls wildlife mitigation program and will be funded by BPA. The USFWS paid for the appraisal and will fund future restoration efforts.

No buildings are part of the acquisition. The property consists of a pasture/hay field bisected by Robinson Creek. Robinson Creek has been straightened and shifted to the north side of the floodplain. The creek floods each spring and the pasture is often inundated for 1-2 months. Waterfowl use of the property is typically heavy during the spring migration. This acquisition would increase opportunities to provide waterfowl and upland game habitat.

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 \$2.24 per acre, for a total of approximately \$109.76 for the subject property.

The property was previously presented to the Commission during Executive Session on March 24, 2009.

09-104 Commissioner Trevey moved and Commissioner Power seconded a motion TO PROCEED WITH THE DIONNE LAND ACQUISITION. The motion carried in a unanimous vote.

MISCELLANEOUS

Executive Session

The Commission did not conduct an executive session.

Adjournment

09-105 Commissioner Barowsky moved and Commissioner Power seconded a motion TO ADJOURN. The motion carried in a unanimous vote.

The meeting adjourned at 8:20 a.m.

Wayne Wright
Chairman

Cal Groen
Secretary