

Idaho Fish and Game Commission

Quarterly Meeting - November 18-19, 2009

Coeur d'Alene Resort, 115 South Second St., Coeur d'Alene, Idaho

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

NOVEMBER 18

4:00 pm Executive Session I.C. 67-2345(1) (f) (c)

7:00 pm **Public Hearing** — Coeur d'Alene Resort, 115 South Second St., Coeur d'Alene, Idaho

NOVEMBER 19

8:00 am 1. Opening Comments
— Wayne Wright, Commission Chairman

8:05 am 2. Agenda Changes
— Wayne Wright, Commission Chairman

8:10 am 3. Review of Public Comment
— Wayne Wright, Commission Chairman

8:20 am 4. Director's Report
— Cal Groen, Director

8:40 am 5. Commission Reports
— Commissioners

9:15 am 6. Consent Calendar
(Action Requested by Department)

- a. Minutes
- b. [Financial Report](#)

9:20 AM — BREAK

9:35 am 7. [Joint Board Meeting Idaho Outfitters and Guides Licensing Board](#)

[Analysis/Recommendation For Board Agenda Items, Policies 2025 and 2026](#)

[Analysis/Recommendation For Board Agenda Items, Policy 2027](#)

[Moratorium - Outfitted Waterfowl, Upland Game, Turkey Hunting Policy](#)

[Outfitting on State or Private Lands Policy](#)

[Public Need/Capacity Assessment Policy](#)

10:35 am 8. [Ungulate Ecology Project Update](#)
(Action Requested by Department) — Pete Zager, Wildlife Principal Research Biologist

11:05 am 9. [Guidelines for Auction & Lottery Tag Bid Process](#)
— [Guidelines for Certification of Parties for Special Permits](#)
— Jeff Gould, Chief, Bureau of Wildlife

11:20 am 10. [Release of Wolf Auction - Lottery Tags for 2010 Season](#)
(Action Requested by Department) — Jeff Gould, Chief, Bureau of Wildlife

11:30 am 11. [Wolf/Grizzly Bear Updates / Wolf Harvest Limits Update/Direction](#)
(Action Requested by Department) — Jim Unsworth, Deputy Director

12:00 — LUNCH

- 1:30 pm** 12. [Update on Pend Oreille Fish Recovery Program](#)
— Andy Dux, Principal Fishery Research Biologist
- 2:00 pm** 13. [Legislative Update](#)
— Sharon Kiefer, Assistant Director-Policy
- 2:10 pm** 14. [Idaho Fish and Wildlife Foundation Update](#)
— Sharon Kiefer, Assistant Director-Policy
- 2:20 pm** 15. [Commission Approval of USFS MOU / Commission Approval of Department of Lands MOU](#)
(Action Requested by Department)
— Sharon Kiefer, Assistant Director-Policy
- 2:40 pm** 16. [Rules: Licensing Children With Special Needs and Disabled Veterans Big Game Tags](#)
(Action Requested by Department) — Sharon Kiefer, Assistant Director-Policy
- 2:50 pm** 17. Land Acquisitions
(Action Requested by Department):
- [Vanderbilt Conservation Easement](#)
[Cocollala-Kline Fee Title](#)
[White Island Fee Title](#)
[Wallace Creek/Arrington Easement](#)
[Scharpf Fishing Access](#)
- Tom Hemker, Wildlife Game Manager

3:10 PM — BREAK

- 3:30 pm** 18. [Watershed Initiative Update](#) – Information
— Don Kemner, Program Coordinator
- 3:45 pm** 19. [Raven Control Program in Utah and Nevada](#)
— Don Kemner, Program Coordinator
- 3:55 pm** 20. Election of Commission Chairman, Vice Chair
— Commission Chairman Wayne Wright
- 4:05 pm** 21. Set Commission Calendar
— Commission Chairman Wayne Wright
- 4:15 pm** 22. Appoint Representative to WAFWA
— Commission Chairman Wayne Wright
- 4:20 pm** 23. Executive Session I.C. 67-2345(1) (f) (c)

ADJOURN

Individuals with disabilities may request meeting accommodations by contacting the Idaho Department of Fish and Game Director's office at (208) 334-5159 or through the Idaho Relay Service at 1-800-377-2529 (TDD).

Meeting Date: November 18-19, 2009

Agenda Item No. 6b

Agenda Item: Financial Report

Bureau Chief Approval: _____

Prepared by: Jim Lau, Chief, Bureau of Administration

Background:

Update the Commission on the Financial Status of the Department as of September 30, 2009

Statutory Authority and/or Policy Issues:

None

Public Involvement Process:

None

Staff Recommendation:

None

Justification:

None

Meeting Date: November 19,2009

Agenda Item No. 7

Agenda Item: Joint IOGLB meeting with IFGC

Director Approval: _____

Prepared by: Virgil Moore

Background:

The Idaho Fish and Game Commission and the Idaho Outfitters and Guides License Board entered into a MOU in January, 2008 to work on common issues related to coordination of outfitter and guide administration in Idaho. The MOU called for both to work on issues related to:

- Needs Assessment Process for Licensing Outfitters
- Outfitting on Privately Held Lands or Waters
- Outfitted Waterfowl, Upland Game Bird and Turkey Hunting

Over the last year numerous work session with IDFG, IOGLB Executive Director Howard with board members and IOGA have resulted in products for review and action.

The IOGLB has taken action to establish a temporary Moratorium on Outfitted Waterfowl, Upland Game Bird and Turkey Hunting, (IOGLB Policy Number: 2027, attached) while a collaborative process is implemented with sportsman's groups, outfitters and landowners so that efforts can focus on finding common ground for resolution of concerns. The process and time line will for this will be reviewed by the Commission and Board.

The IOGLB with interaction from IDFG and IOGA have completed draft policies on Public Need/Capacity Assessment Framework (IOGLB Policy Number: 2026, attached) and Outfitting on State or Private Lands (IOGLB Policy Number: 2025, attached) for IOGLB consideration and approval.

Public Need/Capacity Assessment Framework. This document has been prepared to clarify procedures and protocol for use by IOGLB staff (staff) and other agencies in providing information and recommendation to the Idaho Outfitters and Guides Board (Board) relative to public need, capacity analysis and allocation of resources and to establish a record for Board decisions. It is intended to supplement policy 2025 – Outfitting on State and Private Lands.

Outfitting on state or private lands. This document has been prepared to clarify procedures and protocol and to provide guidance for the Board's staff and other agencies in providing information or recommendations to the Board regarding outfitting on private lands or public lands or waters where outfitter operations are not federally administered and on lands where little external resource analysis exists relative to denials or setting limits or restrictions on outfitter licenses such as on private lands or waters.

The joint meeting today is for discussion of these policies and collaborative process.

Action: Commission discussion and input to the IOGLB relative to their action on these policies .

ANALYSIS AND RECOMMENDATION FOR BOARD AGENDA ITEMS

MEETING: November 19, 2009 Board Meeting - Joint meeting with IDFG Commission

COMPLETED BY: Director Howard

AGENDA ITEM: Discussion and approval Policies 2025 and 2026. Direction on matters discussed in Policy 2027.

ANALYSIS:

At the Board's direction the Chairman, Member Irby, Director Howard, Board Attorney Hales have been working with IDFG Deputy Director Virgil Moore and staff and IOGA Executive Director Grant Simonds to develop policies to improve processes regarding outfitter applications for private lands.

Provided for the Board review and approval are draft *Policy 2025 - Outfitting on State or Private Lands* and draft *Policy 2026 - Public Need/Capacity Assessment Framework*.

Generally, Policy 2025 provides state requirements and protocol in providing the Board information leading to decisions on an overall determination of need for an activity or as specific as to an individual application for licensure. Policy 2026 clarifies the specific procedures to be used.

It is the intent that Policies 2025 and 2026 be provided during this joint meeting where the Board and Commission can discuss related matters as the Board determines how to move forward.

APPLICABLE STATUTE AND RULES: Addressed in attached policies

DOCUMENTS:

- Draft Policy 2025 - Outfitting on State or Private Lands
- Draft Policy 2026 - Need Assessment Procedure

RECOMMENDATION:

- ❖ It is recommended that the Board adopt policies 2025 and 2026
- ❖ It is recommended that the Board consider authorizing an advisory group to provide recommendations to further develop *Policy 2026 section 6.00.0. IV Requirement and Acceptable standards*.
- ❖ A recommendation has not been made whether these policies will need to be promulgated into rule. It is recommended that as these processes moves forward, Board Counsel fully consider this concept and advise the Board.

ANALYSIS AND RECOMMENDATION FOR BOARD AGENDA ITEMS

MEETING: November 19, 2009 Board Meeting - Joint meeting with IDFG Commission

COMPLETED BY: Director Howard

AGENDA ITEM: Direction on matters discussed in Policy 2027.

ANALYSIS:

One of the outcomes in the development of *draft Policy 2025 - Outfitting on State or Private Lands* and *draft Policy 2026 - Public Need/Capacity Assessment Framework* was *Policy 2027 - Moratorium on Outfitted Waterfowl, Upland Game and Turkey Hunting*. This Policy was adopted by the Board at their June 2009 meeting and in doing so, the Board formally imposed the Moratorium and it intentionally was intended to be temporary.

It is the intent that Policy 2027 be provided during this joint meeting so the Board and the Commission may discuss the moratorium along with Policies 2025 and 2026 with the hope that the Board and Commission might determine how to move forward collaboratively in addressing the Moratorium.

APPLICABLE STATUTE AND RULES: Addressed in attached policy.

DOCUMENTS:

- Policy 2027 - Moratorium on Outfitted Waterfowl, Upland Game and Turkey Hunting.

RECOMMENDATION:

- ❖ That both the Board and Commission agree that a predetermined advisory group will be involved in a facilitated process following policies 2025 and 2026 with the primary goal of finding areas of agreement where the Board and IDFG Commission can move forward to develop post Moratorium policies.
 - It is recommended that the advisory group consist of the following:
 - IOGLB staff (1) – Staff support
 - IDFG staff (1) – Staff support
 - Idaho Outfitters and Guides Association (1) - voting
 - Outfitters and Guides Industry (2) – voting
 - Idaho Sportsman Advisory Caucus (1) - voting
 - Sportsman Groups (2) – voting
 - Possibly the Wild Turkey Federation & Idaho Waterfowl Association
 - Land Owner Groups or individuals (2) – voting
 - Directors from IOGLB and IDFG will determine a process on how to identify and agree on the facilitator and Advisory Group participants.
 - The Facilitator might be a private individual or someone from one of the agencies or universities.
 - The Idaho Recreation and Tourism Initiative (IRTI) were discussed as a third party through whom this process may be coordinated.
 - Selected participants for this advisory group will be expected to support the joint goal of the two agencies. Largely preconceived expectations and outcomes of individuals in this group

and with this overall process have been a concern of both agencies; with this in mind, finding individuals who are committed to being open minded is critically important.

- The timeline is to identify the Facilitator by February 1, 2010 and to begin the process quickly thereafter and to have recommendation prepared by the end of September 2010 for public review then consideration by the Commission and the Board for implementation.
- ❖ That both the Board and Commission agree that the primary focus will be on Outfitted Waterfowl and Turkey Hunting.
 - A decision has not yet been made whether these concepts can be addressed together or separately, and this may be a matter the Board and Commission may wish to determine.
 - Upland game will not be addressed at this time:
 - IOGLB currently licenses pheasants and quail hunting only in areas where IDFG issues “Shooting preserve” permits. Other upland game bird hunting can be provided in these permitted areas as well. Thus current IOGLB policy will remain not to license outfitting for pheasant and quail hunting outside of approved shooting preserves.
 - IDFG has been concerned about “Cast and Blast” activities. IOGLB currently licenses outfitted chukar hunting as a Minor (incidental) activity that is associated with boating outfitters who are licensed for fishing and a few land based outfitters operating in very remote areas that provide chukar hunting as a Minor (incidental) activity to other hunting activities. There are no outfitters who provide chukar hunting as their sole activity. IOGLB does not intend to change this policy.
 - Outfitted Forest Grouse hunting is a Minor (incidental) activity that is associated with big game outfitters.
 - Related matters are:
 - Determining the positions of industry representatives, sportsman groups, the outfitted public and the public at large on the access issues, the need for outfitted services, where license opportunities may exist and what the license restrictions might be and to determine application requirements.
 - Identifying additional procedures and protocol are necessary for IOGLB staff (staff) and other agencies to gather information in order for the Board to make reasonable and informed decisions when processing applications or requests for information regarding these activities.
 - A review of issues or the past comments from the State legislature and a determination whether legislative intervention is needed or whether new or revised statutes or rules are necessary.
 - A commonly recognized understanding of who the “public” is and how to understand “public need” must be determined.
 - Surveying private land owners whose lands may be restricted from public use or access by sportsman groups, private hunting clubs, private individuals and outfitters, and etc.
- ❖ A recommendation needs to be made by the Board whether waterfowl outfitters who were historically licensed years ago and grandfathered into the existing moratorium and whether outfitters licensed for turkey hunting will be grandfathered into a future decision and if so, how?
- ❖ A recommendation has not been made whether this policy will need to be promulgated into rule. It is recommended that as this process moves forward, Board Counsel fully consider this concept and advise the Board.

OUTFITTERS & GUIDES LICENSING BOARD	POLICY MANUAL	POLICY NUMBER: 2027	PAGE NUMBER: 1 of 3
		SUBJECT: Moratorium on Outfitted Waterfowl, Upland Game and Turkey Hunting.	Proposed : Adopted: Revised:

1.00.00 POLICY OF THE AGENCY

The Board has certain statutory powers and duties set forth in the Outfitters and Guides Act. These powers and duties not only include licensing qualified applicants but also enforcing the provisions of the Act for the conservation of wildlife and range resources (IC 36-2107(d)). The Board is further authorized to cooperate with federal and state agencies in matters of mutual concern regarding the business of outfitting and guiding in Idaho (IC 36-2107(e)). Further the Board is obligated to consider when licensing an activity the accessibility of the area and its terrain and the effect such license would have upon the environment, the game and the number of persons that can be served (IC 36-2109(b)).

The Board has adopted certain rules as authorized by the Act which provide additional considerations when licensing an Outfitter. In evaluating an Outfitter application, the Board must consider the public need for the requested services, the accessibility and use of the area by the general public and the area requested and the effect such license would have upon the environment and game available for harvest (Board Rule 021.)

For the reasons provided in this document, it is Board policy that a formal “moratorium” be established regarding new applications and amendments to existing licenses for Outfitted Waterfowl, Upland Game and Turkey Hunting.

It is Board policy that this “moratorium” be temporary and shall only be in place until a complete analysis and evaluation can be conducted by the Board in cooperation with the Idaho Fish and Game Commission and the Idaho Department of Fish and Game and with other agencies, industry representatives, the outfitted public and the public at large so that objective information can be prepared and identified in a cooperative and collaborative fashion for the Boards consideration so as to make an informed and appropriate decision regarding these activities. This policy does not affect Outfitters who are currently licensed to provide these activities.

2.00.00 TABLE OF CONTENTS

3.00.00 REFERENCES

4.00.00 GENERAL

The following facts support this Moratorium:

- The Board recognizes that an understanding has existed between the Board and the Idaho Fish and Game Commission since the July 10-14, 1989 Board meeting where a “moratorium” was placed on new outfitter licenses for waterfowl and upland game hunting.
- Beginning as early as the August 23-27, 1992 board meeting and based on the recommendations of the Idaho Department of Fish and Game, applications have been consistently denied for outfitted

turkey hunting. At their May 17-19, 2006 meeting, the Fish and Game Commission reaffirmed the IDFG Department's opposition to upland game (including turkey) and waterfowl outfitting for the outfitting industry. This opposition was again reaffirmed at the June 2008 board meeting where the Idaho Department of Fish and Game expressed concerns with outfitted turkey hunting and its affect upon general public access.

- It is also recognized that discussions have occurred during IOGLB's meetings with the Idaho State Senate Resources and Conservation Committee in the 2006, 2007 and 2008 sessions where Senators have expressed their concern with new outfitter licenses for waterfowl, upland game and turkey hunting.

It is recognized that private land owners or other business owners may be licensed as outfitters to provide equipment, facilities and services on those lands they own outright or under arrangements with other private land owners. The Board must strive for its decisions to be understood and fair and that the decision basis should be supported by the record as a whole.

The Board does not possess adequate facts, data and information concerning the nature of the upland game (including turkey) and waterfowl resources in the state of Idaho and the effect the issuance of new licenses or amendments for these activities may have upon such resources and the current hunting access the public currently does or doesn't enjoy. Further the public need for these outfitter services is currently unknown.

It should be noted that historically the Board has licensed four outfitters who provide outfitted waterfowl hunting in eastern Idaho; the Board regularly licenses outfitters to provide upland game hunting to individuals who are granted private land shooting preserve permits by the IDFG. Currently, there are nine outfitters providing these services statewide. Additionally, the Board decided in 2004 to license six existing outfitters in the Clearwater Region to provide outfitter turkey hunting on lands that they own outright.

There have been on-going discussions and concerns regarding these matters for a number of years and this policy and other combined IOGLB and IDFG efforts are be taken to finally address these concerns so that appropriate and reasonable decisions can be made.

5.00.00 PROCEDURE

The following are matters which need consideration in this matter:

- Procedures and protocol are necessary for IOGLB staff (staff) and other agencies to gather information and data as reviewed in this policy in order for the Board can make reasonable and informed decisions when processing applications or requests for information regarding these activities.
- Procedures and protocol are necessary for industry representatives, the outfitted public and the public at large to determine their positions on the access issues, need for such services, whether license opportunities exist and if so, what the license restrictions might be and to determine application requirements.
- A review of issues or the past comments from the State legislature and a determinate whether legislative intervention is needed or whether new or revised statutes or rules are necessary.

- A commonly recognized understanding of who the “public” is and how to understand “public need” must be determined.
- It is recognized that a moratorium by its nature is not an appropriate response to this matter and as such it is temporarily in place until a final disposition is reached and set a foundation and support for the record as a whole. In this respect, a reasonable timeline must be established to arrive at recommendations to address this matter.

OUTFITTERS & GUIDES LICENSING BOARD	POLICY MANUAL	POLICY NUMBER: 2026	PAGE NUMBER: 1 of 9
		SUBJECT: Public Need/Capacity Assessment Framework	Proposed : Adopted: Revised:

1.00.00 POLICY OF THE AGENCY

It is Board policy that “public need” and “capacity analysis” will be determined through quantitative and qualitative analysis of objective information. Ordinarily this information will be obtained from other agencies, industry representatives, the outfitted public, and the public at large often through collaborative efforts.

This document has been prepared to clarify procedures and protocol for use by IOGLB staff (staff) and other agencies in providing information and recommendation to the Idaho Outfitters and Guides Board (Board) relative to public need, capacity analysis and allocation of resources and to establish a record for Board decisions. It is intended to supplement policy 2025 – Outfitting on State and Private Lands.

All need assessments will be conducted by or coordinated through the Board’s Executive Director.

2.00.00 TABLE OF CONTENTS

3.00.00 REFERENCES

4.00.00 GENERAL

4.00.01 The Board’s basis for determining “public need” is:

Idaho Code 36-2101 generally states: *‘The intent of legislation creating the Board is to promote and encourage residents and nonresidents alike to participate in the enjoyment and use of the . . . natural resources of Idaho, and the fish and game therein and to that end to regulate and commercial outfitting and guiding services, for the explicit purpose of safeguarding the health, safety, welfare and freedom from injury or danger of such persons;...*

Idaho Code 36 -2107 states the Board has the following powers and duties:

- ❖ *To conduct examinations to ascertain the qualifications of applicants for an outfitter or guide licenses, and to issue such licenses to qualified applicants, with such restrictions and limitations thereon as the Board may find reasonable.*
- ❖ *The Board is expressly vested with the power and the authority to enforce the provisions of this chapter including for the express purpose of safeguarding the health, safety, welfare and freedom from injury or danger of those persons utilizing the services of outfitters and guides, and for the conservation of wildlife and range resources.*

IDAPA 25.01.01.021.states the Board in evaluating an Outfitter Application shall consider the Public Need for the proposed services in the area requested in the application.

With respect to the statutory responsibility of the agency, the identification of public need must be substantiated by appropriate analysis. The following provides general concepts and framework in which this need analysis might be conducted:

- ❖ Public Service – *“the intent of this legislation is to promote and encourage residents and nonresidents alike to participate in the enjoyment and use of the . . . natural resources of Idaho, and the fish and game therein” (IC 36-2101) ;*
- ❖ Tourism/Economic Sustainability/Impact - *“The natural resources of the state of Idaho are an invaluable asset to every community in which they abound.” . . . “ The tourist trade is of vital importance to the state of Idaho, and the recreational value of Idaho's natural resources is such that the number of persons who are each year participating in their enjoyment is steadily increasing.” (IC 36-2101);*
- ❖ Visitor safety – *“to regulate commercial outfitting and guiding services, for the explicit purpose of safeguarding the health, safety, welfare, and freedom from injury or danger of such persons”.* (paraphrased IC 36-2101)
- ❖ Conservation/Protection of Idaho’s Natural Resources and Fish And Game – *“To establish uniform standards for licensing outfitted and guided activities in Idaho in order to protect, enhance, and facilitate management of Idaho's fish, wildlife, and recreational resources”.* (IDAPA 25.01.01.001.02)
- ❖ Minimal Interference /Public Opportunity – *“...nor is it the intent of this legislation to interfere in any way with the right of the general public to enjoy the recreational value of Idaho’s. . . natural resources when the services of commercial outfitters and guides are not utilized, nor to interfere with the right of the United States to manage the public lands under its control.” (IC- 2101)*

In an MOU with the IDFG, the Board recognizes the declining recreational access to private lands, and through private lands to public lands, and has agreed to cooperate with IDFG to enhance outfitted and non-outfitted access to, and through, private lands. In this respect, the Board has agreed the proposed outfitting opportunity must not deny public access to public lands or waters accessible only through the private lands or waters that are being proposed for outfitting. The proposed language in the outfitting agreement with a lands or waters owner cannot exclude non-outfitted fishing or hunting opportunities. Nevertheless, it was recognized in that MOU that the landowner still has the right to control access to his property

The concepts of market generated demand and outfitter financial sustainability are not mentioned in governing statutes. Market generated demand is that which is created artificially through advertisement and promotion and market generated demand in itself does not construe need.

In licensing outfitters on lands where commercial operations are not federally permitted, or land where little or no resource management or resource analysis exists such as private lands, IOGLB must conduct the analysis independently or cooperatively with other agencies and often is dependent on analysis from other agencies.

The IDFG as well as the Idaho Department of Commerce, Division of Tourism Development and their Division of Economic and Community Development, each do planning specific to their areas of responsibilities often related to objectives similar to those mentioned herein. The Board typically works closely with IDFG due to consumptive use activities available to Outfitters being dependent on fish and wildlife resources managed by that agency. An MOU exists between IDFG and the Board for this purpose.

4.00.02 The Board’s basis for “capacity analysis” is:

IDAPA section 25.01.01.022. states: “When the board issues an outfitter license, said license shall specify the activity(ies) for which the applicant is licensed, designate specific operating area(s) for each activity, and be based on an operating plan acceptable to the board. In order to safeguard the health, safety, and welfare of the public and for the conservation of wildlife resources, the board may place a limit on the number of outfitter licenses issued within an operating area. An outfitter may not operate in an area for which there is no landowner or land manager statement where applicable. . . .”

IDAPA section 25.01.01.021, 6 7governing the evaluation of an outfitter's application, states the following must be considered:

- The accessibility of the area and the use by the general public, the commercial use already licensed in the area, the particular terrain, and normal weather conditions during the season of operation.
- Total amount of area requested giving due consideration to the affect such license would have upon the environment, the amount of game available to be harvested, the probable impact on the area should additional licenses be issued, and the number of people who can be adequately served in the area.

5.00.00 PROCEDURE

There are three separate steps in the framework for assessing “public need,” determining “capacity” leading to the assignment of outfitter areas and activities in a given area:

- I. Public need for outfitted services – identification of the types and locations of outfitted services that fall within statutory requirements.
- II. Capacity – estimate of total number of people who can use an area during the defined time period based on resource and setting capacity (i.e. meeting management desired conditions and standards).
- III. Assignment – The determining appropriate level of outfitting in a manner consistent with steps I and II and consistent with I.C. 36-2107; 36-2109 and 36-2110.

6.00.0 EXAMPLE

I. PUBLIC NEED (types of outfitted services needed to meet statutory language)

Step 1: Determine what types of activities are appropriate and needed:

Provide opportunities to experience Idaho’s fish and game and other natural resources, learn skills and assist public “*The intent of this legislation is to promote and encourage residents and nonresidents alike to participate in the enjoyment and use of the deserts, mountains, rivers, streams, lakes, reservoirs and other natural resources of Idaho, and the fish and game therein*”. Idaho Code 36-2101.

Idaho Code 36-2102 states an "Outfitter" provides “outdoor recreational activities limited to the following: hunting animals or birds; float or power boating on Idaho rivers and streams; fishing on Idaho lakes, reservoirs, rivers and streams; and hazardous desert or mountain excursions.”

IDAPA 25.01.01.002.20 clarifies “hazardous excursions” as: “outfitted or guided activities conducted outside municipal limits in a desert or mountainous environment which may constitute a potential danger to the health, safety, or welfare of participants involved. These activities shall include, but are

not limited to: day or overnight trail rides, backpacking, technical mountaineering/rock climbing, zip lines, cross-country skiing, backcountry alpine skiing, llama and goat packing, snowmobiling, survival courses, and motored and non-motored cycling, but does not include wagon rides or sleigh rides.”

Recognize that many people today are choosing to go on an outfitted trip to enrich their experience by going with someone who is very knowledgeable about the back country and the opportunities available therein; thus, outfitters are not just serving people who can't access the area on their own, some people do not have the skill, equipment or knowledge necessary to experience Idaho's natural resource, fish or wildlife on their own or have special needs that require extra assistance.

Step 2: For the activities identified, what role can outfitters play within the confines of governing statutes:

- ❖ **Public Service** – *“the intent of this legislation is to promote and encourage residents and nonresidents alike to participate in the enjoyment and use of the . . . natural resources of Idaho, and the fish and game therein (tourism);”*

What activities require specialized skills, equipment, or knowledge to safely and responsibly visit an area? What activities occur or could occur that are difficult to learn in a responsible and safe manner without instruction? What activities occur or could occur that an outfitter can add to public services/enjoyment regardless of the skill level of the participant? What role can outfitters play in helping people meet these objectives? Are these activities appropriate given existing laws, regulations, and desired setting?

- ❖ **Tourism/ Economic Sustainability / Impact.** *“The natural resources of the state of Idaho are an invaluable asset to every community in which they abound.” . . . “ The tourist trade is of vital importance to the state of Idaho, and the recreational value of Idaho's natural resources is such that the number of persons who are each year participating in their enjoyment is steadily increasing.”;*

What role does outfitting play in the economy and how can this role be enhanced – i.e. keep more money circulating within local area? What is the significance of diversification within the industry and what role does should outfitter viability play.

- ❖ **Visitor safety** – *“to regulate commercial outfitting and guiding services, for the explicit purpose of safeguarding the health, safety, welfare and freedom from injury or danger of such persons”.*

Outfitters can help with public safety by clearing/maintaining trails, monitoring conditions, sponsoring educational clinics, reporting illegal activity, restoring campsites, assisting with search and rescue efforts, or assisting people who do not have the knowledge or resources to properly use Idaho's natural resources., etc.

How can outfitting further promote public health, safety, welfare and freedom from injury or danger of persons using Idaho's fish, wildlife, and recreational resources?

- ❖ **Conservation/Protection of Idaho's Natural Resources and Fish And Game** – *“To establish uniform standards for licensing outfitted and guided activities in Idaho in order to protect, enhance, and facilitate management of Idaho's fish, wildlife, and recreational resources”.*

Outfitters can help with resource stewardship by monitoring wildlife, working with resource management agencies to address conservation, sponsoring educational clinics, reporting illegal activity, or assisting people who do not have the knowledge or resources to properly use Idaho's natural resources, etc.

What are key resource needs that outfitters could assist with? What role can outfitters play in helping build a constituency for the stewardship of Idaho's fish, wildlife, and recreational resources?

PRODUCT: Within specific area, region or statewide: List public needs or interest; identify indifference and list public concern or opposition. List of specific activities and ways outfitters can meet "public needs."

II. CAPACITY (Estimates of capacity can be done for the entire area or for each separate management area. Capacity estimates may be separated by season – e.g. winter vs. summer/fall)

❖ **Assessment of Demand/Supply/Opportunities**

➤ **Determine current services available**

- *What are the current services offered, number of licenses, amount of authorized use – summer, fall winter?*
- *What is the current utilization of existing outfitting licenses?*
- *For each of the current services offered, assess whether the service is consistent with identified "public needs"*
- *The accessibility of the area and the use by the general public, the commercial use already licensed in the area, the particular terrain, and normal weather conditions during the season of operation.*
- *Total amount of area requested giving due consideration to the affect such license would have upon the environment, the amount of game available to be harvested, the probable impact on the area should additional licenses be issued, and the number of people who can be adequately served in the area.*

➤ **Determine desired future services to meet public need. (Note: it is helpful to get outfitter and other public input on desired future services)**

- *What types of activities or opportunities are being requested (either via special use applications or via phone calls from public)?*
- *What is anticipated future mix of activities/opportunities given recreational trends (including institutional outfitting)? Does the area offer some unique opportunities that could be met by outfitted services?*

PRODUCT: Possibly a matrix displaying current services offered; list of desired future services to meet public need or list of services to be phased out or such additional factors as determined by the Board.

❖ **Identification of areas of concern including but not limited to public need; resource capability, access and etc:**

EXAMPLES OF POSSIBLE CONCERNS	YES	NO
Are there areas where other adjoining use such as residences, agricultural use, traffic corridors or public access warrant or discourage the requested use?		
Is the area under consideration winter range where human presence may be detrimental?		
Are wildlife, fish, or plant species a concern or other critical resource concern that warrants discouraging human activity during certain times of the year, but not others?		
Is the area under consideration intermingled with public or private lands where outfitting may lead to conflict?		
Are there areas where recreational stock grazing isn't advised due to range conditions/forage utilizations standards?		
Are there areas where soil types that do not support that proposed use can be maintained to an acceptable standard?		
Does the area requested have size, terrain or other resource limitations that may be detrimental in providing the activity requested?		
Will the proposed activities be in conflict with other outfitters in the area?		
Will the proposed outfitting opportunity limit public access to public lands or waters that are accessible only through the private lands or waters?		
Will the outfitters holding allocated tags in an IDFG controlled hunt area be disrupted by the proposed activity provided by another outfitter?		
Does access, terrain or such matters as the lack of boat launch sites or suitable campsites make it inappropriate for the activities being considered?		
Would a change in the overall concentration of outfitters lead to conflicts between outfitters or between outfitted and non-outfitted publics or with private land owners?		
Historically, has public use of the land or waters proposed as part of the request been restricted?		
Are big game population objectives suggesting the need for more or less hunting pressure or harvest levels?		
Are anglers or hunters in the area currently satisfied with their experience and how would the proposal affect this?		
Do potential resource or safety concerns suggest that visitation by outfitted publics (whose use can be managed closely by the agency) would be better than visitation by non-outfitted, non-permitted publics?		

Will licensing an outfitter on private lands in the area requested disrupt and help deter illegal commercial use occurring in the area?		
Is the Land Owner Appreciation Program (LAP) considered as per the provisions of the IDAPA rules?		
Are there other matters not listed above that should be considered by the Board?		

PRODUCT: Yes answers need to be explained. Should a recommendation be made to restrict or limit a license, the rationale must be explained and documented. Documentation must explain the rationale (objectives or standards) where outfitted use might be beneficial, areas where outfitted use should be restricted or that it not be allowed. For example:

Should the recommendation be that an outfitter is limited to X number of harvestable elk in a given area, then, explain why X is the recommended number and provide reasonable documentation, i.e., harvest numbers, bull/cow ratio, cow/calf ratio, depredation issues, etc.

If public access is an issue, then if the land has never been closed before or if it has been closed, then explain how long and why; explain the surrounding land use and closures; length of time and proximity to the proposed area; explain other access alternatives.

If the recommendation is the “public” does not support the activity, then explain who the public is that does not support the activity and how the information was obtained and when. When the restriction is specific to outfitters or outfitted public and not the general public, then the explanation must rationalize the difference.

If there is a conflict between outfitters and public, or outfitter and outfitter, be clear who was involved, when and provide supporting documentation.

While it is difficult to provide examples of each scenario, it is important to recognize the Board’s decision must be in compliance with the Outfitter and Guide Act and its Rules and be reasonable, based upon facts in the record.

❖ Estimate total capacity using resource limiting factors

The goal here is to come up with an estimate of total capacity (expressed in measureable terms of people, harvest) for a defined season of use.

The IOGLB rules define an operating area and the IOGLB rules/law discuss how and why the IOGLB may adjust operating areas. Historically, most outfitted public land operating areas have been determined and assigned through a cooperative effort of the IOGLB and federal land management agencies. In the development of resource management plans, federal agencies oftentimes analyze public need and resource capacity for outfitting. In doing so, they often seek input from other entities including IDFG who manages the Idaho fish and wildlife resources. In this regard, the Board has developed an MOU with the federal land management agencies and collaborates with them on such matters as defining operating area boundaries, determining activities, processing sales etc.

The difficulty with nonfederal lands is this analysis has been limited to certain activities or species or has not been done at all. The Board's involvement with capacity and assignment of operating areas and activities, on state or private lands, typically concerns use of fish or wildlife resources. As such, it is important that the Board collaborate with IDFG on both capacity and assignment of resources. Policy 2026 has been developed for this purpose.

Because of the unique nature of the Board's responsibility, all public need analysis and determinations will be facilitated by or coordinated through the Board's Executive Director.

For the Board to place limits or restrictions, information must be provided quantitatively or qualitatively in terms of measurement with an explanation of how the measurement correlates to other factors. Some examples of limiting factors might be probability of adding to existing congestion at put-in and take-out facilities or trail heads, tolerance of sensitive wildlife species, existing public use, available outfitter big game tag allocation, etc. For an example, if a recommendation is that an outfitter be limited or restricted to say harvesting one (1) elk in a given area, then provide a comparative explanation of why one (1) is the correct number. Or, if the bull to cow ratio is a problem or if the available animals in the area are a problem, then this should be explained.

PRODUCT: Estimated total capacity for season in terms quantitative or qualitative measurement.

III. ASSIGNMENT

The Outfitters and Guides Act, Title 36, Chapter 21 and accompanying IDAPA rules do not define "assignment" per se.

"Assignment" is defined as processes explained herein to assign or allot land or water based areas to a specific outfitter business where that business will operate. Assignment sets that business apart from other businesses for a particular purpose of providing outfitted facilities and services to the public in that given area, including guided activities.

Assignment is not to be confused with "Allocation of Deer and Elk Tags" Rule 57 of the IOGLB, or IDAPA 13 TITLE 01 CHAPTER 04, Sections 505 and 506 that specify how the Idaho Fish and Game Department determines deer and elk tag allocation for hunters, non-outfitted and outfitted, in restricted zones and controlled hunts. In this respect, the number of deer or elk tags are allocated to qualified outfitters among their assigned operating areas within each game management area, unit or zone. Big game tag allocation distribution is determined by the Board pursuant to Section 36-408(d) and 36-408(j), Idaho Code, based on historical use and a tag allocation factor shall be noted on the license of each outfitter so affected. The Allocation Manual of the IOGLB is specific as to the processes used to distribute allocated deer and elk tags among qualified outfitters.

IV. REQUIREMENTS/MINIMUM ACCEPTED STANDARDS (Note: the following requires additional consideration and further development.

- **Major amendment must be submitted**
- **Lease agreement will be required. The leases must specify the following:**
 - **Outfitter Name, address. Etc.;**
 - **Land owner name address, phone number etc.;**
 - **Legal description of area to be leased;**

- Time frame i.e., when lease begins and when it expires;
 - Termination clause with a requirement both parties will notify the Board within 10 days of termination;
 - Terms of the lease specific operation dates, location, activities;
 - Financial agreements;
 - Use of equipment provided by the landowner;
 - Services provided by the landowner.
 - Acknowledgement that the area will be digitized and be maintained on IOGLB's website.
- The outfitter must provide a map of area described in the lease in the following detail so it can be digitized by IDFG.
 - Detail requirements to be determined.
- Outfitter will be responsible to report lease that expires or terminates.
 - Renewal statement will be provided with license renewal application.
 - All leases without specific termination dates will automatically terminate March 31, annually and will require new major amendment application.
 - Other leases will be reviewed and reauthorized on five year intervals.
- Examples of policies that need to be explored:
 - What is the Board policy on historical outfitter areas that encompass numerous land owners?
 - How many outfitters can operate in a given area i.e., what type of buffer would be required?
 - Possibly: no more than one outfitter can provide big game hunt services on private land in 100 square miles.
 - Possibly: 10 % of private land with turkey habitat within a 100 sq mile may be outfitted for turkey hunting.
 - Possibly: Less than one thousand (1000) acres may be insufficient for big game hunting activities on private land unless the terrain was a factor. Waterfowl hunting and turkey hunting or recreation activities like snowmobiling or skiing may have other scenarios.
 - So on and etc.
 - The “unique opportunity” of outfitters licensed on public lands that surround private land areas or that are immediately adjacent to them cannot be disrupted by private land outfitters.
 - This is a particular issue on intermingled lands.
 - What will be the administrative policy of “Recreation” (Non-consumptive activities) on Private lands
 - What are the affects of hunting clubs with associated leased lands on the outfitting industry and self-guided public?
 - MOU's are needed between IDFG, State Lands and Idaho Department of Parks and Recreation for Administration of Outfitters expecting to be licensed to operate on those lands.

OUTFITTERS & GUIDES LICENSING BOARD	POLICY MANUAL	POLICY NUMBER: 2025	PAGE NUMBER: 1 of 5
		SUBJECT: DRAFT - Outfitting on state or private lands	Proposed : Adopted: Revised:

1.00.00 POLICY OF THE AGENCY

The Idaho Outfitters and Guides Licensing Board (Board) has the legal authority and responsibility to assess all license applications to determine the potential impact a licensed activity would have upon the fish and game or other resources of the state of Idaho among other considerations. The Board has authority to deny or set limits or restrictions on any outfitter license if documented issues with the resource are present or could be affected. As such, the Board conducts research and analysis independently or may do so cooperatively with others to obtain information necessary to clarify the issues and to establish a reasonable basis and record for their decisions.

This document has been prepared to clarify requirements and protocol and to provide guidance for the Board's staff and other agencies in providing information or recommendations to the Board regarding outfitting on private lands or public lands or waters where outfitter operations are not federally administered and on lands where little external resource analysis exists relative to denials or setting limits or restrictions on outfitter licenses such as on private lands or waters.

It is recognized that private land owners or other business owners may be licensed as outfitters to provide equipment, facilities and services on those lands they own outright or under arrangements with other private land owners.

As a state agency, the Board has a significant responsibility to maintain a clear record documenting the basis for their decisions. This policy and policy 2026 clarifies the purpose and the type of documentation required.

2.00.00 TABLE OF CONTENTS

3.00.00 REFERENCES

4.00.00 GENERAL

The Board has clear jurisdiction and authority to regulate and license outfitter and guide activities on private land in the state of Idaho. This issue was the subject of a legal opinion by Board attorney Steve Scanlin, dated February 19, 2003, in which he determined that the Board has well-established legal authority to regulate licensing on private lands in the state of Idaho. Mr. Scanlin's opinion was based not only upon the language of the Outfitters and Guides Act (the "Act"), but also the decision by the Idaho Supreme Court rendered in 1992 in *State v. Koller*, 112 Idaho 409.

The intent of legislation creating the Idaho Outfitters and Guides Licensing (IOGLB) states:

“The natural resources of the state of Idaho are an invaluable asset to every community in which they abound. Every year, in rapidly increasing numbers, the inhabitants of the state of Idaho and nonresidents

are enjoying the benefits of Idaho's recreational opportunities. The tourist trade is of vital importance to the state of Idaho, and the recreational value of Idaho's natural resources is such that the number of persons who are each year participating in their enjoyment is steadily increasing. The intent of this legislation is to promote and encourage residents and nonresidents alike to participate in the enjoyment and use of the deserts, mountains, rivers, streams, lakes, reservoirs and other natural resources of Idaho, and the fish and game therein, and to that end to regulate and license those persons who undertake for compensation to provide equipment and personal services to such persons, for the explicit purpose of safeguarding the health, safety, welfare and freedom from injury or danger of such persons, in the exercise of the police power of this state. It is not the intent of this legislation to interfere in any way with the business of livestock operations, nor to prevent the owner of pack animals from using same to accommodate friends where no consideration is involved for the use thereof, nor is it the intent of this legislation to interfere in any way with the right of the general public to enjoy the recreational value of Idaho's deserts, mountains, rivers, streams, lakes, reservoirs and other natural resources when the services of commercial outfitters and guides are not utilized, nor to interfere with the right of the United States to manage the public lands under its control. (Idaho Code section 36-2101)”.

The Act does not make a distinction between public and private land. Rather, the Act focuses upon the natural resources of the entire state, including the fish and game therein. This distinction was further confirmed by the Idaho Supreme Court's decision in *State v. Koller*.

“Nothing in the declaration of policy or elsewhere in the act indicates that the legislature intended to exempt the licensing requirement when the commercial outfitting occurs on private land. We conclude the legislature intended to regulate commercial outfitting whether it occurs on public or private land and that such regulation is a reasonable use of the legislature's police powers.”

The language contained within the Act and relied upon by the Idaho Supreme Court in support of its 1992 decision has not changed. It is therefore clear that the Board possesses the jurisdiction and authority to license outfitters and guides and regulate their activities on private land in the state of Idaho. The Outfitters and Guides statutes and rules set forth the qualifications and criteria to be considered in addressing an application for an outfitter's license. These laws and rules do not make a distinction between outfitters who will operate on private land versus public land.

Idaho Code section 36-2107 vests the Board with *“the power to issue such licenses to qualifying applicants with such restrictions and limitations thereon as the Board may find reasonable”*.

5.00.00 REQUIREMENTS:

The Board has adopted IDAPA section 25.01.01.021 which governs the evaluation of an outfitter's application:

1. The applicant's compliance with the qualification criteria as prescribed in the act and rules.

Guidance:

An outfitter's qualifications are addressed by the Board.

2. The public need for the proposed service in the area requested on the application.

Need Assessment Procedure provided in Board Policy 2026 states: “*Public need may be substantiated by analysis of objective information as identified cooperatively and collaboratively with other agencies, industry representatives, the outfitted public and the public at large.*”

Guidance:

It is Board policy that “public need” will be determined through quantitative and qualitative analysis of objective information. Ordinarily this information will be obtained from other agencies, industry representatives, the outfitted public and the public at large often through collaborative efforts.

The IOGLB rules define an operating area and the IOGLB rules/law discuss how and why the IOGLB may adjust operating areas. Historically, most outfitter public land operating areas have been determined and assigned through a cooperative effort of the IOGLB and federal land management agencies. In the development of resource management plans, federal agencies oftentimes analyze public need and resource capacity for outfitting.. In doing so, they often seek input from other entities including IDFG who manages the Idaho fish and wildlife resources. In this regard, the Board has developed an MOU with the federal land management agencies and collaborates with them on such matters as defining operating area boundaries, determining activities, processing sales, etc.

The difficulty with nonfederal lands is this analysis has been limited to certain activities or species, or has not been done at all. The Board’s involvement with capacity and assignment of operating areas and activities on state or private lands typically concerns use of fish or wildlife resources. As such, it is important that the Board collaborate with IDFG on both capacity and assignment of resources. Policy 2026 has been developed for this purpose.

Because of the unique nature of the Board’s responsibility, all public need analysis and determinations will be facilitated by or coordinated through the Board’s Executive Director.

3. The extent of the applicant's experience, knowledge and ability in the area and in the conduct of activities requested.

Guidance:

An applicant's experience, knowledge and ability are determined by the Board. Note: There are numerous ways outlined in IDAPA rule how experience, knowledge and ability may be determined.

4. The applicant's qualification by reason of equipment or resources to operate.

Guidance: This is determined by the Board from the operating plan.

5. The applicant's previous record.

Note: A criminal back ground check is conducted for every Sole Proprietor and DA applicant.

Guidance:

The Board can restrict or deny licenses due to the conviction of repeated minor fish and game violations, the conviction of flagrant fish and game violations, or the conviction of violation of Idaho Outfitters and Guides statues or rules and felony convictions. Convictions of other misdemeanor violations may be taken into consideration, but only when there is a concern the convictions might jeopardize public safety or that may adversely affect public welfare.

Guidance:

The Board monitors outfitters' use of their licensed operating areas and activities to determine inactivity rather than to determine total capacity management which is the normal practice of federal agencies who "permit" outfitters. When it is determined by the Board that an outfitter has had zero (0) use or negligible use of any activity or operating area, certain requirements may be imposed by the Board up to and including revocation of some or all of the outfitter's operating areas and activities.

6. The accessibility of the area and the use by the general public, the commercial use already licensed in the area, the particular terrain, and normal weather conditions during the season of operation.
7. The total amount of area requested giving due consideration to the affect such license would have upon the environment, the amount of game available to be harvested, the probable impact on the area should additional licenses be issued, and the number of people who can be adequately served in the area.

Relative to #6 and #7 above IDAPA section 25.01.01.022. states: "When the board issues an outfitter license, said license shall specify the activity(ies) for which the applicant is licensed, designate specific operating area(s) for each activity, and be based on an operating plan acceptable to the board. In order to safeguard the health, safety, and welfare of the public and for the conservation of wildlife resources, the board may place a limit on the number of outfitter licenses issued within an operating area. An outfitter may not operate in an area for which there is no landowner or land manager statement where applicable. The outfitter shall operate only under the names licensed by the board and under no other names. An outfitter business that is a corporation, partnership, llc or llp must have a designated agent in order to be licensed and to operate."

Guidance:

It would be helpful to respond to Board request for comment by identifying areas of concern related by providing documentation that explains the rationale and which provide objectives or standards that specifically address capacity in situations where outfitted use should be restricted or that it not be allowed.

See Policy 2026 which has been developed to provide the framework for "capacity" determinations and allocating outfitted services."

Because of the unique nature of the Board's responsibility, all capacity determinations will be facilitated by or coordinated through the Board's Executive Director

8. The adequacy and acceptability of the proposed operating plan.

Guidance:

Often an outfitter's operating plan is provided to partnering agencies so they may provide recommendations to the Board.

Meeting Date: November 19, 2009

Agenda Item No. 8

Agenda Item: Ungulate Ecology Project Update

Bureau Chief Approval: _____

Prepared by: Pete Zager

Background:

Launched in 2005, the Ungulate Ecology Project (UEP) provided a unique snapshot of mule deer and elk populations across Idaho which was previously unavailable. An important finding was that some elk populations that co-occur with wolves are stable-to-increasing while others are declining. The UEP is trying to determine the reason for this difference which could be related to landscape and habitat factors or may simply reflect a slower response of some elk populations to wolf predation. Current work is focused on comparing two study areas with contrasting wolf/elk situations. One area is the North Fork of the Clearwater River (Unit 10) and the other is the Lowman area (Units 33 and 35).

Statutory Authority and/or Policy issues:

This project is designed to help meet Department policies of maintaining game populations to meet demand for hunting, managing predation to achieve a balance between game and predator populations, and managing bighorn sheep to maintain separation from domestic sheep.

Public Involvement Process:

Informational presentation.

Justification:

Information requested by the Commission.

Action Requested:

N/A

Staff Recommendation:

N/A

Meeting Date: November 19, 2009

Agenda Item No. 9

Agenda Item: Guidelines for Auction & Lottery Tag
Bid Process

Bureau Chief Approval: _____

Prepared by: Dale Toweill for Jeff Gould

Background:

Following the July 2009 Commission meeting, Bureau of Wildlife staff was directed, with input from Administrative staff, to develop guidelines for auction and lottery tag bid process. This process will guide the Commission and Director in allocation of conservation organizations desiring to offer, by auction, lottery or other means, special permits and tags for the harvest of wildlife. Such special permits are currently limited to those offered for bighorn sheep and wolves.

Statutory Authority and/or Policy issues:

None. This item is to establish statewide policy for pre-certification of organizations interested in offering Special Permits such as may be made available by the Commission or Director for harvest of wildlife.

Public Involvement Process:

None.

Justification:

Direction received from Commission.

Action Requested:

Review the proposal as developed and provide additional direction as necessary. While this approach is deemed appropriate, there are alternative approaches that might be considered.

With approval of this approach, specific attachments for organizations desiring pre-certification for specific Special Permits will be developed.

Staff Recommendation:

A review of procedures adopted by other wildlife management agencies identified pre-certification following well-established guidelines as a preferred method of tracking conservation organization interest and eligibility. Pre-certification allows organizations to establish eligibility and qualifications, and allows the Department to address incomplete or unclear applications well ahead of award deadlines.

A standardized process of pre-qualification also allows all interested parties sufficient information to assure that coveted Special Permits are fairly and reasonably allocated.

Specific recommendations will be provided during presentation of the agenda item.

Guidelines for Certification of Parties for Special Permits

Background

The Idaho Department of Fish and Game (hereafter called IDFG) is establishing this policy to allow non-profit wildlife conservation organizations an opportunity to establish their interest in providing Hunting Tag Auction and/or Raffle Services for IDFG, and pre-qualify for selection consideration. As a result of this policy, IDFG intends to establish a pool of pre-qualified organizations in order to obtain services.

IDFG is requesting qualifications from non-profit wildlife conservation organizations to conduct auctions and/or raffles for Bighorn Sheep and Wolf tags. Each year IDFG will contact the pre-qualified organizations and request the organization's offer to provide services for the available tags.

NOTE: Preference in awarding contracts will be given to National Organizations or to Idaho – based chapters or affiliates of such organizations.

Currently, the Idaho Fish and Game Commission (hereafter Commission) is authorized to issue each year: one (1) Auction bighorn sheep tag; one (1) Lottery bighorn sheep tag; and ten (10) Auction or Lottery wolf tags. The Commission selects the nonprofit organization(s) dedicated to wildlife conservation to auction or market for lottery the bighorn sheep tags. The IDFG Director selects the incorporated nonprofit wildlife conservation organization (s) to auction or make available through lottery the special wolf tags.

Summary of Preferred Qualifications

Each Applicant must be able to establish that they are an incorporated non-profit organization dedicated to wildlife conservation. Specific experience in conducting public permit auctions and raffles, along with conservation record in promoting good sportsmanship and hunter ethics being sought through this policy are outlined in the *Qualifications & Experience* section.

The purpose of this policy is to obtain auction or raffle services of a credible and independent nature. The services sought will involve the conduct of auctions and raffles for selected hunting tags throughout the state by IDFG. This policy will pre-qualify organizations as meeting the requirements of Idaho Code Section 36-408 (5 and 7). In responding to this policy the organization should demonstrate breadth and depth of experience and success in:

- conducting public auctions or raffles for hunting tags.
- promoting the conservation of wildlife as evidenced by previous fundraising and awarding of grants to promote wildlife conservation and/or completion of on-

- ground conservation programs staffed and/or funded wholly or in part by its members
- marketing the auction or raffle to enhance revenue.

The applicant must demonstrate a credible procedure for conducting auctions or raffles for each of the hunting tag auctions or raffles for which the applicant is submitting a response as evidenced by experience, conservation record, and references.

Pre-Qualification Process

The objective of this policy is to pre-qualify incorporated nonprofit wildlife conservation organizations. Respondents must complete Applicants response package that begins on page ___ of this document, along with Exhibit _ and Exhibit _- Attachment _. In the following years the pre-qualified organizations will be completing a new Exhibit _-Attachment _ that will be mailed to them early in that year.

Organizations will be evaluated for qualifications based upon:

- the depth and breadth of expertise and experience in hunting tag auctions and raffles;
- demonstrated commitment to wildlife conservation efforts
- the quality of services provided as described by references (including expertise and quality of communications and interpersonal relations); and,
- the relevance of conservation record with respect to good sportsmanship and hunter ethics.

Successful nonprofit organization(s) will be informed by letter, thus creating a pool of pre-qualified nonprofit wildlife conservation organizations to provide service offers on annual hunting tag auctions and raffles. The qualification letter signifies that each applicant has met the requirements and will be asked to provide written service offers each year. The qualification letter does not signify they will be awarded a tag auction or raffle for any given year. Individual contracts will award tag auctions or raffles for each species each year.

NOTE: IDFG is reserving the right to add additional wildlife conservation organizations to the pre-qualified pool. Organizations that request to be added to the pre-qualified list will be evaluated in a manner consistent with that applied to the organizations that respond to this policy and will be expected to supply the same supporting documentation.

NOTE: Preference in awarding contracts will be given to National Organizations or to Idaho – based chapters or affiliates of such organizations.

Selection Process

The pre-qualified organizations will be contacted by IDFG regarding auctions or raffles to be conducted each year when:

- IDFG has identified a need to conduct permit auctions or raffles,
- *and* the organizations are qualified to conduct permit auctions or raffles,
- *and* the organization has the particular expertise for the specific tag auction or raffle.

Currently there are approximately ___ auctions or raffles that will be targeted on an annual basis. For each year, to initiate organization services, IDFG will contact each pre-qualified organization requesting a written services offer.

The process to contract for specific work will begin with a request for services offer. The request for services offer will outline the problem, the specific need for auction or raffle services, the dates required and any additional expertise required. Pre-qualified organizations may be asked to respond by providing a:

- a statement of availability to conduct the auction or raffle, date and time anticipated auction or raffle to be conducted, and description of auction or raffle and site, and number of people expected to attend.
- a statement demonstrating the conservation commitment and practices of the organization, as evidenced by past fund raising efforts and conservation grants and/or on-ground conservation efforts of its membership.
- a written services offer for the tag(s) requested by the organization.

Generally, the request for services offer will ask the organization to provide a brief description about the auction or raffle, and will include the site of the auction or raffle, dates of the auction or raffle, and attendance. The organization whose response best meets the needs of the agency will be awarded a contract for the specific hunting tag auction or raffle.

This process is designed to be straightforward with a _ - ___-business day turn around between the issuance of a request for services offer and the signing of a contract. To expedite this process the organization will be required to have email capabilities.

The organization will be required to have e-mail capabilities to receive a request for services offer from IDFG. Only responses returned to IDFG via e-mail shall be accepted.

IDFG will evaluate services offer responses, negotiate and issue a contract, to the organization that has provided the most responsive reply to the request for services offer.

Note: There is no stated or implied guarantee that contracts will be offered or awarded to any organization(s) in the pre-qualified pool.

Action/Lottery Tag Coordinator

The Auction/Lottery Tag Coordinator (Coordinator) is the sole point of contact in IDFG for this policy. The Coordinator is _____ and may be reached as follows:

[Insert contact information]

Schedule

[Insert schedule?]

Evaluation

Responses to this policy will be used to establish a pool of pre-qualified organizations (Organization Pool) who will be offered the opportunity to respond to requests for services. The evaluation process for the services offer is designed to annually award the rights for specific auction or raffle permits to the Organization(s) with the best combination of attributes as demonstrated in their services offer. Evaluation is based on the Applicant's responses to the specific items identified in the request for services offer. Evaluators will also consider the overall impact of awarding an auction or raffle to an organization.

The evaluations will be performed under the direction of the Coordinator and other state staff or designees identified solely by IDFG who will determine which written services offers are most responsive to the requirements stated in this policy and the request letter. Evaluators **will not** have personal contact with the applicants during the evaluation process.

The Evaluators will rank the services offers and make a recommendation to the Director or to the Commission. The Commission selects the nonprofit organization(s) dedicated to wildlife conservation to auction or market for lottery the bighorn sheep tags. The IDFG Director selects the incorporated nonprofit wildlife conservation organization (s) to auction or make available through lottery the special wolf tags.

Contract Terms

The Applicants who are selected will be expected to sign a contract, which is substantially the same as the contracts attached to this policy as Exhibits _ and _. The contract will also incorporate the successful services offer.

Either party may propose additional contract terms and conditions during negotiation of the final contract. All such changes must be requested within ten (10) business days of the initial notice of award, and the Department must consider and present a final contract within ten (10) business days of such notification.

If any of the Apparently Successful Applicants refuse to sign the final contract within ten (10) business days of delivery, IDFG may cancel the contract.

Authority to Bind IDFG

The IDFG Director and/or designated representatives are the only people who may legally commit IDFG to service contracts. The organization shall not incur, and IDFG shall not pay, any costs incurred before a contract is fully executed.

Right to Reject All Offers

IDFG may, at any time at its sole discretion and without penalty, reject any and all offers and issue no contract as a result of this policy and requests for services offers.

Public Disclosure

Responses and services offers shall become the property of IDFG.

All public records of the IDFG are available for disclosure except those records exempted under the Idaho Public Records Law (Idaho Code Sections 9-337 through 9-350).

Waiver of Minor Irregularities

IDFG reserves the right to waive minor irregularities contained in this policy.

[I envision several attachments to spell out some details and provide examples. The Applicant's Response Package for pre-qualification, a form for a services offer, a sample Lottery contract, and a sample Auction contract.]

Meeting Date: November 19, 2009

Agenda Item No. 10

Agenda Item: Release of Special Wolf Tags for Auction/Lottery (Action)

Bureau Chief Approval: _____

Prepared by: Jeff Gould

Background:

The Idaho Fish & Game Commission is authorized to issue up to ten (10) special wolf tags for auction or lottery each year. Special wolf tags are auctioned or made available through lottery by incorporated nonprofit organizations dedicated to wildlife conservation and selected by the Director. In 2009, there were six nonprofit organizations that received special wolf tags to sell through an auction or lottery process. These tags were marketed as commemorative tags numbered 1-10 and proceeds have ranged from \$350 to as high as \$8,000. Total net revenue is approximately \$11,000 for 6 tags sold to date.

Several organizations have informed the Department that their marketing advantage in the future is to auction wolf tags as well as other special tags at national sportsmen conventions scheduled during January-March. In the past, the Commission selected the recipient (organization) of the bighorn sheep auction/lottery tag in July to provide at least 6 months to advertise prior to a sportsmen convention held during late winter. Ultimately, the selection of all special tag recipients (whether by the Commission or Director) should follow a similar schedule to maximize advertising efforts prior to these conventions which are well attended by sportsmen seeking these special opportunities. We have moved beyond that period for the 2010 wolf hunting season but are prepared to make selections in July 2010 for special wolf tags that would be valid during the 2011 season.

Lastly, special wolf tags sold by auction or lottery in the future must offer the purchaser something more than a general wolf tag buyer is allowed such as increasing their bag limit and/or extending their season opportunity. Limiting the total number offered to less than 5 may also help increase the value of these special tags.

Statutory Authority and/or Policy issues:

Idaho Code 36-408(8) provides statutory authority for the Commission to issue up to ten (10) special wolf tags for auction or lottery.

Public Involvement Process:

Currently, there are six (6) organizations that have contracted with the Department to sell 2009 special wolf tags through auction or lottery. These groups have provided us with feedback about their current efforts and future desires to market special wolf tags.

Staff Recommendation:

Defer the release of special wolf tags for auction or lottery until May or July 2010. Tags released in 2010 will be marketed for the 2011 wolf hunting season.

Justification:

Idaho's first wolf season is underway and auction tags are still being sold for the 2009 season. It would be helpful to run the full course of an adaptive hunting framework before designing a special wolf tag that would be of extra value in the future.

Meeting Date: November 18, 2009

Agenda Item No. 11

Agenda Item: Wolf/Grizzly Bear Update, wolf harvest limits update/direction

Approved by: _____

Prepared by: Jon Rachael and Jeff Gould for Jim Unsworth

Background:

At the August 2009 Commission meeting, the Commission established a statewide harvest limit of 220 wolves and individual harvest limits for 12 wolf management zones and directed staff to provide an update for their review in November (attached). Overall, the regulatory mechanisms are operating well and the information outreach has been effective.

Wolf hunts opened September 1 in the Lolo and Sawtooth wolf management zones, September 15 in the Middle Fork and Selway wolf management zones, and throughout the rest of the state on October 1. The greatest spike in harvest occurred during the 3-day opening weekend of deer season, October 10-12.

As of October 28, total documented mortality from all causes (harvest, lethal removal of depredating wolves, illegal take, natural, and unknown causes) has been lowest in the Salmon, Selway, Lolo, Panhandle, and Palouse wolf management zones (<10%). These zones have all had very-low to no lethal wolf removal for depredation control and low hunter harvest.

The Commission will be provided with a current update of total mortality by zone at the commission meeting.

Policy issues:

Idaho Statute 36-104 authorizes the Commission to establish rules for the taking of wildlife consistent with state policy. Species management plans provide Commission direction for population and harvest management.

Public Involvement Process:

The recommendations have resulted from year-round public involvement through regional meetings and website outreach.

Justification:

Commission direction to implement wolf harvest season and the Idaho Wolf Population Management Plan to manage wolf population numbers toward the goal of achieving 2005 populations levels within a reasonable period of time.

Action Requested:

Review staff recommendations and adopt adjustments to the 2009 – 2010 wolf seasons.

Staff Recommendations:

Specific recommendations for season adjustments will be provided during the presentation.

2009 Wolf Season Synopsis October 28, 2009

Hunting Update

- Wolf hunts opened September 1 in the Lolo and Sawtooth wolf management zones, September 15 in the Middle Fork and Selway wolf management zones, and throughout the rest of the state on October 1.
- Wolf harvest peaked as expected when deer seasons opened statewide over a 3-day weekend (Columbus Day). Sixteen wolves were killed October 10-12.
- As of October 28, 2009 (58 days of wolf hunting behind us), 80 wolves had been killed (one killed illegally and one either killed illegally or shot and not recovered).
- With 6 weeks of harvest season remaining in 10 wolf zones, only 2 are on the verge of meeting Harvest Limits (in Upper Snake wolf zone, 4 of 5 wolves have been taken; in McCall-Weiser wolf zone, 13 of 15 have been taken).
- Five of 12 wolf management zones are halfway to meeting their wolf harvest limits: (Dworshak-Elk City 11 of 18; Middle Fork 8 of 17; McCall-Weiser 13 of 15; Southern Mountains 5 of 10; Upper Snake 4 of 5).
- Harvest is <25% of the harvest limit in 4 wolf zones (Panhandle, Lolo, Selway, and Salmon).
- We have had very good compliance with 24-hour mandatory phone report and 5-day check.
- We have noted uncertainty among some successful hunters on how to skin and care for wolf hides. We are working on development of online video training for the website.

Other Mortality

- Removal of wolves by Wildlife Services for depredation on livestock appears to be on track with last year when 94 wolves were killed. Seventy-eight have been lethally controlled so far in 2009, but only one in October.
- Total documented mortality from all causes (harvest, lethal removal of depredating wolves, illegal take, natural and unknown causes) has been lowest in the Salmon, Selway, Lolo, Panhandle, and Palouse wolf management zones (<10%). These zones have all had very-low to no lethal wolf removal for depredation control and low hunter harvest.
- Based on combined mortality factors, including harvest, wolf populations may be reduced or stabilized in the McCall-Weiser, Sawtooth, South Mountains, and Upper Snake wolf management zones by the end of the season.

Meeting Date: November 19, 2009

Agenda Item No. 12

Agenda Item: Update on Pend Oreille Fish Recovery Program

Bureau Chief Approval: _____

Prepared by: Andy Dux/Jim Fredericks

Background:

Lake trout were introduced into Lake Pend Oreille, Idaho in 1925. This population remained at low density for many years, but grew exponentially during 1999-2005. The increased abundance of lake trout, combined with already established populations of rainbow trout and bull trout resulted in high levels of predation on kokanee. This forced the closure of the kokanee fishery in 2000. Lake trout establishment also posed a substantial risk to the native bull trout population. In response, a predator removal program was developed to reduce rainbow trout abundance over the short-term and target long-term suppression or collapse of the lake trout population. These efforts began in 2006, using both anglers and a commercial fishing operation, and funded with mitigation dollars from Avista and Bonneville Power. The Angler Incentive Program encourages anglers to harvest both rainbow trout and lake trout by offering a \$15 per fish reward. Since 2006, anglers have removed over 20,000 rainbow trout and nearly 50,000 lake trout. Commercial netting that targets lake trout has removed about 35,000 fish since 2006, including about 13,000 fish in 2009. Efficiency of netting efforts was improved in 2008 and 2009 by targeting lake trout spawning sites identified by telemetry research. Lake trout aggregated at two sites in the lake, which resulted in high exploitation of mature fish by netting in the fall of 2008 and 2009. Netting efficiency was further improved by the discovery of areas on north end of the lake where subadult lake trout occur in high abundance. The combined targeting of mature and immature lake trout has dramatically reduced lake trout abundance. The kokanee population has been at risk of collapse in recent years, but substantial improvement has been documented during the past two years. Kokanee survival from age-1 to age-2 increased from a record low of 10% in 2007 to 77% in 2009, and estimated spawner escapement has increased from 6,000 female kokanee to over 40,000 female kokanee in that time. This indicates predation pressure has been reduced as a direct result of the predator removal efforts. Bull trout also appear to be benefitting from the program, as 2009 redd counts in most tributaries to the lake were at or above their 10-year average.

Statutory Authority and/or Policy issues:

NA

Public Involvement Process:

The Pend Oreille Fishery Recovery Program has been developed with extensive public input. In 2002 a Citizens Advisory Committee (CAC) was formed that produced a set of recommendations—many of which were implemented. Though the CAC was disbanded following their recommendation report, a Fishery Recovery Task Force, comprised of representatives from Pend Oreille angler stakeholder groups, was developed in 2006 to help develop the management plan. The Task Force has met regularly (generally monthly) for the past four years and continues to serve as valuable sounding board as the program evolves. Through the Task Force and other outreach efforts such as annual “state-of-the-lake” meetings, fishing seminars, regular newsletters and e-mail updates, the program is now widely supported and understood by the angling public.

Staff Recommendation:

None at this time

Justification:

To provide an update of one of the state’s most aggressive and innovative fishery management programs.

Meeting Date: November 19, 2009

Agenda Item No. 13

Agenda Item: Legislative Update

Bureau Chief Approval: _____

Prepared by: Sharon W. Kiefer

Background: Staff will review the Commission legislative process used during the 2009 session including Commission conference calls and the legislative analysis process to gain Commission guidance for the upcoming 2010 session. The legislative analysis sheet used during the 2009 session is attached for consideration.

Staff will also update the Commission on status of Department-sponsored legislative proposals for 2010. Staff will also give a brief review of the 2009 implementation of the disabled veterans special big game tags.

Statutory Authority and/or Policy issues: Information is provided to facilitate Commission discussion and process guidance for the upcoming legislative session.

Public Involvement Process: None

Staff Recommendation: Continue a legislative process similar to 2009 with modification as directed by the Commission, including establishing the 2010 calendar. Direct staff to initiate support work such as public notice to implement the Commission legislative process.

Justification: Define the Commission's legislative process to facilitate timely and effective policy input during the 2010 legislative session.

Meeting Date: November 18, 2009

Agenda Item No. 14

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

Bureau Chief Approval: _____

Prepared by: Gayle Valentine

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

Statutory Authority and/or Policy issues: None

Public Involvement Process: None

Staff Recommendation: Present update as follows.

Justification: Requested by Commission.

1. The Foundation purchased 1,113 acres of land in Elmore County from a local rancher. The property is adjacent to the Charcoal Creek Segment of the Boise River Wildlife Management Area and will be managed by the Idaho Department of Fish and Game as part of the Wildlife Management Area. The land will be leased from the Foundation by the Idaho Department of Fish and Game for the next ten years in a lease to purchase agreement.
2. The Wild Sheep Foundation will send the remaining balance of their third and final payment for the Redbird property on October 31, 2009. This completes their three-year commitment to help offset the purchase of Redbird for the Idaho Department of Fish and Game. Total contribution is \$184,000.
3. The next board meeting is scheduled in Boise on December 4 and 5, 2009. Agenda includes Foundation committee reports, setting the 2010 Foundation budget, 2010 meeting schedule, and 2010 trip auction.

Meeting Date: November 19, 2009

Agenda Item No. 15

Agenda Item: Commission Approval of USFS and IDL MOUs **Bureau Chief Approval:** _____

Prepared by: Sharon W. Kiefer

Background: A five year MOU between Idaho Department of Fish and Game (IDFG) and Forest Service Regions One, Four and Six has expired; the Forest Service is interested in renewing the MOU to express continued interagency cooperation. The 2004 MOU was signed by the Director of IDFG. Staff will brief the Commission about the proposed, renewed MOU.

Similarly, there is desire on behalf of Southwest regional staff and Idaho Department of Lands (IDL) to supplement an existing 1998 Master Cooperative Agreement between IDFG and IDL to implement 36-104(b)(10). The Master Cooperative Agreement was signed by the Director of IDFG. The supplement would enact the Minneha Creek Closure Area on State endowment land to benefit big game winter and spring transitory range. Staff will brief the Commission about the Master Agreement and the supplement.

Statutory Authority and/or Policy issues: The Commission has implicit and explicit statutory authorities in 36-103 and 36-104 to enter into cooperative agreements with state and federal agencies to administer state policy affecting the preservation, protection, and perpetuation of Idaho wildlife. This is the context of the Forest Service MOU. Although previously signed by the Director, staff believes a renewed MOU should either be signed by the Commission per their statutory authority, or the Commission should authorize the Director, as Secretary of the Commission, to sign on behalf of the Commission.

The statutory basis of the Master Cooperative Agreement with Idaho Department of Lands (36-104(b)(10)) governs Commission authority to enter into cooperative agreements with landowners to enforce motor vehicle restrictions when the restrictions protect wildlife or wildlife habitat, pursuant to specific statutory stipulations. In order to properly supplement the Master Agreement, staff similarly believes the Commission should acknowledge the existing Master Agreement and authorize Director signature on behalf of the Commission.

Public Involvement Process: None

Staff Recommendation: Authorize the Director to sign the renewed MOU with the Forest Service and the Minneha Closure Supplement with IDL on behalf of the Commission. Provide guidance as to whether the Commission desires to continue case-by-case review of MOUs and cooperative agreements for Commission signature or whether they desire staff to draft guidelines for consideration to authorize Director signature on behalf of the Commission.

Justification: Ensure cooperative agreements that are based on Commission statutory powers and duties are properly supported by the Commission.

Meeting Date: November 19, 2009

Agenda Item No. 16

Agenda Item: Rules: Licensing Children with Special Needs and Disabled Veterans Big Game Tags

Bureau Chief Approval: _____

Prepared by: Sharon W. Kiefer

Background: The Commission has established rules to implement 36-408 (6 & 7), resulting in the “Children With Special Needs Big Game Tag” (13.01.04.900) and the “Disabled Veterans Special Big Game Tag” (13.01.04.901). Each program allows a qualified organization to sponsor an applicant for one free tag, who is exempted from licensing requirements. The tags are valid for deer, elk, pronghorn, moose, black bear or mountain lion. There is not a residency requirement to receive either of these special tags. There are up to ten tags issued between these two programs annually.

Use of dogs to hunt black bear and mountain lion is a common practice. Currently, anyone that harvests an animal over dogs, except clients of licensed outfitters, must have a valid Hound Hunter Permit, which is obtainable only by license holders. There is a limitation on Hound Hunter Permits for nonresidents, which is limited to no more than seventy, although there are several geographic exceptions noted in 13.01.15.200.02.b-d.

Nonresident Hound Hunter Permits are often sold out by the time sponsoring organizations have finalized their applicant process for either of the special tags. Also, the tag holders cannot legally acquire a Hound Hunter Permit (resident or nonresident) because they do not possess a license. Thus, holders of either the “Children With Special Needs Big Game Tag” or the “Disabled Veterans Special Big Game Tag” currently cannot harvest a black bear or mountain lion over dogs, creating an unintended barrier.

Statutory Authority and/or Policy issues: The Commission has statutory authority to establish or modify rules in IDAPA 13.

Public Involvement Process: Staff has been requested by “Hunt of a Lifetime” to reconsider the Hound Hunter Permit stipulation for these special tags. The request is not to allow exemption of a hound hunter permit for the use or control of dogs to pursue game. The request is only for the special tag holder to be exempted from possessing a Hound Hunter Permit in order to harvest black bear or mountain lion over dogs.

Staff Recommendation: Staff recommends adopting rules in 13.01.04.900, 13.01.04.901 and in 13.01.15.100.02 to exempt holders of a “Children With Special Needs Big Game Tag” or the “Disabled Veterans Special Big Game Tag” from having a valid Hound Hunter Permit in possession when harvesting a black bear or mountain lion over dogs.

Justification: The rule modifications comply with the statutory license exemption for these tags and the intent to facilitate hunting opportunity via these special tags for children with special needs and disabled veterans that are sponsored by qualified organizations. Rule modification will simplify requirements of participation and remove a barrier to hunting opportunity.

Meeting Date: November 19, 2009

Agenda Item No. 17 – Vanderbilt

Agenda Item: Region 1 – Vanderbilt Conservation
Easement

Bureau Chief Approval: _____

Prepared by: Katherine Cousins and Gregg Servheen

Background:

This is a proposal to accept a donated conservation easement in Kootenai County. The purpose of the easement is to assure that the property will be retained in perpetuity predominantly in its natural, scenic and open condition for conservation purposes including protection and restoration of moose, elk, deer, raptors, and other wildlife habitat and to prevent any use of the property which will significantly impair or interfere with its conservation values, wildlife habitat, natural resources or associated ecosystem. After the original Grantors are no longer residing on the subject property, it will be managed under a wildlife management plan.

The subject property is located on the northeastern side of Hayden Lake in Kootenai County and is composed of two quarter sections (approximately 310 acres). The property is timbered and contains some pasture land and forested wetland, as well as vista views of Hayden Lake and the surrounding area. Stimson Lumber and Forest Capital own parcels adjacent to the subject property.

Elk, black bear, white-tailed deer, mountain lion and moose frequent the property. Turkey and grouse are abundant and could provide hunting opportunities for upland game. Several species of songbirds, woodpeckers, shorebirds, raptors likely frequent this property as well.

Further, the subject parcel is located in an area that is experiencing accelerated urban development. The subject parcel would be highly desirable to developers because it is adjacent to Hayden Lake and has spectacular views of the lake and surrounding area. Currently, very little public access is available in the area, and opportunities for hunting and wildlife viewing are limited.

A cash donation for the stewardship will be made to IDFG. The property was previously presented to the Commission during Executive Session on November 8, 2007.

Statutory Authority and/or Policy issues:

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

Public Involvement Process:

The public is supportive of Department ownership and management on other wildlife management areas in the County. County commissioners will be contacted but are likely supportive of the acquisition. The public will be informed and contacted for their input regarding management of the property.

Action Requested:

Approval of Commission to proceed with accepting the donated easement.

Staff Recommendation:

The Lands Committee recommends proceeding with the easement donation.

Meeting Date: November 19, 2009

Agenda Item No. 17 – Kline

Agenda Item: Region 1 – Cocolalla Lake – Kline
Acquisition

Bureau Chief Approval: _____

Prepared by: Katherine Cousins and Gregg Servheen

Background:

This 20-acre fee title acquisition is located in Bonner County, adjacent to the 103-acre Cocolalla Lake habitat segment of the Pend Oreille Wildlife Management Area (WMA). The property is being acquired through the Albeni Falls wildlife mitigation program and will be funded by BPA. The property will be managed as part of the Pend Oreille WMA.

Acquisition will secure important lowland wetland habitat and allow the meaningful restoration of Fish Creek. Modest wetland restoration work has been completed on the Cocolalla Lake habitat segment; with the acquisition of the Kline property, the Department will have the ability to complete a comprehensive wetland/stream restoration project without having to work around the issue of potentially inundating private ownership. The acquisition will also expand wildlife-related recreational opportunities and provide a desirable public access point.

A modular home and a few outbuildings are also part of the acquisition. These structures will be sold and/or moved off of the property. 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 \$73.20 for the subject property.

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

Statutory Authority and/or Policy issues:

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

Public Involvement Process:

County commissioners have been notified and support the acquisition. The public will be informed and contacted for their input regarding management of the property.

Staff Recommendation:

The Lands Committee recommends proceeding with the acquisition.

Meeting Date: November 19, 2009

Agenda Item No. 17 – White Island

Agenda Item: Region 1 – White Island Acquisition

Bureau Chief Approval: _____

Prepared by: Katherine Cousins and Gregg Servheen

Background:

This 131.58-acre fee title acquisition is located in Bonner County to the south of the Clark Fork River delta and approximately 10 miles south of the town of Clark Fork. The subject property is in two parcels, with the northern parcel having approximately 110 acres and fronting the Clark Fork River and the southern 21-acre parcel fronting the south fork of the Clark Fork River. The Department already manages over 400 acres in the Clark Fork River delta including a boat ramp on the South Fork of the Clark Fork River.

Acquisition of the subject property will consolidate ownership on the southern-most area of the Clark Fork Delta, thereby reducing trespass issues and improving management. In addition, acquisition of this property will also assist the Department in implementing habitat improvement projects to reduce erosion in the delta.

Acquisition of this parcel will also provide partial habitat mitigation for the construction and operation of Albeni Falls Dam and abides by IDFG goals outlined in the Albeni Falls Wildlife Protection, Mitigation, and Enhancement Plan. This property could be easily incorporated into the Pend Oreille Wildlife Management Area (WMA) and operations on the WMA. Additional BPA funding would be added to the existing operations and maintenance contract for the Pend Oreille WMA.

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 \$481.58 for the subject property.

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

Statutory Authority and/or Policy issues:

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

Public Involvement Process:

County commissioners have been notified and support the acquisition. The public will be informed and contacted for their input regarding management of the property.

Staff Recommendation:

The Lands Committee recommends proceeding with the acquisition.

Meeting Date: November 19, 2009

Agenda Item No. 17 – Arrington

Agenda Item: Region 3 – Wallace Creek Conservation Easement

Bureau Chief Approval: _____

Prepared by: Justin Bezold and Katherine Cousins

Background:

The Department is to accept a donated conservation easement in perpetuity to restrict use and development of ~0.7 acres of Wallace Creek riparian area. The area is located on the Salmon River at the confluence of Wallace Creek. The landowners are seeking this easement for fish and wildlife benefits, and do not seek financial benefits. No buildings are part of the acquisition.

This easement will allow the Idaho Department of Fish and Game to continue to meet their stated goal of sustaining Idaho’s fish and wildlife populations and respective habitats. This goal, from The Compass (IDFG Strategic Plan 2005), has several stated objectives that will help sustain fish and wildlife populations and their habitats. Specific to fisheries, the plan identifies increasing the capacity of habitat to support fish. By holding this easement (per easement restrictions), the Department will maintain ESA-listed fish habitat in its current condition. Additionally, the easement will allow for future actions to improve the condition of the habitat and increase fish passage throughout the drainage. Through these actions, the biological viability of Wallace Creek should increase and result in a higher output of anadromous and resident fish.

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

Statutory Authority and/or Policy issues:

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

Public Involvement Process:

County commissioners have been notified and support the acquisition. The public will be informed and contacted for their input regarding management of the property.

Action Requested:

Approval of Commission to proceed with accepting the donated easement.

Staff Recommendation:

The Lands Committee recommends proceeding with the easement donation.

Meeting Date: November 19, 2009

Agenda Item No. 17 – Scharpf

Agenda Item: Region 3 – Scharpf Fishing Access Acquisition

Bureau Chief Approval: _____

Prepared by: Jim White and Katherine Cousins

Background:

This 1.4-acre fee title acquisition is located in Idaho County, south of Pollock, along the Little Salmon River. The property would be acquired through Department Salmon and Steelhead dollars and federal Dingle Johnson fishing access dollars. The property will be managed by the Department as part of the statewide Fishing Access Program.

Acquisition will secure 689 feet of shoreline for steelhead fishing along the Little Salmon River, which currently has limited public fishing access. Several flat spots on the property would allow for sportsman parking off the main county road. Because of the terrain on this site, it is also threatened to be developed and future fishing access would be in question.

Two property ownerships immediately downstream of the property may be available in the near future for ownership or access agreements.

IDFG pays a fee in lieu of taxes (FILT) for all fee-title properties. The FILT for properties acquired in Idaho County is estimated at approximately \$0.97 per acre, for a total of approximately \$1.36 for the subject property.

The property was previously presented to the Commission during Executive Session on July 23, 2009.

Statutory Authority and/or Policy issues:

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

Public Involvement Process:

County commissioners have been notified and support the acquisition. The public will be informed and contacted for their input regarding management of the property.

Staff Recommendation:

The Lands Committee recommends proceeding with the acquisition.

Meeting Date: November 19, 2009

Agenda Item No. 18

Agenda Item: Idaho Watershed Initiative

Bureau Chief Approval: _____

Prepared by: Don Kemner

Background:

- The Department's FY10 budget includes \$250,000 for a pilot landscape-based restoration grant program.
- The pilot program is modeled after Utah's Partners for Conservation and Development Program.
- The Murphy Complex Fire Project in 2007 demonstrated the value of working across land ownership boundaries to complete landscape-scale restoration.
- Projects restoring or improving forest, shrub-steppe, and wetland landscapes are eligible to apply for FY10 grant funds.
- The FY10 focus area is Magic Valley, Southeast, and Upper Snake regions.
- Proposals are being solicited and will be accepted until December 15, 2009.

Statutory Authority and/or Policy issues:

- Idaho Code 36:111(b) gives direction and funding for rehabilitating big game ranges, upland bird and waterfowl habitats.
- The Commission's direction is for the Department to include a broader array of stakeholders in restoration projects.
- Developing partnerships with landowners, land management agencies, and others to restore, enhance, and conserve fish and wildlife habitats is an objective of the Department's strategic plan.

Public Involvement Process:

- Input on the development of the program was sought from Sportsmen for Fish and Wildlife, The Nature Conservancy of Idaho, Idaho Soil Conservation Commission, Governor's Office of Species Conservation, U.S. Forest Service, Bureau of Land Management, and Natural Resource Conservation Service.

Justification:

- Completing large, landscape-scale restoration projects across jurisdictional boundaries will provide long-term benefits for water quality, fish and wildlife habitat, and reduce wildfire potential.

Action Requested:

- No action requested. Informational presentation

Meeting Date: November 19, 2009

Agenda Item No. 19

Agenda Item: Raven Control in Utah and Nevada

Bureau Chief Approval: _____

Prepared by: Don Kemner

Background:

The common raven (*Corvus corax*) is a migratory bird protected under the Migratory Bird Treaty Act signed by Russia, Japan, Canada, Mexico, and the United States. This treaty requires the U.S. Fish and Wildlife Service (USFWS) to closely regulate take of this species. Under a USFWS permit, USDA-Wildlife Services is permitted to lethally take a limited number of ravens to control depredations. This presentation will summarize current raven control activities by Wildlife Services in Utah, Nevada, and Idaho.

Statutory Authority and/or Policy issues:

This presentation relates to the Department strategy of managing predation to achieve a balance between game and predator populations.

Public Involvement Process:

Informational presentation.

Justification:

Information requested by Commission.

Action Requested:

N/A

Staff Recommendation:

N/A