

**Idaho Fish and Game Commission
November 18-19, 2009
Coeur d'Alene Resort
115 South Second Street
Coeur d'Alene, Idaho**

November 18

MISCELLANEOUS

Executive Session

Chairman Wright called the meeting to order with Commissioners Tony McDermott, Fred Trevey, Robert Barowsky, Randy Budge, Cameron Wheeler and Gary Power present.

09-106 Commissioner Wheeler moved and Commissioner Power seconded a motion TO HOLD AN EXECUTIVE SESSION PURSUANT TO IDAHO CODE SECTION 67-2345(1)(F) (C) TO DISCUSS PENDING LITIGATION AND LAND ACQUISITIONS. The motion carried in a unanimous vote.

In executive session, the commissioners discussed the gray wolf, grizzly bear, and bighorn sheep litigation with legal counsel and a presentation by staff on land acquisitions.

The executive session ended at 5:22 p.m. with no final action taken.

Public Hearing

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

Chairman Wright stated that the Commission takes the public comments seriously and the comments will be reviewed at the regular meeting. Commissioners and staff are available after the meeting to answer questions.

Bill Howell, North Idaho Wolf Alliance, spoke regarding the wolf management plan and future Idaho Department of Fish and Game decisions. Mr. Howell covered the historical relationship with wolves and stated the majority of people do not support wolf hunting.

Chairman Wright acknowledged Representative George Saylor.

George Cordingly, representing all predators in North America. Mr. Cordingly stated that the continuing senseless slaughter of wolves, in particular, needs to stop. Predator control in Idaho should be based on actual need to protect ranch and farm animals based on formal study. Elk, deer, and moose herds are remaining steady and he does not support extending the wolf season.

Jim Hagedorn, representing sportsmen spoke regarding depredation of grain fields, depredation payments and hunting. The Department spent \$499,774.65 in the Clearwater Region in 2007 for depredation of grain fields. The depredation program is not working. There is a need to charge more for permits or find a way to reduce the cost of raising the pheasants for the WMA's. Referenced the surrogate program in southeast Idaho and states the cost for the birds is \$3.00. Working with legislators to establish some youth hunts for handicapped children.

Richard Hurry, Ponderay, Idaho feels that the Commission is a death panel who has ordered the killing of hundreds wolves without regards to age or pack structure. You are literally a death panel to the wolves. Mr. Hurry feels the wolf was improperly delisted. People want to come to Idaho and feels it is a \$1 million tourism opportunity.

Nate Helm, representing Idaho Sportsmen for Fish and Wildlife (SFW), spoke regarding Idaho's Watershed Initiative. It is important to focus on the design of this program to maintain the large scale habitat work. The goal is to improve and increase all wildlife populations in Idaho. SFW has been working with Department of Agriculture, and local working groups to try and create plans that will help stimulate population growth in key areas for sage grouse. Predator control: SFW sees this as a sage grouse recovery program not a corvid eradication program. Continuing work on wildlife vehicle collision and would like Commission leadership.

Maria Albergato, PhD, comments read by Lannie Johnson. Ms. Johnson states that this season's wolf hunt has created serious divisiveness. The accuracy of the number of elk in total, the ratio of bull elk to cow elk, and the wolf population in our state is being questioned by people on all sides of the issue. Idaho's management plan does not reflect a sense of stewardship or the complexity of our forests' ecosystems. Dr. Albergato urges the Commission to base their decision about a continued wolf hunt and the stewardship of wolves in the wisdom of science and data, not in unfounded hatred of wolves and cultural tradition.

Nancy Taylor, Wolf People in Cocolalla, would like to know if Fish and Game is counting all wolves that are killed including ones that are poached, hit by cars or have died by other means. Are these numbers going to the goal? She is not in favor of wolf killing season. If the wolf hunt has to happen then every wolf found dead should be added to the number.

Joe Curry, board member and representing the Wild Sheep Foundation, spoke regarding the guidelines for auction and lottery bid process. The legislative intent of the auction/lottery bill was to provide an avenue for a conservation group to obtain funds to be made available for research and management of bighorn sheep in Idaho. Wildlife Sheep Foundation suggests the following guidelines: 1) An open application process for all established 501-3(c) wildlife conservation groups; 2) The conservation group has a stake in the specific wildlife resource for which it is requesting a tag; and 3) Monies derived from the auction or lottery tag are used specifically for management of that species.

Stephen Augustine, representing self, spoke regarding the topic of wildlife conservation in light of the current wolf hunt. Mr. Augustine states that IDFG mission is outdated.

Steve Cordes would like the Commission to consider a proposal to allow youth hunters accompanied by an adult to hunt in both A and B elk seasons. Mr. Cordes stated that by giving them every opportunity to experience hunting and potentially harvesting with bow, rifle, and muzzleloader you would be helping to make them into lifelong hunters. And feels from a business standpoint, it makes sense to make the effort to help develop future customers of tags and licenses.

Art Collins presented the Commission with a copy of fishing etiquette guidelines and would like the Commission to consider publishing in the regulations brochure. Mr. Collins would like the Department to stock steelhead in the Coeur d'Alene River. Mr. Collins asks the Commission if the Department has seen an increase in revenue with the increased license fee for nonresident hunters.

Angela Rossmann, Wild Sheep Foundation, spoke regarding on how to improve the tag bid process. The bighorn sheep issues we face are extremely important politically and Wild Sheep Foundation has an intense interest in the future welfare of wildlife and the growing competition for space.

Dr. Kent Fischman, Sandpoint, states that he has a PhD in genetics and is vice chair of the Northern Idaho Wolf Alliance. Dr. Fischman spoke regarding the number of wolves to be hunted and presented a petition protesting the wolf season. In a state which other wildlife number in the thousands, only wolves are to be reduced to a few hundred.

Mike Reggear, addressed the proposed IOGLB policy numbers 2025 and 2026 which will be discussed at the Thursday meeting. He provided a copy with his comments. Mr. Reggear feels that private property owners do not have the same opportunities with outfitting or with what the outfitters currently do. It is the private property owners right to assess and determine the need. This is the primary concern with allowing outfitting on private lands. Thanks to the Commission as a private property owner for their decision allowing wolf hunting.

Bryce Cook, Idaho Waterfowl Association, comments read by Cal Groen. Idaho Waterfowl Association feel that IOGLB proposed voting members of committee are too one sided, the group is too strongly represented by the guiding industry, want to see turkey and waterfowl addressed separately and suggest a polling option of waterfowl survey.

Wes Hanson, comments read by Cal Groen. Mr. Hanson would like to see IDFG develop a wolf management plan similar to those applied to other big game predators. Wolves should be viewed as game animals, not as a crop to be harvested. They are not a crop to be cut down in mass, and they are certainly not evil. If a wolf hunt is continued, the annual wolf hunt number should be determined using the best wildlife science, with the aim of sustaining a genetically diverse wolf population. It should not be set to appease hunting fever. Please depoliticize this issue by developing responsible wolf management plan.

Lanie Johnson, Sandpoint, stated that IDFG wolf hunt is not part of a wolf management plan but is instead a wolf elimination plan.

Joseph Peterson, Flying B Ranch, spoke regarding private land outfitting and IOGLB policies 2025 and 2026. Resource assessment on private land is a problem. Regarding wolves, things are tough, elk hunters are down and it is discouraging. He is in support of expanding the wolf season.

Jame Fritz read by Cynthia Mason. Hunt is premature and the quotas are too high and the season is too long and may result in the killing of pups and pregnant females. Ms. Fritz requests that the Commission suspend the remainder of the wolf hunt.

Cynthia Mason believes that all creatures on earth are truly our brothers and sisters. I believe that we are stewards of the earth and it's part of our job as citizens of the earth to take care of it and all of the living creatures.

Cathleen O'Connor, Coeur d'Alene and on behalf of Merlin Nelson, Harrison, spoke regarding wolf and elk protection. The current kill numbers allowed are too high to sustain the viable packs that require genetic connection. And would ask that you choose to reduce the kill numbers in your next plan. There is concern that the season allows for killing of wolves in the winter denning season leaving pups to starve.

Richard Good, representing self, spoke regarding handicapped shooting from Forest Service roads and has received harassment for conservation officers. The people in Shoshone County would like to know why they cannot have the same amount of public informational meetings with IDFG that Kootenai County has. Kootenai has 8 per year and Shoshone is lucky to have 2 or 3 meetings.

Sandy Podsaid, addressed the Commission about his informal efforts to resolve the Department accusations against him. The Commission is the final legal authority. Mr. Podsaid is asking for a hearing. Mr. Podsaid's concerns are:

- There has been no formal order from the Department
- Need final action from Commission
- Extract 2 things (22 exhibits)
- Retracted document to Shoshone
- January 21, 2008 Jake Howard sent retracted document
- Character issue
- Due impartial investigation
- Informal settlement

Michael Borg agrees with comments regarding pheasant populations. Private property owners should be allowed to do what they want on their property. States that the wolf population is getting out of hand and something needs to be done. Mr. Borg agrees with the Commission decision to hunt wolves.

Thad Osburn stated that he has spent a total of 100 days in the Forest. The wolf population is hitting a critical mass. The number of deer and elk that he sees are dramatically reduced. The heritage of hunting is at risk.

Kate Ruck states that wolves are very important to the ecosystem and would like to see the best science used for both elk and wolves. Better education for getting information out to people on wolves and hunting.

November 19

MISCELLANEOUS

Opening Comments

Chairman Wright called the meeting to order and thanked Commissioner McDermott and Chip Corsi Regional Supervisor and staff for hosting the meeting.

Chairman Wright introduced Katie Brodie, representing the Governor's office.

Agenda Changes

Chairman Wright noted that agenda item 17. Land Acquisitions (Scharpf Fishing Access) would be removed from the agenda and be discussed at another date.

Review of Public Comment

The Commission addressed comments relating to Idaho Outfitters and Guides Licensing Board (IOGLB) discussion, guidelines for auction tags, Watershed Initiative, wildlife vehicle collisions, wolf management and extended seasons, shooting from forest service roads, handicapped issues, public meetings Shoshone vs Kootenai counties, charging of pheasants on WMA's, depredation claims, fishing etiquette, stocking the Cd'A River with steelhead, expanding youth opportunities for elk hunts, Sandy Podsaid legal request, and surrogator program for pheasants. Department staff met with individuals after the public meeting and answered questions from the constituents. Director Groen assigned staff to follow up on comments where needed.

Director's Report

- Spring Chinook fisheries letter to Washington, Oregon and Idaho Commissioners (Appendix 42, Exhibit 84)
 - Tri-State Meeting Washington, Oregon, and Idaho
 - Letter Signed by all 3 Directors to the commissions of each state
- Discussions on US vs Oregon regarding catch balance that would benefit Idaho upriver returns
 - Pre season planning process
- Financial Update
 - Resident license sales are up 6.4 % with revenue up 2.1%
 - Nonresident sales are down 8.5% which means a 2.4% revenue reduction
 - Overall we are down 1.6%
- Results of the nonresident survey sent to 30,000 individuals

- Concerns wolf impact on big game
- Unfair license structure nonresidents are paying too much
- Economy
- Ongoing dialogue with nonresident hunters
- Idaho has the highest license fee for nonresident deer tags
 - We have priced ourselves out with some hunters
 - More discussion at the January meeting:
- The Commission has the authority to reduce nonresident deer tags
- Suggestion to add wolf to the brown tag process for a nonresident deer hunter
- Further discussion on the price of the wolf tag for both resident and nonresident
- Fish and Game Advisory Committee has been restructured with new members
 - Look at different avenues in dealing with wolf depredation costs
- Idaho Public Records Law regarding hunter names and harassment
 - The names of hunters who harvest are public record

Fred Trevey comments on a letter received from Steve Alder (Appendix 42, Exhibit 85) questioning individuals who are harassing wolves away from being hunted. Is this legal? Staff will follow up on this question.

- Discussion ongoing regarding a new building for Headquarters
- Zero Based Budget Summary is complete (Appendix 42, Exhibit 86)
- IDFG Fleet Management is considered one of the best in state agencies
- Very successful 2009 Salmon & Steelhead Days
 - This is the 13th annual Salmon & Steelhead Days
 - 1878 students participated
 - 1325 volunteer hours to put this event on
- Director Groen presented each Commissioner with an individual plaque honoring each as part of the Western Association of Fish and Wildlife (WAFWA) “Commission of the Year” award.

Commission Reports

Each Commissioner provided their regional report in written format see (Appendix 42, Exhibit 87).

Consent Calendar

Items included in the consent calendar:

- A. Minutes, July 22-23, August 17, September 16 and September 30, 2009
- B. Financial Report, September 2009

09-107 Commissioner Power moved and Commissioner Barowsky seconded a motion TO ACCEPT THE ITEMS IN THE CONSENT CALENDAR. The motion carried in a unanimous vote.

REPORT

Joint Board Meeting Idaho Outfitters and Guides Licensing Board with Idaho Fish and Game Commission

The joint boards discussed (Appendix 42, Exhibit 88) draft policies 2027 Moratorium on Outfitted Waterfowl, Upland Game and Turkey Hunting, 2026 Public Need/Capacity Assessment Framework and 2025 Outfitting on State or Private Lands.

Idaho Outfitters and Guides Licensing Board (IOGLB) members present: Wayne Hunsucker, Board Chairman, Tom Long, Alex Irby, Chris Korell, Louise Stark. IOGLB Staff present: Jake Howard, Executive Director, and Lori Thomason, Office Supervisor. Pat Beale, Education and Enforcement Supervisor and Roger Hales, Board Attorney were also introduced.

Deputy Director Moore explained that as a state agency the IOGLB is responsible for the administration of outfitter and guide licensing including the assignment of operating areas and activities such as big game hunting, or turkey, and waterfowl hunting. He said that their responsibilities also include non-consumptive activities such as boating, trail rides and snowmobiling. He said that IOGLB is a small agency with very limited financial and staff resources and that there is discussion in IOGLB's statutes that discuss cooperating with state and federal agencies. As such, IDFG has always assisted them with the analysis of consumptive activities such those mentioned above. He explained the Idaho Fish and Game Commission and the Idaho Outfitters and Guides License Board entered into a Memorandum of Understanding (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 sessions with IDFG, IOGLB Executive Director Howard, Board members Hunsucker and Irby and Idaho Outfitters and Guides Association have resulted in matters for review and action.

Deputy Director Moore explained that an informal moratorium was established in 1992 with IOGLB limiting outfitted Waterfowl, Upland Game Bird and later Turkey Hunting and that more recently, the Commission had expressed their opposition to licensing these activities. He said that as a result work sessions, IDFG recognizes that due to the increased interest in these activities and due to Idaho's administrative decision making requirement in state law, a more comprehensive approach was needed so IOGLB can appropriately address these matters.

IOGLB Director Howard explained that the IOGLB has taken action to establish a temporary Moratorium on Outfitted Waterfowl, Upland Game Bird and Turkey Hunting, (IOGLB Policy Number: 2027). He provided an IOGLB Analysis and Recommendation Document (see exhibit 88) identifying a collaborative process to be implemented with sportsman's groups, outfitters and landowners to focus on finding common ground for resolution of concerns and enabling the

IOGLB to determination with how to move forward with related matters. A process and time line for this action was reviewed and discussed by the Commission and Board. The board would like to have a conclusion by September 2010.

Director Howard said that IOGLB has interacted with IDFG and IOGA resulting in draft policies on Outfitting on State or Private Lands (IOGLB Policy Number: 2025) and Public Need/Capacity Assessment Framework (IOGLB Policy Number: 2026) for IOGLB and that they were being provide consideration of both bodies and approval of the Board. He said the policies summarize below clarify related legal requirements and provide both agencies processes where clear and consistent analysis can be completed that is necessary for the Board to make appropriate decisions.

Outfitting on State or Private Lands (IOGLB Policy Number: 2025) - 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.

Public Need/Capacity Assessment Framework (IOGLB Policy Number: 2026) - 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.

REPORT

Ungulate Ecology Project Update

Pete Zager, Wildlife Principal Research Biologist, provided an update on the Ungulate Ecology Project (Appendix 42, Exhibit 89). Mr. Zager stated that project was 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).

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.

Wolf /Grizzly Bear Updates
Wolf Harvest Limits Update /Direction

Deputy Director Unsworth briefed the Commission on the wolf hunting season (Appendix 42, Exhibit 90). Deputy Director Unsworth noted that at this time there are no updates on the grizzly bear.

Wolf Monitoring

- Minimum year-end population estimate for 2008 was 846 wolves, 88 packs, with 39 documented breeding pairs.
- Currently 149 wolves with radio collars.
- IDFG and Nez Perce Tribe biologists are conducting telemetry flights to monitor radio collared wolves throughout the state bi-weekly.
- As of October 31 there were 95 documented packs. Reproduction has been confirmed in 57 packs, a minimum of 179 pups confirmed. To date, 48 packs are believed to meet breeding pair criteria. Pack status, numbers and pup production counts will continue to be refined through January for a new wolf population estimate.
- Confirmed livestock depredations continued to increase in 2009.

Wolf Hunting Seasons

- 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.
- Harvest limits have been met in 3 wolf management zones, Upper Snake, McCall-Weiser and Dworshak-Elk City.
- Heaviest harvest occurred October 10-12 when 16 wolves were taken by hunters over the 3-day weekend when deer season opened in most of the state.
- Harvest in 4 zones Panhandle, Lolo, Selway and Salmon is currently less than 30% of harvest limit.
- Compliance with 24 hour reporting and 5 day physical check has been high.
- Nine of 106 harvested wolves were wearing radio collars.

Deputy Director Unsworth stated that this is an adaptive process, and the Department will provide the Commission more information in March and again in July before another hunting season is set.

Staff Recommendation

The Department recommendation is to extend the seasons to March 31 in Panhandle, Selway, and Salmon Zones where total documented mortality is well below 10%.

09-108 Commissioner Budge moved and Commissioner Wheeler seconded a motion TO EXTEND THE WOLF HUNTING SEASON IN ALL UNITS THAT ARE NOT CLOSED THROUGH MARCH 31, 2010 OR UNTIL SUCH TIME AS THE ESTABLISHED QUOTAS HAVE BEEN MET. The motion carried in a unanimous vote.

Guidelines for Auction & Lottery Tag Bid Process

Jeff Gould, Wildlife Bureau Chief, reviewed the draft guidelines for the auction and lottery tag bid process (Appendix 42, Exhibit 91). 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 as we work with 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 but can be expanded to other species in the future. Chief Gould stated that the Department would bring a firm request for Commission approval at the March 2010 meeting.

Release of Wolf Auction / Lottery Tags 2010

Jeff Gould, Wildlife Bureau Chief, provided a report to the Commission (Appendix 42, Exhibit 92). 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. Overall, gross revenue is \$20,480 for 9 tags; RMEF will auction final tag on Saturday.

Some of the feedback received from the organizations:

- Mid September selection was too short of a turn around to get adequate exposure
- No regulation difference between auction and general tag-difficult to market value on commemorative alone
- 5% administrative fee did not cover expense of lottery and several low yielding auctions
- EBAY declined to provide website services for the sale of a wolf tag due to philosophical reasons
- Most groups agreed that their best audience is at national conventions held during January - March

Staff recommendation is to hold off on the release of special wolf tags for the 2010 wolf season, initiate "Qualification Process for Special Wildlife Tags" in March 2010 and release tags for the 2011 wolf season during the July or August, 2010 Commission meeting.

Commission consensus is to accept the staff recommendation.

Update on Lake Pend Oreille Fish Recovery Program

Andy Dux, Principal Fishery Research Biologist, provided an update on the Pend Oreille Fish Recovery (Appendix 42, Exhibit 93). 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.

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.

LEGISLATION

Legislative Update

Assistant Director Sharon Kiefer reviewed 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. Commission consensus is to continue the same legislative process used in 2009 including a legislative conference call. The legislative conference calls will convene every Thursday at 8:00 a.m. beginning February 4th.

Assistant Director Kiefer provided an update on the 2010 legislative proposals (Appendix 42, Exhibit 94). She noted that all six of the proposals have been cleared for development and have been assigned an RS number for the legislative process. This is the last formal step prior to the legislature going into session.

Commissioner Budge would like to add to the legislative idea list a request to sell small game licenses short term 1, 3, or a 5 day license like other states have. Commissioner Budge stated that it could be a small revenue base. Assistant Director Kiefer stated that the Department could add it to the idea list relative to the things that may be discussed with legislators, relative to them bringing forth legislation. Staff will scope the legislative idea and bring the proposal to the Commission at their January meeting.

REPORT

Idaho Fish and Wildlife Foundation Report

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

- The Foundation has successfully completed the purchase of the DeMeyer property per the guidance of the Commission.
- 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.
- The Wild Sheep Foundation has sent 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.
- 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.

Commission Approval of Department of Lands MOU

Sharon Kiefer, Assistant Director-Policy presented the draft MOU to the Commission. Ms. Kiefer stated that 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 briefed the Commission about the Master Agreement and the supplement.

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.

09-109 Commissioner Barowsky moved and Commissioner Power seconded a motion TO AUTHORIZE THE DIRECTOR TO SIGN THE RENEWED MOU WITH THE FOREST SERVICE AND THE MINNEHA CLOSURE SUPPLEMENT WITH IDL ON BEHALF OF THE COMMISSION. The motion carried in a unanimous vote.

RULES

Rules: Licensing Children With Special Needs and Disabled Veterans Big Game Tags

Sharon Kiefer, Assistant Director-Policy presented the rule changes (Appendix 41, Exhibit 95).

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.

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 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.

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.

09-110 COMMISSIONER BUDGE MOVED AND COMMISSIONER MCDERMOTT SECONDED A MOTION TO ADOPT AGENDA ITEM NUMBER 16 AS RECOMMENDED BY STAFF. THE MOTION CARRIED IN A UNANIMOUS VOTE.

Director Groen introduced Bill Booth, Northwest Power and Conservation Council and Teresa Sargent, Idaho Department of Fish and Game Human Resources Officer.

LANDS

Land Acquisitions

Tom Hemker, Wildlife Habitat Manager, presented the (Appendix 41, Exhibit 96) Vanderbilt Donated Conservation Easement, Cocolalla/Kline Land Acquisition, White Island Land Acquisition and Wallace Creek Conservation Easement to the Commission.

Chairman Wright stated that each of these parcels has been discussed thoroughly with the Commission and with staff.

09-111 Commissioner McDermott moved and Commissioner Barowsky seconded a MOTION TO PROCEED WITH THE EASEMENT DONATIONS AND LAND ACQUISITIONS AS PRESENTED BY STAFF. The motion carried in a unanimous vote.

REPORT

Watershed Initiative Update/Information

Don Kemner, provided a report on the Idaho Watershed Initiative (Appendix 42, Exhibit97). Mr. Kemner reported that the Department's FY10 budget includes \$250,000 for a pilot landscape-based restoration grant program and that the pilot program is modeled after Utah's Watershed Restoration Initiative. The Murphy Complex Fire Project in 2007 demonstrated the value of working across land ownership boundaries to complete landscape-scale restoration. Mr. Kemner stated that 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 21, 2009.

Raven Control Program in Utah and Nevada/ Information

Don Kemner, Program Coordinator, provided an informational presentation on the Raven Control Program (Appendix 42, Exhibit 98). 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. Utah, Nevada, and Idaho each have a permit allowing a maximum annual take. This presentation summarized current raven control activities by Wildlife Services in Utah, Nevada, and Idaho.

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

MISCELLANEOUS

Election of Commission Chair

Idaho Statute and Commission procedural rules refer to annual elections but do not fix dates (like January 1 or July 1 for commencement of a Chair's term. Under the statute establishing the organization of the Commission, the Chairman holds office for a term of one year or "until his successor has been duly elected." The terms of the current Chair and Vice-Chair end December 31.

The Commission has indicated a preference to have the Chair and Vice-Chair's terms align more closely with the state fiscal year instead of the calendar year. This would allow the Chair's term to be more consistent with Commissioner's terms, which begin on July 1, and allow a new Chair to take office at a less hectic time than the beginning of the legislative session. The Commission discussion on this subject indicated a preference for an election at the May meeting, with the newly elected Chair and Vice Chair taking office at the end of the meeting under the new amendments to the Commission procedural rules.

To formally cover the period from January 1 to a new election in May, legal staff recommends the Commission either: (1) make a motion and vote to extend the terms of the current chair and vice-chair through the May meeting; or (2) have a separate election to cover the period from January – May.

09-112 Commissioner Budge moved and Commissioner Barowsky seconded a motion THAT THE COMMISSION EXTEND THE TERMS OF OUR CURRENT CHAIR AND VICE-CHAIR THROUGH THE MAY 2010 MEETING, AT WHICH TIME THE COMMISSION WILL HOLD OUR NEXT ELECTION. The motion carried in a unanimous vote.

Set Commission Calendar

The Commission set the following dates for the 2010 meetings: January 27,28,29 in Boise; March 17,18,19 in Boise; May 19,20,21 in Lewiston; July 7,8,9 in Coeur d'Alene; August and October Conference Calls (dates to be determined); and November 3,4,5 in Sun Valley.

Representative to WAFWA

09-113 Commissioner Power moved and Commissioner Barowsky seconded a motion THAT COMMISSIONER TONY MCDERMOTT WILL CONTINUE AS THE REPRESENTATIVE OF THE COMMISSION TO WESTERN ASSOCIATION OF FISH AND WILDLIFE AGENCIES. The motion carried in a unanimous vote.

Adjournment

09-114 Commissioner Barowsky moved and Commissioner Power seconded a motion TO ADJOURN. The motion carried in a unanimous vote.

Wayne Wright
Chairman

Cal Groen
Secretary