

Idaho Fish and Game Commission

Quarterly Meeting - July 7-9, 2010

Silver Mountain Resort, Noah's Loft Conference Center, 610 Bunker Ave., Kellogg, ID

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

JULY 7

1:00 p.m. Wildlife Workshop Discussion

- Bonus Points - Jeff Gould, Chief, Wildlife Bureau/Jim Lau, Chief, Administration Bureau
- Auction Tags - Jeff Gould, Chief, Wildlife Bureau/Sharon Kiefer, Assistant Director-Policy
- Landowner Appreciation Permits - Brad Compton, Assistant Chief, Wildlife/FGAC Chairman

3:30 p.m. Executive Session I.C. 67-2345(1) (f) (c)

7:00 p.m. **Public Hearing** — Silver Mountain Resort, Noah's Loft Conference Center, 610 Bunker Ave., Kellogg, ID

JULY 8

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

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

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

8:25 a.m. 4. Director's Report — Cal Groen, Director

8:45 a.m. 5. Commission Reports — Commissioners

9:40 a.m. 6. Consent Calendar (Action Requested by Department)

- a. Minutes
- b. [Financial Report](#)
- c. [Budget Adjustments CBFWA](#)

10:00 a.m. 7. [Development of Communication Strategies](#) — Mike Keckler, Chief, Communications

10:15 A.M. — BREAK

10:35 a.m. 8. [2011 Legislative Proposals](#) (Action Requested by Department) — Sharon Kiefer, Assistant Director-Policy

10:55 a.m. 9. [Outfitted Waterfowl and Turkey Advisory Group Update](#) — Virgil Moore, Deputy Director

11:15 a.m. 10. [Farragut Range Report](#) — Chip Corsi, Regional Supervisor, Panhandle Region

11:30 a.m. 11. [Briefing for 2010 Wolf Season](#) — Jon Rachael, State Wildlife Manager

11:50 a.m. 12. [FY 2012 Budget Direction](#) — Jim Lau, Chief, Administration

12:00 — LUNCH

1:15 p.m. 13. [Spring/Summer Chinook Fisheries Updates](#) — Ed Schriever, Chief,

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Fisheries

- 1:25 p.m.** 14. [Season Setting: Fall Chinook](#) (Action Requested by Department) — Ed Schriever, Chief, Fisheries
- 1:35 p.m.** 15. [2011-2012 Fishing Rules Development - A Review of Department Recommendations for Proposed Changes](#) — Ed Schriever, Chief, Fisheries
- 2:10 p.m.** 16. [Rules: Bonus Points](#) (Action Requested by Department) — Jeff Gould, Chief, Wildlife
- 2:25 p.m.** 17. [Landowner Appreciation Permits](#) (Action Requested by Department) — Brad Compton, Assistant Chief, Wildlife

2:55 P.M. — BREAK

- 3:15 p.m.** 18. [Rules: Big Game, Small Game, and Rattlesnakes Including Rules to Implement H463 and S1342 \(2010\) and S1141 \(2009\)](#) (Action Requested by Department) — Jon Rachael, State Wildlife Manager
- 3:45 p.m.** 19. [Rules: Nonresident Deer and Elk Tag and Outfitter Set-Aside Quotas](#) — Jon Rachael, State Wildlife Manager
- 3:55 p.m.** 20. [Release of Bighorn Sheep Tags for Auction and Lottery](#) (Action Requested by Department) — Jeff Gould, Chief, Wildlife
- 4:10 p.m.** 21. [Season Setting: 2011 Upland Game Bird and 2010 Sandhill Cranes and Mourning Doves](#) (Action Requested by Department) — Jeff Knetter, Upland Game & Waterfowl Staff Biologist
- 4:30 p.m.** 22. [Briefing for 2010/2011 Migratory Game Bird and 2010 Sage Grouse Seasons](#) — Jeff Knetter, Upland Game & Waterfowl Staff Biologist
- 4:45 p.m.** 23. [Commission Direction of Animal Damage Control Board Funds](#) (Action Requested by Department) — Jeff Gould, Chief, Wildlife
- 4:55 p.m.** 24. Executive Session I.C. 67-2345(1) (f) (c)

RECESS

- 6:30 p.m.** Commission Barbecue - Sponsored by Shoshone County Sportsmen, Gene Park

JULY 9

- 8:00 a.m.** St. Joe River Tour

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: July 8, 2010

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

Statutory Authority and/or Policy Issues:

None

Public Involvement Process:

None

Staff Recommendation:

None

Justification:

None

Meeting Date: July 8, 2010

Agenda Item No. 6.c

Agenda Item: 6.c

Bureau Chief Approval: _____

Prepared by: Lance Hebdon

Background:

This budget modification is part of an ongoing program of regional coordination funded by Bonneville Power Administration (BPA). This is an existing funding source which provides partial support for department personnel to participate in activities associated with the Northwest Power and Conservation Council's Fish and Wildlife Program and the Federal Columbia River Power System's Biological Opinion. The funding mechanism for this program was changed from a cost-reimbursement through the Columbia Basin Fish and Wildlife Association to a direct contract with BPA.

Statutory Authority and/or Policy issues:

NA

Public Involvement Process:

NA

Staff Recommendation:

NA

Justification:

Meeting Date: July 8, 2010

Agenda Item No. 7

Agenda Item: Development of Communication
Strategies

Bureau Chief Approval: _____

Prepared by: Sharon W. Kiefer

Background: The Commission has had continuing interest and has provided policy guidance prioritizing development of continuing to develop effective communication strategies to use and disseminate Department information and also strategies to address the outside use of department technical and policy information without complete context. Such strategies are relevant to a wide range of existing and emerging issues.

Staff will present strategy information at the August meeting.

Statutory Authority and/or Policy issues: Commission has given guidance for communication strategy development and requested staff information.

Public Involvement Process: None for this notification of an upcoming presentation.

Staff Recommendation: Investigate communications strategies for their effectiveness and relevance - unlikely to find a “one size fits all” strategy; brief the Commission.

Justification: Strategy development requested by Commission

Meeting Date: July 8

Agenda Item No. 8

Agenda Item: Review and Approval of Legislative Ideas for 2011 Session

Bureau Chief Approval: _____

Prepared by: Sharon W. Kiefer

Background:

Staff will brief the Commission and seek policy guidance regarding the Department package of legislation ideas for submission to the Executive Agencies Legislation System (EALS) for Governor Office approval. This is the first step of the executive agency legislative process. Agency ideas must be electronically submitted to EALS by August 2. Governor-approved ideas must be drafted as legislative proposals and submitted to EALS by September 17.

The Commission has already directed the Department to not seek legislation increasing resident license fees in 2011.

Statutory Authority and/or Policy issues:

Commission has responsibility to provide policy direction for Department-sponsored legislation.

Public Involvement Process:

No targeted public involvement for policy review; there may be future public involvement strategies for specific legislative proposals.

Staff Recommendation:

Provide policy approval or direction for legislation sponsored by the Department.

Justification:

Review is necessary to ensure consistency between legislation ideas and Department policies and procedures.

Meeting Date: July 8, 2010

Agenda Item No. 9

Agenda Item: Outfitted Waterfowl and Turkey
Advisory Group Update

Bureau Chief Approval: _____

Prepared by: Lance Hebdon and Virgil Moore

Background: At the November 2009 joint meeting between the Commission and the Outfitters and Guides Licensing Board (OGLB) staff from both agencies gave information relative to the temporary moratorium on outfitting for Waterfowl and Turkey Hunting (IOGLB Policy 2027). It was recognized 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.

In March the Department and OGLB established an advisory group with representatives from sportsman's groups, landowners and outfitters to evaluate the issue of how can Idaho allow, or not allow, additional guiding and outfitting for waterfowl and/or turkey on private and/or public lands, while protecting and maintaining private property rights?

The Advisory Group has met 3 times and has a 4th meeting scheduled. Staff will report progress.

Statutory Authority and/or Policy issues:

Public Involvement Process:

None at this time. Recommendations from the advisory board will be available at the Commission's November meeting for discussion of options for public review.

Staff Recommendation:

Justification:

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Meeting Date: July 8, 2010

Agenda Item No. 10

Agenda Item: Farragut Range Report

Bureau Chief Approval: _____

Prepared by: Chip Corsi

Background:

- 100 yard range build-out is complete as of spring 2010
- Range designer has inspected and concluded 100 yard range meets “no blue sky” criteria
- EPA has determined no lead removal is necessary
- Deputy AG Trever has filed (June 2010) with Judge Mitchell’s court to allow for reopening of the range, using the completed 100 yard range
- Build-out of 200 yard range has begun

Statutory Authority and/or Policy Issues: Commission directed the Department to utilize all resources necessary to get Farragut Range reopened for public use.

Public Involvement Process: There has been public input about the pros and cons of reopening the range through Commission public meetings and through the court process.

Staff Recommendation: Continue to focus resources to get the range reopened.

Justification: Range reopening supported by local sportsmen and other stakeholders.

Meeting Date: July 8, 2010

Agenda Item No. 11

Agenda Item: Briefing for 2010 Wolf Season

Bureau Chief Approval: _____

Prepared by: Jon Rachael

Background:

Oral Arguments in the lawsuit requesting the re-listing of wolves under ESA were heard by Judge Molloy in Federal District Court in Missoula on June 15. It is unknown when Judge Molloy will issue a ruling on the case. Season dates, hunt rules, and harvest limits for the 2010 hunting season will be set by the Commission in August. Staff will present proposals for seasons, rules, and harvest limits that are consistent with harvest strategies and objectives described in the 2008-2012 Idaho Wolf Population Management Plan.

Statutory Authority and/or 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:

Proposals and recommendations that will be presented at the August meeting have resulted from year-round public input through field contacts, email, telephone, regional meetings, website outreach, and public involvement during development of the 2008-2012 Idaho Wolf Population Management Plan.

Action Requested:

This item is for information only, no action is required.

Staff Recommendation:

None. This agenda item provided for information only.

Justification:

Staff will present specific options for the 2010 season during the presentation for commission information and seek commission direction for development of seasons and rules to be considered at the August commission meeting. Options to be presented will consider statewide harvest limits, zone harvest limits, season dates, bag limits, and additional methods of take (including trapping and use of electronic calls) in some zones. Options will be focused on development of a season and harvest framework intended to address impacts of wolf predation on prey populations and domestic livestock by reducing the current wolf population to levels consistent with management objectives specified in the 2008-2012 Idaho Wolf Population Management Plan.

Meeting Date: July 8, 2010

Agenda Item No. 12

Agenda Item: FY2012 Budget Direction

Bureau Chief Approval: _____

Prepared by: Jim Lau, Chief, Bureau of Administration

Background:

Highlight challenges for setting the 2012 budget.

Statutory Authority and/or Policy Issues:

None

Public Involvement Process:

None

Staff Recommendation:

Informational update – no action required

Justification:

None

Meeting Date: July 8, 2010

Agenda Item No. 13

Agenda Item: Update on Chinook Salmon Fisheries

Bureau Chief Approval: _____

Prepared by: Ed Schriever, Fisheries Bureau Chief

Background:

This is an explanation, to inform the Commission, of results of spring and summer Chinook salmon recreational fisheries in Idaho this spring. Fisheries staff will be reporting fisheries data to date by fishery including season lengths, angler hours, numbers of salmon harvested. An update of hatchery rack returns to date and brood stock objectives will also be provided.

Statutory Authority and/or Policy issues:

None

Public Involvement Process:

None

Staff Recommendation:

None

Justification:

Keeps Commission informed of Chinook salmon fishing seasons and hatchery returns.

Meeting Date: June 21, 2010

Agenda Item No. 14

Agenda Item: Set the 2010 fishing season for fall Chinook salmon in the Snake River

Approved by: _____

Prepared by: Ed Schriever, Fisheries Bureau Chief

Background:

This agenda item concerns the setting of a fishing season for fall Chinook salmon on the Snake River in September and October of 2010. A fishery for fall Chinook salmon was conducted on the Snake River in October 2008 and September and October of 2009. Staff is projecting that sufficient numbers of hatchery origin adipose fin-clipped fall Chinook salmon will return to the proposed fishing area to meet hatchery brood stock needs and permit a non-tribal sport fishery on the harvestable share available. Natural origin fall Chinook that return to the proposed fishing area are listed as threatened under the Endangered Species Act and allowable encounter rates on these listed fish are stipulated in the fisheries management plan for steelhead in the current NOAA Fisheries permit (1481). Staff has consulted with NOAA and established that the incidental encounter rate on natural origin fall Chinook during the proposed fishery is consistent with rates observed during the traditional steelhead fishery in recent years.

Policy issues:

Idaho Statute 36-104(b)(2) gives the Commission the authority to make rule or proclamation establishing seasons and methods for taking of fish. Fishing rules are provided in IDAPA 13.01.11

Public Involvement Process:

This is only the third year proposing the relatively new fall Chinook salmon fishery. This fishing opportunity arises from ESA coverage for fall Chinook encountered incidentally in the existing and well established steelhead fishery. To date there has been no public process specific to this fishery.

Justification:

Title 36 of Idaho State Code gives the Commission the authority to set rules to preserve, protect, or manage fish and wildlife in Idaho. The proposed fishery addresses biological issues, mitigation hatchery programs, and angler desires.

Action Requested:

Set a season and methods for harvesting fall Chinook salmon in the Snake River in 2010.

Staff Recommendations:

Approve the proposed 2010 fishery for fall Chinook salmon in the Snake River.

Meeting Date: July 8, 2010

Agenda Item No. 15

Agenda Item: Proposed changes in fishing rules for 2011 – 2012, including steelhead.

Bureau Chief Approval: _____

Prepared by: Bill Horton, Resident Fisheries Manager

Background:

The Fisheries Bureau is preparing to update rules for Idaho fishing seasons in 2011 – 2012. We are asking the Commission to allow us to formally scope with the public the attached changes from the 2008 – 2010 fishing rules. Proposed changes include presenting information in a newspaper format (versus the current tabular format) and opening stream season's year-around across the state.

Statutory Authority and/or Policy issues:

Authority vested in the Fish and Game Commission under Title 36-104b and 36-901.

Public Involvement Process:

The Fish and Game Department has been developing biological rules through scoping meeting with the public at locations across the state since late February 2010. Staff review has narrowed the list of potential biological rule changes to the items attached to this document. If approved by the Commission, the proposed changes will be presented to the public in regional meetings and be posted on our website with an address to provide feedback to the Fisheries Bureau. In addition, we will do a random survey of fishing license buyers to assess their input into the proposed fishing rules.

Public input will be used to craft Department recommendations for fishing seasons and bag limits in 2011 – 2012. Final rules will be approved at the November 2010 Commission meeting.

Staff Recommendation:

To approve the list of potential fishing rule changes for release to the public for their review and comment.

Justification:

Rules are necessary for management of fisheries resources for the citizens of Idaho. This step in the rules process is consistent with Commission established policy on Regulatory and Public Involvement Process approved, January 2001.

Meeting Date: July 8, 2010

Agenda Item No. 16

Agenda Item: Rules: Bonus Points (Action Requested by Department) **Bureau Chief Approval:** _____

Prepared by: Jeff Gould

Background:

Some sportsmen would like the Department to implement a bonus point system for controlled hunts to improve odds of drawing a tag over time. A scientific random survey conducted in 2005 indicated a majority of respondents believed unsuccessful controlled hunt applicants should receive an improved chance of drawing in subsequent years. In January 2006, the Commission “direct[ed] staff to proceed with a bonus point system” contingent upon the legislature passing HB523 [authorizing Commission to assess a surcharge]. HB523 passed the House but was held in committee in the Senate. In 2009, the Legislature passed SB1141a authorizing the Commission to establish a point system and assess a fee not to exceed \$4.50.

In May 2010, the Commission was briefed on a process that moves a conceptual framework forward for public consideration. The conceptual framework was further refined to assist staff as they answered questions from the public during June (Attachment 1). Following the 2-week public input period, staff will summarize the topics listed below during the July 7 Commission workshop. Based on information discussed during the workshop, the Department will present a final proposal for Commission action on July 8 in Kellogg. Workshop topics include:

- Background of drawing odds and point systems
- Review 2005 public input survey on bonus points
- Nevada bonus point system overview
- Options specific to Idaho
- Review current public scoping results
- Financial analysis
- Implementation schedule
- Outreach program

Statutory Authority and/or Policy issues:

Idaho Code 36-104(b)(5)(D) grants authority to the Commission to implement a controlled hunt bonus or preference point system. Idaho Code 36-416 establishes the fee for a point system.

Public Involvement Process:

Staff solicited public input on the proposed Bonus Point System, including various features, via the website and at regional open houses during June (Attachment 2).

Staff Recommendation:

Staff will review public input with the Commission during the June 7 workshop and develop a final recommendation, including special features, for implementation of a Bonus Point System.

Justification:

Commission action required to implement a Bonus Point System for the Idaho controlled hunt drawing process.

Proposed Idaho Bonus Point System

The Idaho Department of Fish and Game is developing the framework of a bonus point system as part of the current controlled hunt drawing process. This system rewards hunters who have applied for controlled hunts for several years and have not drawn a tag. Over time, drawing odds will be lower for first time applicants and those who choose to opt out of the bonus point system. Most western states have a similar system in place. Here are some of the highlights of the draft proposal:

- **Bonus Points are Optional.** Controlled hunt applicants will be entered into the bonus point system each year and charged for a point when submitting an application unless they choose to opt out. Applicants that opt out will only have one controlled hunt application in the random draw regardless of previous points earned.
- **Bonus Point “Squared” System.** Controlled hunt applicants will receive one bonus point if not drawn on their first-choice hunt during the first drawing for a particular species. In the following year, the number of points would be “squared” to determine the number of chances the hunter has to draw for that species. This gives first-time applicants one chance in the draw but an applicant with 5 points for a given species will have 26 chances (5X5 plus this year’s application). The drawing equation for points will be:

$$\mathbf{P=B^2 + 1}$$

Where “P” is the number of chances in the drawing, “B” is the number of bonus points which will be squared, and 1 is the current year’s application.
For example:

Year	Bonus Points (B)	Bonus Points Squared (B ²)	Current Application	Total Chances Entered in Drawing (P)
Year 1	0	0	1	1
Year 2	1	1	1	2
Year 3	2	4	1	5
Year 4	3	9	1	10
Year 5	4	16	1	17
Year 6	5	25	1	26
Year 7	6	36	1	37
Year 8	7	49	1	50
Year 9	8	64	1	65

- **Group Applications** will have their points averaged (total points of all hunters in the party, divided by the number of hunters) and rounded to the closest whole number. Bonus points are then squared by species category, resulting in the number of chances that an individual hunter or hunt party will receive in that drawing. The average points will be rounded as follows:
 - Average ≥.50 round up to the next whole number.
 - Average ≤.49 round down to the next whole number.

- **First-choice Only.** Bonus points can only be used for the first-choice during the first drawing period. Those unsuccessful in drawing a tag on their first-choice hunt will be entered in the second-choice hunt drawing if applicable and will only be entered into the drawing one time.
 - Bonus points will not be used or accumulated for
 - second drawing
 - leftover sales
 - unlimited controlled hunts
 - extra tag controlled hunts
- **Opting Out with Points.** Applicants that opt out will only have one controlled hunt application in the random draw regardless of accumulated points from previous years. Those who opt out one year do not accumulate more points but do not lose points. Points are reset to zero when a hunter draws a first-choice tag for that species or fails to apply in two consecutive years for a bonus point.
- **Point-Only Option.** Applicants may select the point-only option rather than apply for a tag for their first-choice. When applicants select a point-only as their first-choice, they can select a controlled hunt for their second choice or leave the second choice blank. For example, a hunter may apply for a point-only as the first-choice hunt and an unlimited controlled hunt as a second-choice hunt on an application.
- **Any Controlled Hunt Species.** Bonus points will be accumulated for each controlled hunt species and by season. For example, points accumulate separately for:
 - Spring bear, fall bear, spring turkey, fall turkey, moose, Rocky Mountain bighorn sheep, California bighorn sheep, mountain goat, deer, elk, pronghorn
- **Trophy Species Restriction.** Trophy species include moose, bighorn sheep, and mountain goats. Controlled hunt rules restrict the applicant to only one trophy species controlled hunt application per year. Additionally, those applying for a trophy species tag may not apply for deer, elk, and pronghorn controlled hunt during the same year.

These rules will remain the same with the following changes or additions for bonus point applications:

- Hunters applying for a moose, bighorn sheep, or mountain goat controlled hunt tag may apply for a point-only option for other trophy species the same year. For example, a hunter applying for a moose tag may also apply for Rocky Mountain bighorn sheep, California bighorn sheep, and mountain goat bonus points.
- Secondly, hunters applying for a moose, bighorn sheep, or mountain goat controlled hunt tag may also apply for a deer, elk, and pronghorn bonus point the same year.

- **Wait Period.** Under current controlled hunt rules, if a hunter draws an antlered deer or elk tag on a controlled hunt, they must wait one year to apply for the same species. Similarly, if a hunter draws a trophy species tag, they wait two years before applying again for that species (if they do not harvest). Under this proposal, waiting periods will not apply if a hunter applies for the point-only option. For example:
 - Hunters drawing an antlered deer or elk controlled hunt tag may apply for a deer or elk point-only the following year.
 - Hunters drawing a trophy tag and not harvesting may apply for a point-only for the same species the following year.
- **No Transfers.** Points are issued to the original purchaser only, and cannot be sold or transferred to other hunters.
- **Unclaimed Tags.** Hunters that draw a controlled hunt tag using their bonus points but fail to purchase the controlled hunt tag by the time specified in Commission rules, thus losing the tag, will have their points reinstated.
- **Age Eligibility.** Age restrictions for controlled hunt applicants apply to bonus point applicants.
- **Cost.** Controlled hunt applicants must purchase an Idaho hunting license and submit a nonrefundable application fee with each application. Under this proposed system, a bonus point application fee will be an additional fee for applicants that do not opt out.
 - Resident hunting license is \$12.75, nonresident hunting license is \$154.75
 - Controlled hunt application fee is \$6.25 for residents, \$14.75 for nonresidents
 - Bonus Point application fee is \$6.25 for residents and nonresidents

Proposed Bonus Point System

Issue #1. Points are Optional – The Bonus Point System would be optional. Hunters may choose not to participate when they apply for controlled hunts, but they must "opt out" of the system at the time of the application.

Proposal 1: Participation in the Bonus Point System would be optional.

Issue #2. First Choice – Bonus points would be used only during the first drawing, and only for the hunter's first-choice hunt. If not drawn for the first-choice hunt, a hunter would have just one chance in the drawing for the second-choice hunt.

Bonus points would not be used or accumulated during the second drawing or for any leftover sales. Bonus points would not be used or accumulated for unlimited controlled hunts or extra-tag antlerless controlled hunts.

Proposal 2: Points would only be used, or accumulated, for first-choice hunts.

Issue #3. Point-Only Option – Hunters who do not apply for a controlled hunt, could still apply for a bonus point for each controlled hunt species. They still must purchase a hunting license and meet minimum age requirements for controlled hunts to apply.

Proposal 3: Allow applicants to apply for a point-only option.

Issue #4. Wait Period – Under current rules, hunters who draw an antlered deer or elk controlled hunt tag must wait a year to reapply for another antlered deer or elk controlled hunt. Hunters who draw a moose, bighorn sheep or mountain goat tag must wait two years before applying again for that species (if they do not harvest). The Point-Only Option described in question 3 would allow a person to apply for and accumulate bonus points during the waiting period.

Proposal 4: Allow applicants to accumulate points during wait-out periods.

Issue #5. Trophy Species Restriction – Trophy species are moose, bighorn sheep, and mountain goats. Because these tags are limited, restrictions are in place to reduce the number of applicants during any given year (i.e., hunters may apply for only one trophy species tag per year). Though the application restrictions for controlled hunt tags would remain unchanged, the following exceptions would apply to those who want to apply for the Point-Only Option:

Proposal 5: Allow applicants to accumulate points for all species annually, even when applying for a trophy species controlled hunt.

Meeting Date: July 8, 2010

Agenda Item No. 17

Agenda Item: Rules: Landowner Appreciation Permits
(Action Requested by Department)

Approved by: _____

Prepared by: Brad Compton

Background:

The Landowner Appreciation Program (LAP) was established by the Idaho legislature in 1986 with original eligibility requirements adopted by the IDFG commission in 1987. Over the last 15 years, the Fish and Game Advisory Committee (FGAC) has recommended several changes to the program, in general, creating more opportunity for qualifying landowners. But with these changes, criticism of the program from some sportsmen, some landowners and Department staff lead the Director's office to form an internal LAP committee, to review the current program, identify issues, and develop some potential solutions to these issues.

The committee identified current issues and a list of potential solutions which were provided to the Commission in July 2009. Staff has engaged both FGAC and the Idaho Sportsmen Caucus Advisory Council (ISCAC) in a review and discussion of issues and potential solutions. The Department's proposed LAP Program modifications reflect input from FGAC and ISCAC, as well as staff recommendations.

Statutory Authority and/or Policy Issues:

Idaho Code 36-104(5)(b) grants authority to the Commission to provide additional deer, elk, or pronghorn controlled hunt tags to landowners providing valuable habitat in areas where tags are limited.

IDAPA 13.01.04.400 establishes rules regarding LAP requirements, landowner eligibility, and application processes.

Public Involvement Process:

Staff solicited public input on the proposed changes (attached) via the website and at regional open houses during June.

Staff Recommendation:

Staff will review public input with the Commission and develop final recommendations to be presented during the agenda item.

Justification:

Commission action required to address issues brought up by sportsmen (commercialization of LAP tags) and landowners (inequitable distribution of LAP tags).

Proposed Changes to the Landowner Appreciation Program

Issue #1. Before 1999, LAP tags were restricted to the landowner or immediate family member. Since 1999, landowners have been able to transfer LAP tags to any person. Some landowners are marketing and selling LAP tags or selling trespass rights to obtain LAP tags. Licensed outfitters and guides are also obtaining and marketing LAP tags. The marketing and sale of LAP tags is a form of wildlife commercialization, which many hunters oppose. Many landowners say tags are compensation that offsets the cost of supporting wildlife on private land.

Proposal 1: Prohibit selling, trading, bartering or marketing LAP tags. Noncompliance would result in a landowner being ineligible for the program for three years.

Proposal 2: Prohibit the use of LAP tags for any commercial activities.

Proposal 3: Restrict landowners who charge a trespass fee from being eligible in LAP.

Issue #2. In some game management units, more landowners apply than there are LAP tags available (e.g., units 31, 40, 42, 45). Large acreage landowners (more than 5,000 acres) sometimes obtain more than one permit in the same year while smaller landowners (640 to 5,000 acres) do not draw. Some landowners are concerned the current system creates an unequal distribution of tags among qualifying landowners.

Additionally, some landowners have established multiple Limited Liability Corporations, each one eligible for LAP tags. These corporations have dominated LAP tag drawings at the expense of other landowners.

Proposal 4: Change the drawing rules so that all eligible landowners have a chance at one tag before any landowner becomes eligible for a second tag.

Proposal 5: Establish a one-year waiting period in those LAP hunts that are oversubscribed by more than 2 to 1.

Proposal 6: Redefine eligibility requirements to exclude "affiliates, management companies, associated entities, wholly-owned subsidiaries, and controlling interests" from being eligible for more than a maximum of two tags per species.

Issue #3. Landowners with less than 640 acres, but who provide significant habitat for deer, elk, or pronghorn, are not currently eligible to apply for LAP tags.

Proposal 7: Allow landowners with 320 to 639 acres of valuable wildlife habitat to be eligible to apply for leftover LAP tags.

Meeting Date: July 8, 2010

Agenda Item No. 18

Agenda Item: Rules: Big Game, Small Game, and Rattlesnakes Including Rules to Implement H463 and S1342 (2010) and S1141 (2009) (Action Requested by Department)

Bureau Chief Approval: _____

Prepared by: Jon Rachael

Background:

Idaho Fish and Game Commission considers proposed changes for 2 types of hunting rules, biological and nonbiological.

- Biological rules include seasons, limits, size, sex, and harvestable species.
- Nonbiological rules include all other rules adopted by the Commission. Examples of nonbiological rules include methods of take, tagging requirements, evidence-of-sex requirements, and controlled hunt eligibility requirements. Nonbiological rules are officially published in the Idaho Administrative Code (<http://adm.idaho.gov/adminrules/agyindex.htm>) and included in hunting regulation brochures.

The Department is proposing a number of changes to big game, upland game, and rattlesnake nonbiological rules. The Commission considers nonbiological rule changes during late spring through summer. The department will request temporary rule authority for items 1c, 1e, 2a, and 5a. If approved by DFM, they may be effective for the 2010 hunting season. All other rules will go through the proposed rule making process. If approved in legislative review, they will go into effect at the end of the 2011 legislative session. Potential proposed changes include:

1. Method of Take for Big Game
 - a. Allow use of sabots, and jacketed projectiles \geq 325 grains, in muzzleloader-only hunts.
 - b. Remove the Motorized Vehicle Rule restriction from Units 48 and 57.
 - c. Clarify Commission authority to set by proclamation the use of electronic calls, traps, and snares for take of wolves.
 - d. Clarify Commission authority to set by proclamation the use of electronic calls for take of black bears and mountain lions.
 - e. Allow depredation hunt applicants to apply for black bear and wolf depredation hunts.
 - f. Prohibit use of telemetry equipment as an aid to take of big game. The rule would have no effect on lawful use of radio-tracking equipment for hound hunting or upland game bird hunting.
2. Mandatory Check and Report Requirements for Big Game
 - a. Amend rule to provide for 72-hour reporting and 10-day check-in requirement for harvested wolves.
3. Use of Bait for Taking Big Game Animals
 - a. Amend rule to clarify definition of "game animal."
4. Method of Take for Upland Game
 - a. Prohibit the take of upland game from motorized watercraft.
5. Trapping
 - a. Establish standardized rules for placement of traps and snares to address public concerns near public travel ways.
 - b. Amend rule to clarify definition of "game animal."
6. Rattlesnakes
 - a. Retain current classification of rattlesnakes as a Protected Nongame Species.
 - b. Retain the allowance for recreational take or possession only as provided by Idaho Code and Commission rule. This includes the requirement to have a license (Idaho Code 36-401) to recreationally take or possess a species such as a rattlesnake. A hunting, trapping, or combination license applies.

- c. Retain language clarifying that Protected Nongame Status does not interfere with unintentional take, does not interfere with protection of personal health and/or safety, does not limit any actions for property and building management, and does not prevent management to address public health concerns or agricultural damage – these are not considered “recreational take or possession.” Also, the rule retains the reference to Idaho Code 36-1107, meaning no IDFG license is required for these types of take.
 - d. Clarify allowance that native amphibians or native reptiles can be recreationally collected from the wild for captivity. As described in IDAPA 13.01.06, licensure to collect from the wild is required.
 - e. Provide a new provision that allows recreational collection of Idaho native reptiles or amphibians from the wild for purposes to not only hold in captivity, but also to kill (i.e., up to four rattlesnakes could purposely be collected from the wild and killed and possessed) or to possess (i.e., if your captive rattlesnake dies, you still possess it). The limit provision of no more than four (4) Idaho native reptiles or amphibians of any one species except as otherwise authorized is retained.
 - f. Clarify that similar to other species, the edible flesh of rattlesnakes taken from the wild may not be purchased, bartered, or sold.
 - g. Provide a new provision that possession and sale of up to six (6) skins (or other parts, excluding meat) of legally taken rattlesnakes by holders of a valid license is lawful annually. “Legally taken” can be achieved in two ways: (1) recreational collection from the wild; or (2) non-recreational take accomplished by unintentional take, protection of personal health and/or safety, property and building management, and management to address public health concerns or agricultural damage. Although no license is required for the non-recreational take, a license would be required if the skins/parts (up to 6) from this type of take were to be sold.
- 7. Rules Governing Licensing
 - a. Update administrative rule to reflect previous legislative and Commission actions including elimination of controlled hunt permits, adjustments in elk zone tag quotas, and allowance for rain checks.
 - 8. Rules Governing the Taking of Big Game Animals
 - a. Update administrative rule to reflect previous legislative and Commission actions including elimination of controlled hunt permits, exchange of bear tags, definitions for various tag types, allowing hunters to relinquish controlled hunt tags prior to purchase, allowing unsuccessful applicants to apply in leftover drawings, allowing controlled applicants to amend their application, allowing electronic applications for Super Hunt tags, and elimination of late filing requirement for Mandatory Hunter Reports.

Statutory Authority and/or Policy issues:

Idaho Code 36-104 grants authority to the Commission to promulgate biological and nonbiological rules. Idaho Code 67-52 (Idaho Administrative Procedure Act) governs the process for considering, adopting, and implementing nonbiological rules.

Public Involvement Process:

Proposed rules were scoped via the Department website, at regional meetings, and/or with affected stakeholder groups. In addition, proposed Landowner Appreciation Program changes were scoped with registered landowners via a direct mailing.

Staff Recommendation:

Final recommended rules will be developed following public input and provided to the Commission during the agenda item.

Justification:

Commission action required to modify Administrative Rules.

Meeting Date: July 8, 2010

Agenda Item No. 19

Agenda Item: Rules: Nonresident Deer and Elk Tag and Outfitter Set-Aside Quotas (Action Requested by Department)

Bureau Chief Approval: _____

Prepared by: Jon Rachael

Background:

Annually, the Commission establishes quotas for total nonresident deer and elk tags and quotas on nonresident deer and elk tags for use by hunters using the services of a licensed Idaho outfitter. Outfitter set-aside quotas are a subset of total nonresident deer and elk tag quotas, and are not in addition to. Any outfitter set-aside tags not claimed by outfitted clients by July 1 revert back to the Department for sale to nonresident hunters. The table below provides a review of total nonresident deer and elk tag quotas since 1990.

Year	Elk	Regular Deer*	Southeast Deer	White-tailed Deer	Total Deer Tags
1990	12,815	15,500			15,500
1991	12,815	15,500			15,500
1992	12,815	15,500			15,500
1993	12,815	15,500			15,500
1994	12,815	15,500			15,500
1995	12,815	14,700	800		15,500
1996	12,815	14,500	1,000		15,500
1997	12,815	12,800	1,200		14,000
1998	12,815	12,800	1,200		14,000
1999	12,815	12,800	1,200		14,000
2000	12,815	12,800	1,200		14,000
2001	12,815	12,800	1,200		14,000
2002	12,815	12,800	1,200		14,000
2003	12,815	12,800	1,200		14,000
2004	12,815	12,800	1,200		14,000
2005	12,815	12,800	1,200		14,000
2006	12,815	12,800	1,200		14,000
2007	12,815	12,800	1,200		14,000
2008	12,815	14,000		1,500	15,500
2009	12,815	14,000		1,500	15,500
2010	12,815	14,000		1,500	15,500

* Regular tags include Regular, Clearwater (1998-2004) & White-tailed deer (2005-present) tags.

Statutory Authority and/or Policy issues:

Idaho Code 36-408. COMMISSION'S AUTHORITY -- TAGS -- PERMITS -- NONRESIDENTS LIMITED -- OUTFITTERS SET-ASIDE.

(2) Limit -- Licenses, Tags or Permits -- Controlled Hunts. The commission is hereby authorized to establish a limit annually as to the number of each kind and class of licenses, tags, or permits to be sold or issued and is further authorized to limit the number or prohibit entirely, the participation by nonresidents in controlled hunts.

(3) Outfitters Set-aside. When the commission establishes a limit as to the number of nonresident deer tags and nonresident elk tags, it shall set aside annually a maximum of twenty-five percent (25%) of the nonresident deer tag and nonresident elk tag limit. The set-aside tags shall be sold pursuant to commission rule, only to persons that have entered into an agreement for that year to utilize the services of an outfitter licensed pursuant to chapter 21, title 36, Idaho Code.

IDAPA 13.01.04.600. NONRESIDENT DEER AND ELK TAG QUOTAS.

01. Tag Quotas. The following number of deer tags and elk tags shall be set aside annually and reserved for sale to nonresidents:

- a. Fourteen thousand (14,000) regular or white-tailed deer tags;
- b. Twelve thousand eight hundred fifteen (12,815) A or B elk tags for all zones;
- c. One thousand five hundred (1,500) white-tailed deer tags;

IDAPA 13.01.04.500. NONRESIDENT DEER AND ELK TAG OUTFITTER SET-ASIDE.

01. Tags. The following number of nonresident deer tags and nonresident elk tags shall annually be set aside and reserved for sale to persons who have entered into an agreement to utilize the services of an outfitter who is licensed under Chapter 21, Title 36, Idaho Code. For the each hunting season:

- a. One thousand nine hundred eighty five (1,985) deer tags (regular or white-tailed);
- b. Two thousand four hundred (2,400) elk tags (A or B tags for all zones);

Public Involvement Process:

The Idaho Outfitters & Guides Licensing Board and the Idaho Outfitters & Guides Association have been consulted with.

Staff Recommendation:

Staff recommends no change to existing (2010) nonresident deer and elk tag quotas, or outfitter set-aside quotas.

Justification:

Commission action requested to establish quotas for nonresident deer and elk tags and outfitter set-aside quotas.

Meeting Date: July 8, 2010

Agenda Item No. 20

Agenda Item: Release of Bighorn Sheep Tags for Auction and Lottery (Action Requested by Department)

Bureau Chief Approval: _____

Prepared by: Jeff Gould

Background:

Following the July 2009 Commission meeting, Bureau of Wildlife staff was directed, with input from Administrative staff, to develop guidelines for a wildlife auction and lottery tag bid process. In response, agency staff has developed a fair and open qualification and selection process that will help in selecting which conservation groups receive special wildlife tags to sell through lottery or auction.

Statutory Authority and/or Policy issues:

The Commission is authorized under IC 36-408 to release 2 special bighorn sheep tags; one issued through auction, one through lottery. Funds received from the auction tag are currently used to identify causes for, and solutions to, disease in bighorn sheep. Lottery-generated funds are used to support the Wildlife Health program. Selection of tag recipients is assigned to the Commission for bighorn sheep tags. A qualification and selection process was implemented this year to assure that these special tags are awarded in a credible and independent fashion. The qualification process also helps conservation groups submit competitive bids in a timely manner.

Public Involvement Process:

We received competitive bids from the Idaho Chapter of the Wild Sheep Foundation (lottery tag only), Idaho Sportsmen for Fish & Wildlife (auction and lottery tag), and Wild Sheep Foundation (auction tag only).

Staff Recommendation:

Staff will provide an overview of the bids received to assist the Commission in the selection process.

Justification:

Commission action required to release special bighorn sheep tags to conservation groups. The competitive bid process assures special tags are issued objectively and that maximum value is received for the tags to implement critical management programs.

Meeting Date: July 8, 2010

Agenda Item No. 21

Agenda Item: Season Setting: 2011 Upland Game Bird Seasons (Action Requested by Department)

Bureau Chief Approval: _____

Prepared by: Jeffrey M. Knetter

Background:

Upland game bird, upland game animal, and migratory bird (crow, dove, and sandhill crane) season dates, bag, and possession limits are set on even-numbered years and cover a two-year period. Upland Game seasons for 2010-2011 were set in January; however, a season and bag limit for chukar and gray partridge was approved without complete public scoping by the Commission at the January meeting. The Commission reconsidered this action and asked the Department to gather public input on the chukar/gray partridge season and bag change for 2011-2012 and allow the public to consider additional changes that may dovetail with such a season change.

Mourning dove and sandhill crane seasons are set in July to allow for seasons to open as early as September 1. Idaho's 2010 crane harvest allocation, as directed by the Pacific Flyway Council Rocky Mountain Population Crane Plan, is 458, similar to the 449 in 2009. Harvest in 2009 was 254.

Statutory Authority and/or Policy issues:

Idaho Code 36-104(2) grants authority to the Commission to determine when an open season may be declared for the taking of wildlife.

IDAPA 13.01.09.300 and 13.01.09.301 establish rules regarding the take of game birds and migratory game birds.

Public Involvement Process:

Staff solicited public input on the proposed changes (attached) via the website and at regional open houses during June.

Staff Recommendation:

Staff will review public input with the Commission and develop final recommendations to be presented during the agenda item.

No change to the mourning dove season, which is 9/1-9/30 with a bag and possession of 10 and 20.

No change to the sandhill crane season, with a daily limit of two and a season limit of nine. All tags (680) will be offered on a first-come, first-served basis at any vendor as per the allocation below.

Hunt Area	Season	Permits
1	9/1-9/30	400
2	9/1-9/15	100
3	9/1-9/15	100
4	9/1-9/15	40
5	9/1-9/15	40

Justification:

Seasons are designed to manage Idaho's upland game bird and migratory game bird resources for maximum hunting opportunity while considering biological and sociological implications.

Proposed Changes to Upland Game Bird Seasons

Issue #1. Forest Grouse Season - The forest grouse season opens September 1 statewide. Most archery seasons for deer and elk begin August 30. For the 2011 season, Fish and Game is proposing to begin the forest grouse season statewide on August 30.

Proposal 1: Open the 2011 forest grouse season August 30.

Issue #2. Forest Grouse Season - The hunting season for forest grouse closes December 31 in Idaho. Hunting seasons for quail, gray partridge, and chukar close January 31. Allowing hunters to pursue forest grouse through January 31 would allow additional opportunity without measurably affecting grouse populations and would provide the opportunity for January upland game hunting in areas where quail, gray partridge, and chukar are absent. For the 2011 season, Fish and Game is considering extending the forest grouse season statewide through January 31.

Proposal 2: Extend the 2011 forest grouse season through January 31.

Issue #3. Upland Game Shooting Hours on Southwest Region WMAs - Shooting hours for pheasants on wildlife management areas where pheasants are stocked in the Southwest Region begin at 10 a.m. This has created an enforcement issue because the shooting hours for other upland game begin one half hour before sunrise. Fish and Game is considering changing the shooting hours for all upland game to begin at 10 a.m. on WMAs where pheasants are stocked in the Southwest Region.

Proposal 3: Begin shooting hours for all upland game at 10 a.m. on WMAs where pheasants are stocked in the Southwest Region.

Issue #4. Chukars & Gray Partridge Seasons and Bag Limits - The hunting season for chukar and gray partridge historically opened on the third Saturday in September in Idaho. In January 2010, the Idaho Fish and Game Commission changed the opening date to October 1 and reduced the bag limit from eight to six per day, because of hunters concerns over the harvest of juvenile birds.

Proposal 4: Open the 2011 chukar and gray partridge season on October 1 and reduce the bag limit from eight to six and possession limit from 16 to 12.

Issue #5. Upland Game Birds Season Opener - The hunting seasons for various upland game birds historically opened on the third Saturday in September in Idaho. For the 2011 seasons, Fish and Game is considering moving the opening day of chukar and gray partridge, quail, and sage-grouse seasons from the third Saturday in September to October 1 to simplify regulations for hunters and create a common opening date.

Proposal 5: Open the 2011 seasons for chukar and gray partridge, quail, and sage-grouse on October 1.

Issue #6. Shooting from Watercraft - Some hunters have questioned whether shooting upland game birds from watercraft is an ethical method of take. The primary concern identified is that power boats are used as the shooting platform to harvest upland game

birds. Fish and Game is considering various restrictions for the take of upland game birds from watercraft.

Proposal 6: Prohibit the shooting of upland game from: 1) all watercraft, or 2) motorized-only watercraft.

Proposal 7: Prohibit the shooting of upland game from watercraft: 1) statewide, or 2) limited to the Snake River from the railroad bridge at Steck Park on Brownlee Reservoir downstream to Lewiston; the Salmon River from Corn Creek downstream to its confluence with the Snake River; and the Clearwater River from Kooskia downstream to Lewiston.

Meeting Date: July 8, 2010

Agenda Item No. 22

Agenda Item: 2010-2011 Migratory Game Bird
and 2010 Sage-grouse Seasons

Bureau Chief Approval: _____

Prepared by: Jeffrey M. Knetter

Background:

The Commission sets seasons for ducks, geese, and sage-grouse in August. This presentation will review the 2010 status of Idaho's waterfowl and sage-grouse populations as well as preliminary Department proposals for 2010 seasons. The 2010 waterfowl season frameworks will be finalized by the U.S. Fish and Wildlife Service during the first week in August and the Commission will take final action during their meeting on August 16.

Please see the Director's Report for additional information on habitat conditions for waterfowl and results from sage-grouse lek routes.

Statutory Authority and/or Policy issues:

Informational item.

Public Involvement Process:

None needed.

Action Requested:

None needed.

Staff Recommendation:

Informational item.

Justification:

This agenda item is for informational purposes only.

Meeting Date: July 8, 2010

Agenda Item No. 23

Agenda Item: Commission Direction of Animal Damage Control Board Funds (Action Requested by Department)

Bureau Chief Approval: _____

Prepared by: Jeff Gould

Background:

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

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

Statutory Authority and/or Policy issues:

36-112. ANIMAL DAMAGE CONTROL FUND. The animal damage control fund is hereby established in the state treasury. Moneys in the fund are subject to appropriation to the state animal damage control board established by section 25-2612A, Idaho Code, for the control of predatory animals and birds. In addition to moneys transferred into the fund pursuant to section 36-115(c), Idaho Code, the state controller shall annually, by August 1 of each year, transfer the sum of one hundred thousand dollars (\$100,000) from the fish and game fund to the animal damage control fund. The state animal damage control board in using these moneys shall follow fish and game commission direction on actions regarding predatory animals or birds forwarded by the department by the same date.

Public Involvement Process:

None.

Staff Recommendation:

Department staff will provide a recommendation for directing expenditure of funds allocated to the Animal Damage Control Board.

Justification:

Commission direction on expenditure of Department funds is required.