

**Idaho Fish and Game Commission  
Special Meeting  
October 28, 2010  
Boise, Idaho**

Present in the Director's Office: Director Groen, Deputy Director Moore; Deputy Director Unsworth; Kathleen Trever, Deputy Attorney General; Dallas Burkhalter, Deputy Attorney General; Sharon Kiefer, Assistant Director; Mary Boyer, Executive Assistant; Jeff Gould, Chief, Wildlife; Jon Rachael, State Wildlife Manager; Niels Nokkentved, Information Specialist; and Bonnie Butler, Governors Office.

A special meeting of the Idaho Fish and Game Commission was held by telephone conference. The meeting was called to order by Acting Chairman Tony McDermott with Commissioners Trevey, Barowsky, Budge, and Power participating. Commissioners Wright and Wheeler were excused.

**RULES**

Dallas Burkhalter, Deputy Attorney General, provided a report on the procedure for ratification of rules. Mr. Burkhalter stated that as part of the rulemaking process under the Idaho Administrative Procedures Act (IDAPA), the Commission needs to adopt as Pending Rules those Proposed Rules previously promulgated during the last rulemaking year. We have referred to this process as 'ratification' because the Commission is formally approving rules which it has already promulgated. This approval is needed for the rules to be reviewed by the 2011 Legislature. If the Pending Rules are accepted by the Legislature, the rules will become Final Rules.

The public involvement process has already occurred during previous Commission meetings and Department open houses. Several additional public comments were received after the Proposed Rules were filed and published (concerning the prohibition of the take of upland game birds from any watercraft – No. 6 below).

The staff recommendation is that the Commission adopt as pending rules the following proposed rules:

- 1) Docket No. 13-0102-1001; IDAPA 13.01.02 Rules Governing Public Safety
- 2) Docket No. 13-0104-1001; IDAPA 13.01.04 Rules Governing Licensing
- 3) Docket No. 13-0104-1002; IDAPA 13.01.04 Rules Governing Licensing
- 4) Docket No. 13-0106-1001; IDAPA 13.01.06 Rules Governing Classification and Protection of Wildlife
- 5) Docket No. 13-0108-1001; IDAPA 13.01.08 Rules Governing the Taking of Big Game Animals in the State of Idaho
- 6) Docket No. 13-0109-1001; IDAPA 13.01.09 Rules Governing the Take of Game Birds in the State of Idaho

- 7) Docket No. 13-0109-1002; IDAPA 13.01.09 Rules Governing the Take of Game Birds in the State of Idaho
- 8) Docket No. 13-0110-1001; IDAPA 13.01.10 Rules Governing the Importation, Possession, Release, Sale, or Salvage of Wildlife
- 9) Docket No. 13-0116-1001; IDAPA 13.01.16 The Trapping of Predatory and Unprotected Wildlife and The Taking of Furbearing Animals
- 10) Docket No. 13-0117-1001; IDAPA 13.01.17 Rules Governing the Use of Bait for Taking Big Game Animals
- 11) Docket No. 13-0116-1002; IDAPA 13.01.16 The Trapping of Predatory and Unprotected Wildlife and the Taking of Furbearing Animals

**10-96 Commissioner Power moved and Commissioner Barowsky seconded a motion TO ACCEPT ALL 11 RULE DOCKETS AS BRIEFED BY STAFF AND TO ADOPT AS PENDING RULES. The motion carried in a unanimous vote.**

Director Groen stated that he anticipates some legislative committee discussion on 6) Docket No. 13-0109-1001; IDAPA 13.01.09 Rules Governing the Take of Game Birds in the State of Idaho. This Proposed rule prohibits the take of upland game birds from any watercraft and makes technical corrections. The issue of taking upland game birds from watercraft is controversial and the Department continues to receive public comment.

And 2) Docket No. 13-0104-1001; IDAPA 13.01.04 Rules Governing Licensing. Advisory Council. Changes include: redefine eligibility requirements for the LAP, and restrict commercialization of LAP tags.

## **REPORT**

### **Update On The Status of Wolves In Idaho**

Director Groen gave a brief update on the transition of wolf management. Director Groen will meet with FWS staff today. The Department is waiting for USFWS to provide a 24- hour toll free line to report wolf activity. This has been a difficult process for the state FWS office to get all of the mechanisms in place for lead wolf management.

Confirmed year-to-date depredations through September 30 were 49% lower in 2010 than during the same period in 2009. The reduction in depredation activity is likely the result of wolves removed during the 2009-2010 hunting season.

The Wildlife staff is working on a FY10 Wolf Expenditure report to be presented at the November 17-18 Commission meeting.

Director Groen invoked the Sensitive Issue Policy regarding wolves. All questions/inquires about wolf management and enforcement are to be directed to Mike Keckler, Chief, Communications.

Regarding enforcement, the Department will not investigate reports, collect physical evidence, verify information or secure the scene in instances of unlawfully taken or suspected unlawfully

taken wolves unless there is evidence of violations of other laws or rules, specifically when they involve a public safety risk, use of poisons, shooting from a public highway or other violations involving unsafe discharge of a weapon, violation of private property rights and take of attempted take of other wildlife. The Department will refer matters regarding the unlawful take of wolves to federal authorities.

Director Groen stated that in a letter dated October 27<sup>th</sup>, Regional Director Robyn Thorson said the FWS will need more time to respond to the Department request to control wolves that are impacting ungulates in the Lolo Elk Management Zone.

### **MISCELLANEOUS**

#### **Adjournment**

**10-97 Commissioner Budge moved and Commissioner Power seconded a motion TO ADJOURN. The motion carried in a unanimous vote.**

The meeting adjourned at 9:25 a.m.

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Wayne Wright  
Chairman

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Cal Groen  
Secretary