

**Idaho Fish and Game Commission
August 24, 2011
Idaho Department of Fish and Game
Trophy Room
600 South Walnut
Boise, Idaho**

August 24

MISCELLANEOUS

Opening Comments

Chairman McDermott called the meeting to order with Commissioners Fred Trevey, Bob Barowsky, Wayne Wright and Randy Budge present. Commissioners Gary Power and Kenny Anderson were excused.

Agenda Changes

Chairman McDermott stated that a report on the fire burn in Region 4 would be added to agenda as 12. A.

11-80 Commissioner Barowsky moved and Commissioner Wright seconded a motion to amend the agenda. The motion carried in a unanimous vote.

RULES

Wildlife Salvage Rule

Sharon Kiefer, Deputy Director, reported that during the 2010 session, there was legislative interest in a mechanism for the public to salvage wildlife, including allowance for sale of salvaged wildlife specifically from vehicle collision. The Department committed to evaluate existing mechanisms for wildlife salvage and consider options to enhance them for Commission consideration and direction.

During the November, 2010 Commission meeting, staff reported that there is a mix of statutory and rule provisions that allow for salvage (i.e., possession), of animal parts obtained from methods of legal take other than hunting. A foundation of statute and rule is that wildlife must have been “legally taken.” A key issue for the salvage rule is that unintentional vehicular collision is currently not defined as a legal method of take.

Staff also reported that Idaho Code 36-501 gives the Commission the authority to permit “by rule” the sale of parts of wildlife when such sale will not injuriously affect the species permitted. Coupled with IDAPA 13.01.10.300.02, which states that protected species of wildlife that have

died naturally or accidentally remain in public trust to be disposed of by the Department, staff believes that the Commission does have the authority to enhance salvage opportunity specifically for wildlife accidentally killed by unintentional vehicle collision by amending rule and giving policy guidance to the Department to create an appropriate reporting and possession mechanism.

Staff requested Commission guidance regarding the policy desire to enhance salvage opportunity to also include sale of salvaged wildlife, particularly from vehicle collision (i.e., man-caused, non-natural death) with the advice that providing a mechanism for sale of salvaged wildlife would require rule modification. The Commission requested a rule proposal for policy consideration.

Ms. Kiefer provided a copy of the draft rule (Appendix 44, Exhibit 88) and noted that if the Commission should adopt the salvage rule recommendation it would be a proposed rule and not become effective until the 2012 Legislative review. The changes are dealing with the possession of salvaged wildlife, what parts can be possessed from accidental death, and a 72- hour reporting requirement. The Department is looking into an online reporting system as well as a hard copy method. The rule would allow people to sell parts, except the meat, from such salvaged animals, not including bighorn sheep.

Director Moore reported that public comment on the wildlife salvage rule was received from Joe Curry (Appendix 44, Exhibit 89). Mr. Curry feels that unless there are very stringent guidelines about reporting a picked-up road kill animal there will be much abuse of the rule. Mr. Curry has concerns with trophy animals that would be taken unlawfully, reported as road kill and then taken to a taxidermist and mounted as a legal hunter harvest.

Commissioner Barowsky asked what the options would be to require a hunting license for the wildlife salvage. Director Moore stated that the license requirement for the possession for wildlife parts will be addressed as we move forward with our Wildlife Congress for discussion of the “those who benefit pay” and “those who pay benefit.” But that the current draft rule has no such requirement, similar to no license requirement to possess parts of naturally deceased wildlife.

11-81 Commissioner Barowsky moved and Commissioner Trevey seconded a motion to accept the staff recommendations regarding the rules governing importation, possession, release, sale, or salvage of wildlife with a modification to add a report requirement within 24 hours with written authorization within 72 hours from the director or delegate. The motion carried in a unanimous vote.

Season Setting: Migratory Game Birds

Jeffrey Knetter, Upland Game and Waterfowl Staff Biologist, presented the staff recommendations (Appendix 44, Exhibit 90) to the Commission. Mr. Knetter noted that the waterfowl season setting process is a collaborative process between the states and the U.S. Fish and Wildlife Service. The Department participates in this process as a member of the Pacific Flyway Council. The Department’s recommendation is to take the maximum number of days and bag limits allowed by federal framework. The proposed daily duck bag limit would be seven

ducks; but not more than two female mallards, two redheads, three scaup, two pintails and one canvasback. The proposed daily dark goose bag limit (for Canada and greater white-fronted geese) would be four, and the proposed daily light goose bag limit for snow and Ross's would be 10.

11-82 Commissioner Budge moved and Commissioner Wright seconded a motion to approve the 2011/2012 Waterfowl Season as presented by staff. The motion carried in a unanimous vote.

Nonbiological Rules for Fish

Paul Kline, Assistant Chief, Fisheries noted that rules changes are outlined in the Commission agenda book.

- Clarify/ simplify the definition of "Fishing Contest."
- Change the classification name for Leatherside chub and Bluehead sucker to comply with recent research.
- Remove mountain sucker from the list of fish species that may be commercially harvested.

11-83 Commissioner Barowsky moved and Commissioner seconded a motion to accept agenda item number five, nonbiological fish rules, as presented. The motion carried in a unanimous vote.

MISCELLANEOUS

License Restructuring Update

Craig Wiedmeier, License Operations Supervisor, provided an update on the progress of the license restructure project to the Commission (Appendix 44, Exhibit 91). A team of Fish and Game staff has been formed to conceptualize new ways of issuing and packaging the items the Department sells. The team met with internal staff from around the state to gather additional ideas and has begun narrowing down the list of ideas to be considered. The Department contracted with an outside organization that has assisted other states through similar projects. This contractor performed a price sensitivity analysis on several licenses/tags. The contractor will also assist the Department with a survey for new license structure changes.

RULES

Nonbiological Rules for Game Animals and Protected Nongame

Jon Rachael, State Wildlife Manager, presented the nonbiological rules (Appendix 44, Exhibit 92) for game animals.

The Commission adopted wolf trapping seasons in July. Adjustments to rules associated with tags for wolf trapping are needed.

Proposal: Create rule to establish trapping tags for gray wolves, clean up reference to wolf trapping permits and mandatory wolf trapper education class.

Adjustments to rules associated with equipment and methods of take for trapping wolves are also appropriate. Existing rules do not allow use of game animals as bait to take big game, and furbearer trapping rules require hide to be removed from all mammals.

Proposal: Modify rule to allow trappers to place sets around ungulate carcasses found dead of natural causes.

Landmarks and roads specified in IDAPA 13.01.08 Game Management Unit Boundary Descriptions have changed over time and parts of some boundaries are difficult to follow on the map or ground. Clarification of these boundaries is intended to reduce hunter confusion rather than make significant changes to move the boundaries.

Recommendation is to modify unit boundary descriptions as specified (see exhibit) to correct inaccuracies, update road names, and improve ability to hunters to identify unit boundaries on the ground.

13.01.08.605 - Elk Zone Descriptions

Middle Fork Zone. All of Units 20A, 26 and 27.

Salmon Zone. All of Units 21, 21A, 28, and 36B.

Rule: IDAP A 13.01.04 Rules Governing Licensing: Bighorn Sheep Auction and Lottery Tags.

Idaho's special auction and lottery tags were created by legislation, which establishes only general guidelines relative to IDFG business practices designed to prevent their misuse by purchasers. At the July meeting the Commission adopted proposed changes contingent upon legal review and determination that lottery tags are not legally transferable and need to be treated differently. Because the IDFG Bighorn Sheep lottery is a special controlled hunt drawing, it is outside of Idaho Lottery rules and those restrictions do not apply.

Proposal: Modify rule change adopted by the Commission in July to allow all individuals eligible to hunt in Idaho to participate (delete restriction that participants must be >18 years of age). Keep other changes as adopted.

11-84 Commissioner Budge moved and Commissioner Barowsky seconded a motion to approve the staff recommendations as presented. The motion carried in a unanimous vote.

Landowner Appreciation Program

Mr. Gould provided a brief recap of the Landowner Appreciation Program and provided a copy of the proposed changes (Appendix 44, Exhibit 93).

In 2010, the Commission adopted rule changes to address sportsmen concern about the sale of LAP tags, and landowner concern about inequitable distribution of LAP tags. The 2011 Legislature approved the new rules making them effective in 2011.

The Commission further directed staff to evaluate and recommend solutions to address sportsmen's concerns about a lack of proportional benefits to sportsmen where the LAP allocation is 25%. After reviewing potential solutions in May, the Commission directed the Department to scope potential incentives for landowners that may exceed the standard 10% LAP allocation. In July, the Department briefed the Commission on results of the public scoping. The Commission directed staff to develop proposed rule changes for action by the Commission in August.

Proposal: Five game management units (40, 41, 42, 45 and 52) have an allocation of 25% for some or all deer, elk, and pronghorn LAP hunts. Staff proposes offering incentives, providing proportional benefits to sportsmen, which landowners could voluntarily agree to in exchange for LAP tags in excess of the standard 10% allocation. Incentives include:

- 1) a managed public access agreement;
- 2) a depredation release agreement, thereby being ineligible for depredation compensation;
- 3) a habitat improvement project
- 4) special sporting opportunity (e.g., veteran/youth hunting opportunity)

Commissioner Wright thanked the staff for all of the work that they did on LAP and noted that the changes are much appreciated and supported by sportsmen.

11-85 Commissioner Wright moved and Commissioner Barowsky seconded a motion to accept the changes for the Landowner Appreciation Program as outlined by staff for a proposed rule. The motion carried in a unanimous vote.

MISCELLANEOUS

Draft Order – Wolf/Bear /Lion Tag Discount

Sharon Kiefer, Deputy Director reported that the Commission has statutory authority to discount tag fees upon finding a biological need, a public need, or unsold tags. They may order a discount in tag fees for specific species, units, areas, zones or gender necessary to encourage increased tag sales, hunting, or use of the resource.

The Commission first discounted nonresident black bear and mountain lion tags in certain units in 1999, and that has been continued to date. Subsequently, the Department reviewed and revised its predation management plan for the Lolo and Selway Elk Zones in 2010. The Plan describes the biological and public need for encouraging harvest of mountain lion, black bear and gray wolves in these zones to aid in the recovery of elk populations that are below management objectives. The Department has also advised the Commission that there is a biological and public need to encourage harvest of mountain lion, black bear, and gray wolves in additional units to aid elk management objectives. Also, the Commission has found there is a public need to encourage the harvest of gray wolves statewide to reduce predation on livestock and domestic animals and to reduce the occurrence of wolves in areas of human habitation.

These updated findings support renewal of a Commission Order for discounted nonresident black bear and mountain lion tags in certain units and inclusion of a statewide nonresident wolf tag discount.

Staff Recommendation: Approve an updated Commission Order that will prescribe tag discounts for black bear, mountain lions, and wolves that is effective through December 31, 2012. Draft Order 11-33 (Appendix 44, Exhibit 94).

11-86 Commissioner Trevey moved and Commissioner Barowsky seconded a motion to approve Order 11-33. The motion carried in a unanimous vote.

Draft Order – Nonresident Deer/Elk Tag Sold as Second Tag Discount

Ms. Kiefer reported that staff is not making a recommendation on this agenda item. Staff conducted an analysis (Appendix 44, Exhibit 95) to see if there was a revenue benefit to be gained, given the sizeable number of unsold nonresident deer and elk tags. After staff review of the analysis sheet the Department will not make a recommendation.

Proposed Nonresident Wolf Tag Refund Temporary Rule

Ms. Kiefer stated that the Commission has statutory authority to discount tag fees upon finding a biological need, a public need, or unsold tags. Under this authority, the Commission can only grant a refund to holders of tags purchased before the discount as provided by rule.

On July 28, the Commission adopted a wolf harvest season. As a component of the season setting, the Commission indicated their intent to issue a Commission Order to discount nonresident wolf tags statewide and to provide a refund.

Staff Recommendation: Approve a refund rule for the 2011-2012 wolf season, providing an automatic refund to nonresidents who purchased a wolf tag prior to Commission action to discount nonresident wolf tags.

11-87 Commissioner Wright moved and Commissioner Budge seconded a motion to accept the staff recommendation for nonresident wolf tag refunds. The motion carried in a unanimous vote.

LEGISLATION

Legislative Update

Sharon Kiefer, Deputy Director, briefed the Commission about the approval status of Department legislation ideas that were submitted to the Executive Agencies Legislation System (EALS) for Governor Office approval. Governor-approved ideas must be drafted as legislative bills and submitted to EALS by September 16.

The approved list of agency legislative ideas is as follows:

Clean-up legislative proposals

- Amend 36-1510 to also allow youth under the age of twelve who are participating in the mentor hunt program to possess a firearm.

New legislative proposals

- Create ability to transfer a controlled hunt tag to a youth.

- Amend the Nonresident Season Hunting License to be a Nonresident Season Hunting/3 Day Fishing License, retaining current fee structure for the nonresident season hunting license.

The Department proposal to create Commission authority to dispose of Fish and Game-owned property was disapproved by the Governor's Office and will not be carried forward this session as agency legislation.

Ms. Kiefer provided an update about the expectations of the interim legislative ATV Task Force, which met on August 8th. Commissioner Budge participated in this meeting. IDFG and Idaho Department of Parks and Recreation (IDPR) provided input at the policy and technical levels. An outcome of the meeting was direction for IDFG and IDPR to meet together to include policy and technical representatives as well as a few stakeholders. Three key issues for discussion are motorized hunting rule, statutory authority to enter into cooperative travel plan agreements with Forest Service, and coordination of various agency comments on travel plans. The next legislative ATV Task Force is scheduled to meet again on September 27th.

Commission discussion followed regarding the motorized vehicle rule and concern with the Commission retaining the regulatory authority and the need for a collaborative solution.

REPORT

Update on the Outfitted Waterfowl and Turkey Activities and IDFG Comments to IOGLB

Director Moore provided an update and noted that the Outfitters and Guides Licensing Board is continuing to move toward a decision regarding outfitted turkey and waterfowl hunting. Director Moore referenced a June 28 meeting with IOGLB, IDFG and Commissioners Barowsky and Power to discuss how we proceed forward and where we are at with issues in terms of outfitted turkey and waterfowl. Primary issues are access and opportunity and private land vs. public land.

Director Howard reported that IOGLB will conduct a survey of landowners to understand their perspective on the activity and what their expectations are. A survey of user groups will follow. The Board hopes to move forward together with Idaho Department of Fish and Game and the Commission. Mr. Howard stated that there would be some limited form of outfitted turkey and waterfowl hunting. The Board wants to make a good decision and will continue discussion with the Department.

Commissioner Trevey suggests that when the survey is sent to the user groups that that average sportsman who is not associated with an organized group should be given the opportunity to comment on the survey.

Director Moore introduced Bryce Cook, who participated on the workgroup representing the Waterfowl Association. The Waterfowl Association has continued to suggest that a Moratorium is the appropriate action for the license board to take. Director Moore referenced a May 16 letter sent to Jake Howard with the Department recommendations that itemized what the Department believes is the best track to move forward.

MISCELLANEOUS

Chairman McDermott welcomed Bonnie Butler and Tyler Mallard from the Governor’s office and Brian Kelly, FWS.

RULES

Season Setting: Sage Grouse

Don Kemner, Program Coordinator, presented the Department recommendations (Appendix 44, Exhibit 96) for the 2011 sage-grouse seasons. Sage-grouse seasons are set in August to allow managers to evaluate lek data and determine whether West Nile virus outbreaks or wildfires are affecting any sage-grouse populations in Idaho.

In 2011, the Department will continue to use the “hunting season and bag-limit guidelines” established in the 2006 Idaho Sage-grouse Plan, which was a consensus document written by a variety of stakeholders. The protocol calls for comparison of 1996-2000 lek count averages (the beginning of intensified surveys) to the most recent (2009-2011) three-year running averages to guide the determination of season frameworks.

Option	3-year running average of lek counts	Days	Daily Bag
Closed	Less than 100 males observed	0	0
	Lek counts are less than 50% of 1996-2000 average counts		
	Adequate lek data are not gathered for the population		
Restrictive	Lek counts are between 50% and 150% of the 1996-2000 average	7	1
Standard	Lek counts exceed 150% of the 1996-2000 average	23	2

Based on lek data, local working group, and regional input, the Department’s recommendations are:

- Restrictive: 7-day season from October 1 through October 7, 1-bird daily bag limit and 2 in possession, statewide within sage-grouse range, except in designated closed areas.
- Application of the Motor Vehicle Rule in Units 29,30,30A,36A, 37,37A, 45, 49,50, 51,52, 53, 56,58,59, 59A, 70, and 73.
- Closed: East Idaho Uplands area in southeastern Idaho; Washington and Adams counties; and Eastern Owyhee County and western Twin Falls County.

Mr. Kemner noted that the Department received a letter from the Idaho Cattle Association asking the Department to close the sage-grouse season. Director Moore stated the he will attend the November ICA meeting where sage-grouse management and listings will be addressed. Staff provided a presentation to the Farm Bureau Beef Council, who supports the Department proposal.

11-88 Commissioner Barowsky moved and Commissioner Budge seconded a motion to accept the Department recommendations for the 2011 sage-grouse season. The motion carried in unanimous vote.

MISCELLANEOUS

Fire Burn in Region 4

Commissioner Wright provided a brief update on the Magic Valley Blair fire in Unit 45. The fire burned 40,000 acres that will affect the winter range for 5,000 deer. Regional staff met and discussed possible actions to take in the region such as population reduction, depredation hunts, and necessity to build fences around haystacks, hazing or baiting to direct the deer to different locations. There are two different BLM districts involved. This will be a long-term restoration project.

REPORT

Director's Report

Director Moore reported that this is his third Commission meeting since being appointed as Director. The Department has been busy with a number of issues. The nonresident deer and elk tag sales continue to be down. Between deer and elk tag sales, the cumulative loss in revenue is nearing \$6 million. The Department is addressing the loss with some marketing information looking at a broader license structure. The Department remains financially sound by continuing to use efficiencies and spending reductions. Fishing license sales were down this spring due to the late spring. Staff has reviewed the 2013 budget that will be sent to the Governor's office for approval.

The Director reported that he met with the Adams County Natural Resource Committee /Commission and the Benewah County Commission with a focus on wolves. He will meet with the Custer County Commission on September 7th. There has been continuous opportunity as new director to speak to various groups around the state, and he has been well received. The Wildlife Congress is set for September 7-9, 2012.

Director Moore met with Bureau of Land Management and Fish and Wildlife Service in Washington D.C. to discuss sage-grouse and had a meeting with Senator Risch.

The Director reported that staff is working with Fish and Wildlife Service and hopes to see a bull trout draft recovery plan this fall.

The North American Wildlife Enforcement Officers Association will have their national conference in Boise in 2013. Chief Heggen reported that Idaho will host the conference and they expect a large crowd with over 800 officers and families attending. Director Moore noted that

this a great honor to be asked to host, and the Department will assist the Conservation Officers Association as is appropriate.

MISCELLANEOUS

Executive Session

11-89 Commissioner Barowsky moved and Commissioner Trevey seconded a motion to hold an executive session pursuant to Idaho Code 67-2345(1)(c) to discuss pending litigation.

Roll Call Vote: **McDermott: aye; Trevey: aye; Budge: aye; Barowsky: aye; Wright aye; Vote tally: 5ayes.**

The executive session ended at 2:20 p.m. with no official action taken.

Adjournment

Tony McDermott
Chairman

Virgil Moore
Secretary