

**Idaho Fish and Game Commission
Special Meeting
August 19, 2013
Upper Snake Regional Office**

August 19

MISCELLANEOUS

Opening Comments

Chairman Barowsky called the meeting to order at 1:00 p.m. Commissioners Fred Trevey, Mark Doerr, Randy Budge, Kenny Anderson and Will Naillon were present. Commissioner Brad Corkill was excused. Director Moore introduced Department staff. Regional Supervisor Steve Schmidt introduced guests in the audience Tim Cramer, ITD and Kris Millgate. Special guests were Steve's parents Richard and Josephine Schmidt all the way from Kansas.

Agenda Changes

Chairman Barowsky stated that the Fish and Game Advisory Committee update will be moved to the first item on the agenda.

REPORT

Fish and Game Advisory Committee Update

Dar Olberding and Leroy Atwood (FGAC co-chairs) provided an update on the progress of the committee.

At the August 1, 2013 meeting the committee reached consensus agreement on the following motion: "The Fish and Game Advisory Committee makes a recommendation through the Directors that the Wildlife Services predator control fund be increased by \$620K with the following funding: approximately \$110K from agriculture, \$110K from sportsmen, and \$400K from the general fund with priority given to responding to and resolving wolf damage." Commissioners were provided a copy of the committee's letter to Director Moore and Director Gould (Appendix 46, Exhibit 72).

Background: This past session the Idaho Legislature passed H278 which, in part, would have redirected periodic transfers of up to \$100,000 from sportsmen access programs to the animal damage control account used to partially fund USDA APHIS Wildlife Services activities. A major issue precipitating the bill was a reduction in federal funding for Wildlife Services, thus impacting wolf control actions.

Governor Otter vetoed H278 on April 11, 2013 citing that neither sportsmen or the Idaho Department of Fish and Game was consulted prior to introduction of the bill. Contained within

the veto message, Governor Otter directed Fish and Game Director Virgil Moore and Agriculture Director Celia Gould to convene the Fish and Game Advisory Committee to develop a collaborative solution with representation of all stakeholder interests.

Idaho Code Section 36-122 identifies the membership and authorities of the Advisory Committee. The Idaho Department of Fish and Game director appoints 6 members to generally represent wildlife interests, and the Idaho State Department of Agriculture director appoints 6 members to generally represent agricultural interests.

The Fish and Game Advisory Committee met 3 times in open meetings, including May 7, June 20, and August 1 to reach its consensus recommendation.

MISCELLANEOUS

Consent Calendar

The consent calendar included the following item:

- Minutes, June 12, 2013

13-54 Commissioner Budge moved and Commissioner Naillon seconded a motion to accept the June 12, 2013 minutes as presented. All Commissioners voted in favor.

Region 6 Award Presentation

Regional Supervisor, Steve Schmidt, presented Wildlife Conservation Service Awards to Tim Cramer, Senior Environmental Planner with the Idaho Transportation Department and Kris Millgate, freelance outdoor journalist.

Tim Cramer, Senior Environmental Planner, with the Idaho Transportation Department (ITD) working out of the Rigby office is an important conservation partner for the Upper Snake Region.

In 2006-2007 Tim was central in contracting, design, oversight, and biological monitoring for the Targhee and Howard Creeks fish passage projects. These projects received multiple awards for innovation and design.

Tim was instrumental in developing the Island Park Wildlife Collision Study to “identify wildlife corridors connecting core wildlife areas along highway 20 in an effort to reduce vehicle/wildlife accidents and wildlife mortality while maintaining habitat connectivity.” In this effort to learn why and where ungulates cross this highway, Tim helped secure \$575,000.

In a separate venture, Tim pursued and helped obtain \$83,415 to study grizzly bear movements and habitat use in Island Park. This data will dovetail with the ungulate study and will enable ITD to make informed decisions relative to developing highway crossings.

Tim drafted a third project titled “Prioritizing Appropriate Mitigation Measures to Reduce Big Game Animal-Vehicle Collisions on Idaho Highways.” This project would be conducted by Utah State University and would focus on developing a methodology to prioritize locations statewide where mitigation efforts are needed to reduce big game animal-vehicle collisions. The total cost of this project is \$60,000.

Tim’s efforts to better understand the influence of Idaho’s roadways on wildlife populations have resulted in research that would have not been possible otherwise and has produced data that will be used for a variety of wildlife management purposes for years to come.

Kris Millgate is a freelance multi-media outdoor journalist based out of Idaho Falls. She is well known for her award-winning outdoor TV segment *Time OUT with Kris Millgate*. Kris manages every aspect of her production company Tight Line Media from the first word to the final edit. Kris has received many awards for her work including her film *Sanctuary*, about recovering elk habitat in New Mexico, which won best outdoor story in the nation in 2012 and is on tour with the Wild and Scenic Film Festival in 2013.

Kris has produced many video stories depicting Idaho Fish and Game management activities. The public has a better understanding of complex fish and wildlife issues because of Kris’ talented and entertaining storytelling.

Steve Schmidt stated that the Department especially value Kris’ interest in learning as much as she can about an issue. She spends much time with staff in the field collecting video and participating in our management efforts. Consequently, her products are thoughtful and accurate.

RULES

Rules: Definition of Releasing Sturgeon Once Landed

Ed Schriever, Chief, Fisheries, reported that from 1999 to 2009 IDAPA 13.01.11 contained a statewide bag limit table that stated, “any sturgeon caught may not be removed from the water and must be released immediately.” In 2010, the statewide bag limit table was removed from IDAPA 13.01.11 when the Commission approved regional fisheries bag limits. The language requiring anglers to, “not remove sturgeon from the water” was inadvertently deleted.

Staff recommends this language be re-inserted into IDAPA Chapter 13.01.11 – Rules Governing Fish.

13-55 Commissioner Trevey moved and Commissioner Doerr seconded a motion to accept the staff recommendation. All Commissioners voted in favor.

Definition of a “Watercraft” and “Single –pointed Hook”

While setting the 2013 salmon season, it was noticed that definitions for the terms “watercraft” and “single-point hook” do not exist in Chapter 13 of IDAPA rules. To ensure clarity, the Department proposed temporary definitions for the 2013 season and staff now recommends permanently incorporating these two definitions into IDAPA Chapter 13.01.11.

Rules Governing Fish.

Single-Point Hook. A bent wire device, for catching fish, with one shank and one point.

Watercraft. Those devices designed as a means of transportation on water.

13-56 Commissioner Budge moved and Commissioner Anderson seconded a motion to accept the staff recommendation. All Commissioners voted in favor.

LEGISLATION

Legislative Process Update

In regards to the Fish and Game Advisory Committee’s proposal for the Animal Damage Control Board allocation to be increased by \$110,000, Deputy Director Kiefer stated the Department has a revenue mechanism in place but that it has not been formally discussed as a legislative concept. This concept would generate new revenue for wolf control. Commission discussion followed.

The Commission policy direction to the Department is to propose a revenue strategy to the Legislature this session that we believe would provide the increased license revenue of about \$110,000 that could be added to the existing \$100,000 of license funds already directed to the Animal Damage Control account either through the Department internal budgeting process or amendment of Idaho Code 36-112, if the revenue strategy is approved. The Department is committed to working with the Governor’s office and stakeholders to plan the best legislative path forward.

Sharon Kiefer, Deputy Director, provided an update on the legislative process and proposals (Appendix 46, Exhibit 73).

Proposals Not Related to Revenue Strategy

All proposals in this category are approved for bill development and next EALS review as proposed by staff in July.

1) Exempt duplicate licenses and tags from the set-aside requirements of \$2.00 for every combination or hunting license sold and \$1.50 for every antelope, elk, and deer tag sold. (This proposal was part of the 2013 package that did not have a bill hearing).

2) Create a new license class specifically for Disabled Combination-Fishing License for residents and create an alternative set-aside which is more equitable for the reduced fee disabled license

(\$3.25) than the \$2.00 set-aside for every combination or hunting license sold. (This proposal was part of 2013 package that did not have a bill hearing). For consistency with adult combination license, the license set-aside for a disabled combination license should be 6% of the license fee (currently the set-aside is 61% of the fee).

3) Expand wildlife species covered by a reimbursable penalty of \$50 to all protected wildlife that are not otherwise identified in Idaho Code 36-1404 (example: elk reimbursable penalty is \$750, swan is \$250).

4) Lower age to hunt big game from 12 to 10 years of age.

5) Move “Trapping License” from Commercial License designation to Sport License designation.

Proposals Related to Revenue Strategy

Proposals below approved for bill development and next EALS review as proposed by staff in July.

6) Create nonrefundable resident/nonresident control hunt application fee specifically for moose, sheep, and goat hunts that is $\approx 3x$ the existing fee and drop requirement to submit tag fees during the application period.

7) Amend authority for the FG Commission via Commission Order(s) to authorize discounts tailored for customer loyalty or purchase volume and also create authority to discount licenses.

8) Increase the Daily Fishing (1st-day) License fee by $\approx 20\%$ = $\approx \$11.70$ resident/ $\$13.20$ nonresident (currently $\$9.75/\11.00).

9) Increase the Consecutive Day Fishing License fee by $\approx 20\%$ = $\approx \$6.00$ resident/ $\$7.20$ nonresident (currently $\$5.00/\6.00).

10) Increase fee ceiling for hunter education, including archery education (ceiling is currently $\$8.00$).

11) Amend Wildlife Special Plate legislation terms from “elk wildlife special plate” and “cutthroat wildlife special plate” to “animal wildlife special plate” and “fish wildlife special plate” to allow broader spectrum of designs to retain customer interest.

Proposals Related to Revenue Strategy

Proposals below approved for bill development and next EALS review but **amended** from staff proposal in July.

12) Create an access permit and fee for Commission designated FG properties for users who do not have a hunting, fishing, or trapping license.

Proposal amended to seek Commission rulemaking authority to set reasonable fees for use of designated lands to provide more flexibility to establish fees for commercial and non-commercial use. Would require negotiated rulemaking; legislature must approve fee rules.

13) Increase the fee for adult resident combination, hunting, and fishing licenses.

Example: Resident combination increased 5% ≈ \$33.30
Resident combination increased 10% ≈ \$34.90
Resident combination increased 20% ≈ \$38.10

14) Increase the fee for adult resident deer and elk tags.

Example: Resident elk tag increased 5% ≈ \$30.50
Resident elk tag increased 10% ≈ \$31.90
Resident elk tag increased 20% ≈ \$34.80

Proposal amended to seek a 20% fee increase for all resident licenses, tags, and permits to provide maximum flexibility for revision due to sportsmen and legislative input and to provide greatest incentive to have customers “lock in” 2013 prices via Commission discount.

Proposals Related to License Restructure with Fee Adjustment

Concepts 15 & 16 were not advanced after further evaluation and likely conflict with higher priority revenue proposals.

FISCAL

FY15 Budget Approval

Michael Pearson, Chief, Administration, presented the FY 15 Budget to the Commission for approval. The 2015 budget request package is due to the Governor’s office on September 3, 2013. Mr. Pearson provided a brief overview of how the Department finished the most recent state fiscal year on June 30, 2013 (Appendix 46, Exhibit 74).

13-57 Commissioner Naillon moved and Commissioner Doerr seconded a motion to approve the FY 15 Budget. All Commissioners voted in favor.

RULES

Revision of Nonresident Jr. Mentor Tag Rule

Jeff Gould, Chief, Wildlife, presented the proposal for the nonresident Jr. Mentor Tag rule.

Based on the supportive public comments received during the comment period, the Department determined negotiated rulemaking is not feasible because the amendment is simple and there were no issues to negotiate. The Department recommends moving directly to temporary and proposed rulemaking to confer a benefit to youth and mentor hunters.

13-58 Commissioner Anderson moved and Commissioner Budge seconded a motion to adopt the proposed rule amendment to the nonresident Jr. Mentor Tag Rule as a temporary and proposed rule. All Commissioners voted in favor.

MISCELLANEOUS

Commission Delegation of Authority to Director for Rain checks and Refunds

Kathleen Trever, Deputy Attorney General, presented the draft Idaho Fish and Game Commission Delegation of Authority (Appendix 46, Exhibit 75).

At the July 2013 Commission meeting, the direction of the Commission was to provide written clarity regarding its delegation of authority to the Director's Office for consideration of rain check and refund requests, consistent with statutory authorities and administrative rules adopted by the Commission.

The Commission has authority under Idaho Code Section 36-408 to prescribe the manner in which tags and permits may be used and validated. The granting of refunds and rain checks is within the Commission's discretionary authority. In consideration of Commission meeting priorities and responsiveness to customer requests, the Commission has previously delegated discretionary authority for consideration of requests for rain checks and refunds to the Director's Office.

The Commission has adopted rules to formalize certain parameters it wishes to apply to refunds and rain checks for individuals affected by military deployment (IDAPA 13.01.04.602) and nonresident refunds (IDAPA 13.01.04.600.03). The Commission has retained its statutory discretion without adopting additional rules to apply to its considerations of refunds/rain checks for residents and other circumstances that may arise. The Commission has on occasion adopted temporary rules to address narrow, time-limited circumstances for refund eligibility (for example wolf tag refunds when wolves were relisted after tag sales began).

Commission discussion followed. The Commission noted two changes to be made to the delegation of authority document.

1. The document will be signed by the Chairman of the Commission
2. The Director shall report at the next regular meeting of the commission regarding requests for rain checks and refunds granted and denied.

13-59 Commissioner Budge moved and Commissioner Anderson seconded a motion to accept the delegation of authority with noted changes. All Commissioners voted in favor.

RULES

Season Setting: 2013 Sage Grouse Season

Ann Moser, Regional Wildlife Biologist, presented the 2013 Sage Grouse proposal. Ms. Moser stated that sage-grouse seasons are set in August to allow managers to evaluate lek data and determine whether West Nile virus or wildfires are affecting any sage-grouse populations in Idaho (Appendix 46, Exhibit 76).

Staff recommendations include:

Closed areas:

Sage-grouse Reporting Zone 3A (Murphy Complex Fire area): No change from 2012

Washington, Adams, Payette and Gem counties: no change from 2012

Sage-grouse Reporting Zone 5 (east of Interstate 15 and south of State Highway 26): no change from 2012

That portion of Sage-grouse Reporting Zone 4A within Elmore County: no change from 2012

All other portions of the state not within a sage-grouse reporting zone: no change from 2012

7 day season from September 21 through September 27, 1 bird daily bag limit, 2 bird possession limit: Zones 1,2,3B,4A,4B,5A,6,7B,7C,7D,8A,abd 8B (that portion of 4A in Elmore County will be closed)

13-60 Commissioner Naillon moved and Commissioner Doerr seconded a motion to adopt staff recommendation on the 2013 sage-grouse season. All Commissioners voted in favor.

Season Setting: 2013/2014 Waterfowl Season

Jeffrey Knetter, Gamebird Staff Biologist, presented the 2013/2014 Waterfowl proposals (Appendix 46, Exhibit 77).

Most waterfowl harvested in Idaho are produced in Canada. Habitat conditions in these breeding areas were characterized as average to above-average in 2013. The pond index increased 24% from 5.5million in 2012 to 6.9 million in 2013, which is 32% above the long-term average. The estimated mallard abundance was 10.4 million which was similar to the 2012 estimate, which is 36% above the long-term average.

The Commission approved mourning dove seasons at the July meeting. The staff recommendation inadvertently omitted an increase in the possession limit from twice the daily bag limit to three times the daily bag limit.

Staff recommendation is to take the maximum allowed hunt days and bag limits allowed by federal framework. Beginning in 2013, the federal framework for migratory game birds allows the possession of 3 times the daily bag limit. The proposed daily duck bag limit would be seven ducks; but not more than two female mallards, three scaup, two redheads, two pintails, and two canvasbacks. The proposed daily bag limit for Canada geese would be four; the proposed daily bag limit for white-fronted geese would be six; and the proposed daily bag limit for snow and Ross's geese would be 20. The proposed possession limit would be three times the daily bag limit.

The Department also recommends increasing the possession limit for mourning doves from twice the daily bag limit to three times the daily bag limit.

13-61 Commissioner Trevey moved and Commissioner Anderson seconded a motion to adopt the staff recommendations on the 2013/2014 Waterfowl regulations and an increase in mourning dove possession limits. All Commissioners voted in favor.

MANAGEMENT PLANS

Release of Draft Elk Plan for Public Comment

Toby Boudreau, Wildlife Program Coordinator, and Craig White, Wildlife Staff Biologist, presented an overview of the Draft Elk Management Plan (Appendix 46, Exhibit 78). The Elk Management Plan is to provide “Responsive management that meets hunter expectations and ensures sustainable, healthy, and abundant elk populations across the state.”

The plan is designed to manage elk populations to meet the demand for elk hunters, provide a diversity of elk hunting opportunities, minimize/mitigate for crop and property damage and increase capacity of habitat to support elk.

Commission discussion followed and Commissioners provided suggestions and edits for the draft plan. The final plan will be presented for Commission approval at the November meeting.

13-62 Commissioner Anderson moved and Commissioner Doerr seconded a motion that the Commission adopt staff recommendation to release the draft Elk Management Plan for public comment for 30 days. All Commissioners voted in favor.

RULES

Nonbiological Rule Progress Update

Jeff Gould, Chief, Wildlife, reported that based on input from sportsmen, department staff, other members of the public, or as a result of legislation, nonbiological rule proposals are developed each year for potential Commission action. In May, 2013, the Commission affirmed a staff recommendation to move four select rule proposals forward through the negotiated rulemaking process. These proposals run the spectrum in terms of the complexity of issues and level of interest. The current status of Commission rulemaking is as follows:

Nonresident junior mentored tags: require mentor to have tag for species but not same area.

- The Commission approved to proceed as temporary and proposed rules.

Mandatory Bear identification class statewide.

- The Department has a voluntary bear identification course on line. To date over 4,800 folks have viewed this class. Comments received during the 21-day public comment period were negative and most felt that this rule was an unnecessary constraint and penalized the sportsmen.
- After review, the recommendation is not to proceed with this rule proposal.

Bear baiting rule focused on the Upper Snake (unprocessed food).

- Staff will conduct internal scoping on this proposal.
- The Department plans to file a notice of intent for negotiated rulemaking on this rule in December 2013 or January 2014.

Commissioner Anderson expressed his concerns regarding increases in bear attacks in the Upper Snake Region. Commissioner Anderson would like for the Department to improve safety for the public and hunters. Mr. Gould stated that the region already has a public outreach program to heighten public safety (Bear Aware) but will provide bear hunters and bear baiting individuals with additional information through outlets such as news releases, website and when in the regional picking up a bear bait permit.

Adjustments to LAP tag program to resolve some landowner concerns.

- Staff will conduct internal scoping on this proposal.
- Staff is meeting with Oregon and Colorado to compare programs.
- Staff will provide a proposal at the November meeting and hopes to post the notice of intent for negotiated rulemaking during the December – January period.

REPORT

Bureau of Communications Overview

Mike Keckler, Chief, Communications and Vicky Runnoe, Conservation Education Supervisor presented an overview of information and educational efforts conducted by the Bureau of Communications along with an outline of plans for the coming year (Appendix 46, Exhibit 79).

MISCELLANEOUS

Executive Session

13-63 Commissioner Doerr moved and Commissioner Anderson seconded a motion to hold an executive session pursuant of subsection (c) of Idaho Code Section 67-2345 to discuss lands. Roll Call Vote: Ayes: Naillon, Doerr, Trevey, Anderson, Budge and Barowsky.

The executive session ended at 5:30 p.m. with no official action taken.

Robert Barowsky
Chairman

Virgil Moore
Secretary