

Meeting Date: August 23, 2018

Agenda Item No. 10

Agenda Item: IDFG/IDL Access MOA

Bureau Chief Approval: VM

Prepared by: Director's Office

Background: The Commission has a long history of supporting and enhancing access to private and public property for lawful fishing, hunting, trapping and other wildlife-based recreation. The Commission's policy and financial commitments have underscored the importance of public access to Idahoans.

Changing dynamics in recent years in Idaho and nearby states have renewed our attention on the availability of public access. Changes in land ownership have resulted in closures or restrictions on long-standing public access areas; and traditions of public access are also shifting with increased access demands, as well as economic, cultural, and policy changes in agricultural and timber land management.

In 2017, significant public debate on the access issue influenced the creation and passage of HB 230. This legislation included additional set-aside funding for enhanced public access programs from a new license endorsement. The 2017 Legislature also provided a \$1M increase to the Department's base budget to secure and provide additional access through agreements and easements.

The issue of public access is not confined to private lands. The federal government granted Endowment Lands to the State of Idaho upon statehood, to be held in trust for designated beneficiaries, including public schools. The Land Board has the duty to manage Endowment Lands to maximize the long-term financial return to the Endowment Beneficiaries. Although Idahoans have a state constitutional right to hunt, trap and fish, and although Idaho has traditionally allowed public access to most Endowment lands, the Land Board's fiduciary responsibilities to Endowment beneficiaries come first. On August 21, 2018 the Land Board adopted a "Recreation Policy" to support the Board's ability to allow continued public recreational access to most Endowment Lands, consistent with the Board's duty for providing long-term financial return to Endowment Beneficiaries.

Department and IDL staff developed a draft agreement to help fund and support continued public recreational access on Endowment Lands while meeting Idaho Constitutional requirements for management of these Lands. The Commission has received a copy of the draft agreement approved by the Land Board on August 21, 2018 (subject to final formatting and addition of agency contact information).

Statutory Authority and/or Policy Issues:

- **Idaho Constitution, Article I, Section 23** (right to hunt, fish, and trap)
- **Idaho Constitution, Article 9, Sections 7-8** (Land Board direction and control of state public lands and duty to manage Endowment Lands to maximize long-term financial return to Endowment Beneficiaries)
- **IC 36-104(b)(7)** authorizes the Commission to obtain by agreement lands or waters to provide places where the public may fish, hunt, or trap in a lawful manner.
- Per **IC 36-101** and **36-105(a)** and **(e)**, the Director is responsible for general supervision and control of all Department activities, functions, and employees, including the enforcement of Idaho Fish and Game laws, rules, and proclamations and other Idaho laws not inconsistent with them.
- **2015 IDFG Strategic Plan, Goal 2:** Meet the Demand for Hunting, Fishing, Trapping and other Wildlife Recreation.

- **Idaho Land Board Recreation Policy for Endowment Lands.**
- **Dedicated funding to support access programs is also defined in Idaho Code**
 - **IC 36-111** \$2.00 from each combination or each hunting license is set aside for acquiring access and rehabilitating big game/upland bird/waterfowl habitat.
 - **IC 36-414**—License endorsements (ranging between \$2.00-\$20.00 depending on resident/nonresident and license class) for annual hunting fish, hunting, combination or trapping license fund wildlife depredation compensation and prevention, and sportsmen access programs. Per **IC 36-111(f)**, the Department uses these funds for big game depredation expendable fund (\$500,000), big game depredation control (\$500,000) and (balance of funds) for sportsman access funds, excluding the purchase of private property.

Public Involvement Process: Significant public involvement has occurred in the development of current law and policy related to implementation of Department Access programs, budgets and funding. Passage of HB230 provided additional funds and created a policy/public expectation to expand the reach of Department programs for public access. Providing and funding continued public access to Endowment Lands has also been the subject of meetings of the Idaho Land Board.

The Land Board approved an agreement with the Idaho Fish and Game Commission and related Recreation Policy for Endowment Lands by unanimous vote at the Board's public meeting on August 21, 2018.

Staff Recommendation: Staff recommends the Commission approve the agreement with the Land Board and authorize signature of the agreement in a form substantially similar to the draft the Commission has received.