

**Idaho Fish and Game Commission
Annual Meeting – January 27-28, 2021
Idaho Department of Fish and Game
Southwest Regional Office
Nampa, Idaho**

January 27

Chairman Corkill called the meeting to order at 10:30 a.m. MST with Commissioners Don Ebert, Tim Murphy, Greg Cameron, Lane Clezie, Derick Attebury and Ron Davies present.

MISCELLANEOUS

Discuss Items for Commission Meeting & Confirmation Hearings

Commissioners discussed items in preparation for the confirmation hearings for Commissioners Don Ebert, Greg Cameron and Ron Davies.

Meeting with Senate Resources & Environment and House Resources & Conservation Committees

All Commissioners attended the meeting at the Statehouse.

Public Hearing

Chairman Corkill called the meeting to order and reviewed the rules of conduct for the hearing and reported that all public comments would be reviewed by the Commission at the Thursday business meeting.

The following individuals provided in person testimony:

Matt Borg, Cody Rollins, Josh Rollins, Rusty Kramer, Allen Fusare, Scott Wells, Travis Hyde, Tyree Sibert, Mark Rose, Rod Luper, Almus Miles, Bob Lowry, Rob Coleman and Cary Hannaman.

January 28

MISCELLANEOUS

Opening Comments

Chairman Corkill called the meeting to order with Commissioners Ebert, Murphy, Cameron, Clezie, Attebury and Davies present.

Review of Public Comment

Director Schriever and Commissioners discussed and reviewed the public comments.

Fourteen members of the public provided in person testimony with most of the comments in support of the current waterfowl seasons. Other comments included:

- Weiser bear proposal, do not support.
- A stock producer concern for depredation problems with livestock.
- Blaine County commissioner letters regarding wolf hunting and trapping in Blaine County.
- IOGA letter regarding outfitter set-aside and tag allocation.
- Idaho Sportsmen letter support for items on the agenda.
- Request to allow lighted nocks.
- Request for requirement for hunters to wear hunter orange.
- Allow crossbow for turkey hunting and short-range weapon seasons.
- Comments regarding the March Season setting process for big game (on the agenda under deer & elk update).

CONSENT CALENDAR

Consent Calendar

Minutes: July 22-23, August 20, September 15 and October 8, 2020

Financial Report

Winter Feeding Committee Appointments

Consent calendar items were adopted without objection.

LANDS

Don Kemner, Wildlife Habitat Program Manager, presented the land items.

McKee Acquisition

This is a proposal for fee-title acquisition of the 90.42 acre McKee property residing along the South Fork of the Coeur d'Alene (CDA) River. The property is located between the towns of Pinehurst and Kellogg in the Silver Valley and about 35 miles east of the city of Coeur d' Alene. The property contains approximately 50 acres of upland dry forest, 8 acres of wetland, and 32 acres of flood plain habitat. Recreational access provided includes current fishing, hunting and trapping opportunities, future float-boat access, and public access to an additional 295 acres of BLM and IDEQ lands. Acquisition of the property would provide both habitat restoration

opportunities and public access to a 3.5 mile section of the South Fork of the CDA River. There are no improvements on the property.

The Rocky Mountain Elk Foundation (RMEF) is coordinating the transaction between the Idaho Fish and Game Commission (IFGC), Avista Corporation (Avista), and the landowner. Avista is funding the acquisition.

Morrow Exchange

This proposed land exchange consists of small in-holdings within the Coeur d'Alene River Wildlife Management Area Grays Meadow segment located in Kootenai County. Morrow will convey to IDFG four parcels totaling 2.82 acres with an estimated aggregate value of \$13,718. In exchange, IDFG will convey to Morrow one 3.75-acre parcel having an estimated value of \$13,594. The IDFG property shares a common boundary along the eastern edge with other property owned by Morrow.

The exchange is essential to remediation and restoration plans for the west field of the Gray's Meadow property. The Gray's Meadow Project will convert historic agricultural land use into a remediated and restored wetland complex of multiple habitat types. These habitat types are important for migrating waterfowl. Additionally, waterfowl and shorebirds use this area for breeding, nesting, and brood rearing. This area also provides seasonal habitat for white-tailed deer, mule deer, elk, and moose.

21-01 Commissioner Clezie moved and Commissioner Cameron seconded a motion that the commission acquire the 90 acre McKee property; and approve the exchange of 3.75 acres of IDFG land for the Morrow 2.82 acres. Motion carries.

SEASON SETTING AND RULES

Season Setting: Moose, Bighorn Sheep and Mountain Goat

Mike McDonald, Regional Wildlife Manager, presented the proposal (Appendix 54, Exhibit 1).

Dates and tag numbers for moose, bighorn sheep, and mountain goat harvest seasons are established for a two-year period and are presented to the Commission for approval in January of each odd-numbered year. Regional staff scoped proposals for season changes and controlled hunt tag limits through the Department's website, at regional live virtual meetings, and call-in events December 14 – 30.

21-02 Commissioner Cameron and Commissioner Ebert seconded a motion to adopt staff recommendations for moose, bighorn sheep, and mountain goat seasons and tag levels for the 2021 and 2022 seasons. Motion carries.

Outfitter Allocation in Newly-Limited Deer and Elk Units and Zones

Jon Rachael, Southwest Regional Manager provided a recap of the outfitter allocation in newly limited deer and elk units and zones. In November 2020 the Idaho Fish and Game Commission

established limits for nonresident hunters that could hunt in each game management unit for deer and in general season elk zone A and B tag hunts that had not previously been capped (Deer tags in all game units and Elk A tags in 20 zones and Elk B tags in 6 zones).

By statute, when the number of deer or elk tags available for use in any game management unit or zone is limited, the Commission may allocate a number of deer and elk tags from the outfitter set-aside tags for use by outfitted hunters. Consequently, the Commission considered allocating the number of outfitted hunter elk and deer tags based on the highest number within each of the last 2 years (2018 and 2019) of all elk or deer tags using the service of an outfitter in each newly limited deer unit or elk zone, provided tags were available in the outfitter set-aside and did not exceed 50% of the nonresident quota for each limited zone/unit.

The number of general season nonresident deer and elk tags (1,985 nonresident deer tags 2,400 nonresident elk tags) set aside annually for use by hunters using the services of a licensed Idaho outfitter is set by administrative rule. Outfitter set-aside quotas are a subset of the total nonresident deer and elk tag quotas (15,500 total deer tags and 12,815 elk tags).

Revision of November 20, 2020 Proclamation for nonresident 2021 Elk Tags

Mr. Rachael reviewed tag numbers (Appendix 54, Exhibit 2) allocated by the Commission in November for outfitter use, the highest reported outfitted use for 2018 and 2019, and the number of additional allocated tags needed to meet 100% of the high use for each newly limited elk zone. The Outfitter Allocated Tags are held in reserve specifically for outfitted hunters. IOGLB will determine designation to individual outfitters.

Commission discussion followed.

21-03 Commissioner Davies moved and Commissioner Murphy seconded a motion that the Commission amend its November 20, 2020 proclamation as it relates to 2021 limits on total nonresident tags, over-the-counter non-resident tags, and outfitter allocated tags for previously uncapped elk zones as specified in the table as it now appears before us, (see Exhibit 2) with direction to reduce the over-the-counter nonresident tag limit and any amended increase in the total nonresident tag limit for a zone, by no more than the number of tags needed to offset any amended increase in the limit for outfitter allocated tags, should nonresident over-the-counter tags be available in that zone now or be later returned (such as in exchange for a controlled hunt tag). Motion carries.

LEGISLATION

Legislative Update

Paul Kline, Deputy Director, provided an update to the Commission about legislative activity since initiation of the 2021 Legislature on January 11 (Appendix 54, Exhibit 3).

House Bill 10, Use of game parts for bait for trapping furbearing animals.

21-04 Commissioner Attebury moved and Commissioner Clezie seconded a motion that the Commission position is to support House Bill 10. Motion carries.

Senate Bill 1020, Landowners, Recreation and Liability.

21-05 Commissioner Attebury moved and Commissioner Clezie seconded a motion that the Commission position is to testify and support Senate Bill 1020. Motion carries.

SEASON SETTING AND RULES

Paul Kline, Deputy Director, provided a summary of the different classifications of rulemaking the Commission has approved the Department to advance to the 2021 Legislative Session.

Commission Approved Agency Rulemaking

The following agency non-fee rules were published as “Pending Rules” in the December 2, 2020 Administrative Bulletin and are now pending review by the 2021 Legislature for final approval:

- a. Docket 13-0104-2002 (Rules Governing Licensing)
 - i. Establish earlier date for LAP Tag application period)
 - ii. Establish limits on nonresident Disabled American Veteran tag numbers for deer and elk.
- b. Docket 13-0108-2001 (Rules Governing Taking of Big Game)
 - i. Establish 1-year wait period for successful pronghorn controlled hunt applicants.
- c. Docket 13-0109-2002 (Rules Governing Taking of Game Birds)
 - i. Establish consistent requirements for use of game bird tags authorized by statute (I.C. 36-409(c)) and establish mandatory check requirements for swan (prompted by legislation adopted to support federal approval of swan seasons, combined with Department-initiated changes to meet executive order requirements for simplification; game tags currently authorized for turkey, crane, swan, could encompass grouse or other species if game tags authorized in future).
 - ii. Designate two special waterfowl hunting days for veterans and active military (prompted by 2019 federal legislation allowing states to make such designations).
 - iii. Delay opening date for pheasant season for all nonresident license holders (citizen-petitioned change by residents of Franklin/Oneida Counties; would expand by rule the statutory (I.C. 36-407(e)) 5-day delayed opener for nonresident small game license holders).
 - iv. Simplify turkey tags (Department-initiated proposed for simplification, consistent with Executive Order 2020-01).

- d. Docket 13-0116-2002 (Rules Governing Trapping of Predatory and Unprotected Wildlife and Taking of Furbearing Animals).
 - i. Establish additional restrictions on use of body-gripping traps (citizen petition by Idaho Trappers Association and others).
 - ii. Simplify rules associated with use of bait for trapping furbearing, predatory and unprotected animals (citizen petition by Idaho Trappers Association and others, based on consistency with allowances for wolf trapping; proposed language acknowledges statutory restrictions related to use of game parts for trapping furbearing animals).

Commission Approved Agency Fee Rulemaking

Since agency fee rules were not adopted by both bodies of the Legislature upon sine die of the 2020 Idaho State Legislature, they expired. Accordingly, Temporary Fee rules were published in the April 15 2020 Administrative Bulletin followed by the publication of Proposed Rules in the September 16, 2020 Bulletin. IDAPA fee rule chapter sections were published in the November 18, 2020 Administrative Bulletin as Pending Rules and are now before the 2021 Legislature for final approval under one Omnibus docket.

- e. Docket 13-0000-2000F
 - i. 13.01.02 Rules Governing Mandatory Education and Mentored Hunting.
 - ii. 13.01.04 Rules Governing Licensing.
 - iii. 13.01.08 Rules Governing the Taking of Big Game Animals.
 - iv. 13.01.10 Rules Governing the Importation, Possession, Release, Sale, or Salvage of Wildlife.
 - v. 13.01.19 Rules for Selecting, Operating, Discontinuing, and Suspending Vendors.

Commission Approved Agency Temporary Rulemaking

At their July 23, 2020 and December 22, 2020 meetings, the Commission adopted temporary rules to take effect prior to this Legislative Session. In effect now, temporary rules a, b, and c (below) are advancing as pending rules to come before the 2021 Legislature for final approval. Pending rules were reviewed in item 2 for this agenda item (above). Temporary rule d (below) is being advance for consideration before the 2021 Legislature to renew as a temporary rule through sine die of the 2022 Legislative Session. Formal rulemaking must occur for this rule to become final.

- a. Establish limits for nonresident Disabled Veteran deer and elk tags (to align with nonresident tag sales for 2021, with sales beginning on December 1, 2020).
- b. Establish tagging and harvest report requirements to support a fall 2020 swan season, needed for consistency with federal approval.
- c. Designate two special waterfowl hunting days for veterans and active military (prompted by 2019 federal legislation allowing states to make such designations).

- d. Increase the number of general hunt elk tags set aside for outfitters from 2,400 to 2,800 on a statewide basis and reserve them for sale to persons who have entered into an agreement with a licensed outfitter.

Zero-based Regulation Rulemaking (Five-Year Rulemaking)

Consistent with the Governor's Order for Zero-Based Rulemaking and related direction from the Division of Financial Management, IDFG seeks Commission direction before proceeding to negotiated rulemaking for of the following 3 Chapters.

- a. 13.01.01 (Commission Practice & Procedure)
- b. 13.01.07 (Upland Game) to become 13.01.07 (General Rules for Taking of Wildlife)
- c. 13.01.09 (Game Birds) to become 13.01.09 (Rules Governing Taking of Game Birds and Upland Game Animals)

Commission consensus is for the Department to initiate negotiated rulemaking for year-one efforts associated with the 5-year directive from the Governor.

Deer & Elk Status Update & Season Setting Schedule

Rick Ward, Deer & Elk Program Coordinator, presented a statewide overview of the status of deer and elk populations in relation to deer population management unit objectives and elk management zone objectives and a review of the timeline and process for big game season setting (Appendix 54, Exhibit 4). The public scoping comment period is February 8-February 25. The Commission will set the seasons at their March 18 business meeting.

The Department received four joint wolf season proposals from the Idaho Trappers Association and Foundation for Wildlife Management (Appendix 54, Exhibit 5). Staff is looking for guidance on which, if any of the proposals to scope with the public.

Commissioners discussed which of these proposals that they would like to see scoped with the public.

Commission consensus is for staff to scope all proposals, except the proposal to open wolf trapping in Units 48 & 49.

Recess for lunch.

The Commission reconvened at 12:45 p.m.

After giving the matter more thought over lunch, Chairman Corkill suggested that the Commission reevaluate its direction regarding public scoping of opening wolf trapping in Units 48 & 49.

After discussion, Commissioner consensus is to include Units 48 & 49 in the scoping proposal to allow everyone an opportunity to comment.

REPORT

2020 Statewide Wolf Abundance Estimate

Shane Roberts, Wildlife Research Coordinator, presented the report (Appendix 54, Exhibit 6). This technique was first developed and implemented in 2019. This estimation technique uses remote cameras to estimate abundance. Camera-based population estimation was first developed in Idaho for use on ungulates but is being adapted and tested for multiple species.

SEASON SETTING AND RULES

Preseason Forecast for Spring Chinook

Chris Sullivan, Anadromous Fisheries Program Coordinator, presented the update (Appendix 54, Exhibit 7) on the pre-season forecasts for Snake River spring and summer Chinook salmon returns for 2021. Snake River salmon will begin entering the Columbia River in early March. Fisheries staff proposes to return to the Commission in March with recommendations for 2021 Chinook salmon sport fisheries to be conducted in the Clearwater River, Salmon River and Snake River drainages. During January and February Fisheries staff will be involved in Columbia River basin processes that set spring Chinook fishing seasons on the Columbia River.

Triennial (2022-2024) Fishing Season Setting Schedule

Jim Fredericks, Chief, Fisheries, provided a briefing on the upcoming season setting process and timeline for establishing fishing seasons and limits for 2022 - 2024. With the exception of Chinook Salmon, Idaho fishing season, bag, and possession limits are set on a triennial basis.

Though staff collects input from anglers year-round, the formal scoping process is scheduled to begin in mid-March 2021 with staff engaging the public and seeking input through a variety of media. We anticipate the scoping phase will be mostly virtual. Staff will consider public input along with biological information related to fish populations and develop potential changes to seasons and limits. In May, staff will seek approval from the Commission to present proposed changes to the public for comment. Final proposals will be presented to the Commission at the November meeting, to take effect January 1, 2022.

Waterfowl 2021 Season Setting Update

Jeff Knetter, Upland Game & Migratory Bird Coordinator, reported that in 2019 and 2020, the Department conducted mail and web-based surveys to obtain input from hunters on how to structure migratory game bird (e.g., ducks, geese, and doves) seasons and zones, within confines of the federal framework, which includes flexibility in start and end dates. This information was used to guide Idaho waterfowl season and zone structure recommendations for the 2020-2021 seasons. However, some constituents in north Idaho expressed dissatisfaction with the season structure for ducks in Zone 3: Monday October 19 through Sunday January 31.

Mr. Knetter presented season option considerations (Appendix 54, Exhibit 8) for the 2021-2022 seasons and provide an update on duck zone configuration options for 2022-2025.

The Commission will set Idaho's migratory game bird seasons during their April 15 conference call. The Commission would like staff to conduct additional public scoping regarding preferences for early/late seasons and split seasons.

REPORTS

Director's Reports

Director Schriever highlighted items from the director reports in the agenda book.

Commissioner Reports

Commissioner Reports stand as written (Appendix 54, Exhibit 9).

MISCELLANEOUS

Planning for Next Meeting

The next meeting is scheduled for March 17-18 in Boise.

Executive Session

21-06 Commissioner Ebert moved and Commissioner Clezie seconded a motion that the Commission go into executive session under Idaho Code 74-206 subsections c and f.

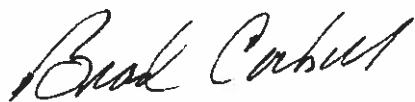
Roll Call Vote Ayes: Brad Corkill, Don Ebert, Tim Murphy, Greg Cameron, Lane Clezie, Derick Attebury and Ron Davies.

21-07 Commissioner Cameron moved and Commissioner Davies seconded a motion to come out of executive session with the record to reflect that no final action was taken. Motion carries.

Open Session

Position on Pending Litigation

21-08 Commissioner Attebury moved and Commissioner Clezie seconded a motion that the Commission seek to intervene in litigation brought under the federal endangered species act now pending in district court of Montana, which litigation challenges federal agency withdrawal of a proposed listing rule for wolverine, which species the Commission manages as a protected nongame species under state law, with such intervention either as a separately named party or in support of intervention by the State of Idaho. Motion carries.



Brad Corkill
Chairman



Ed Schriever
Secretary

Adjourn