

**Idaho Fish and Game Commission
March 17-18, 2021
Idaho Department of Fish and Game
Southwest Regional Office
Nampa, Idaho**

March 17

MISCELLANEOUS

Tour of Headquarters Building

Commissioners Don Ebert, Tim Murphy, Greg Cameron, Lane Clezie, Derick Attebury and Ron Davies participated on the tour.

SEASON SETTING AND RULES

Public Hearing

Acting Chairman Greg Cameron called the meeting to order at 7:00 p.m. and reviewed the format for the meeting. Commissioner Corkill was excused.

The following individuals provided public comment: Jeff Bitton, Ryan Hatfield, Frank Schwartz, Robe Coleman, Steve Ross, Brian Brooks, Travis Bullock, Evan Allan, Don Bowman, Rod Luper, Elmus Miles, Scott Schmid, Aaron Lieberman, Frank Torres, Bob Lowry, David Temple, Donald Sickels, Brent Hoffner, Pat Tropoea, Cliff Hall, Cory Coda, Representative Muffy Davis, Dick Rosbury, Sarah Michael, Justin Webb, Ron Rembelsky, John Beachum, Cody Rollins, Kristen Rivers, Tyler Strickland, Emily Jenkins, Dakota Jenkins, Carly Rollins, Josh Rollins, Mark Rose, Rosie Hyde, Travis Hyde, Jayden Borg, Matt Borg, Chuck Gee, Jesse Vanleuven, Gary Peterson, Scott Allan, Jack Oyler, Doug Palmer and Jack Harner.

March 18

MISCELLANEOUS

Opening Comments

Chairman Corkill called the meeting to order at 8:00 a.m. with Commissioners Ebert, Murphy, Cameron, Clezie, Attebury and Davies present.

Chairman Corkill and Director Schriever presented Chip Corsi, Panhandle Regional Supervisor with a 40-year Service Award.

Review of Public Comment

Director Schriever and Commissioners discussed and reviewed the public comments.

Director Schriever noted that the majority of the comments were related to Big Game Season setting. Commissioners were provided copies of all email comments received.

CONSENT CALENDAR

Consent Calendar

- Minutes November 19-20 and December 22, 2020
- Financial Report

Consent calendar items were adopted without objection.

SEASON SETTING AND RULES

Season Setting: Spring Chinook Season

Jim Fredericks, Chief, Fisheries, presented the proposal for the 2021 spring season Chinook salmon fisheries (Appendix 54, Exhibit 18).

21-18 Commissioner Ebert moved and Commissioner Murphy seconded a motion to approve the proposed 2021 fishing seasons for Chinook Salmon in the Snake River, Lower Salmon River, and Little Salmon River. Motion carries.

Season Setting: Deer, Elk, Pronghorn, Black bears, Mountain lions, and Gray wolves

Mike McDonald, State Wildlife Manager, presented a summary of major key proposals by species, for 2021-2022 and 2022-2023 big game seasons to the Commission (Appendix 54, Exhibit 19).

The public was notified by statewide and local medial releases, social media posts, direct mail to license buyers, virtual open houses and call-in events and IDFG website. There were more than 16,500 comments received (includes emails, letters, etc.).

Staff recommendations for the 2021-2022 and 2022-2023 big game seasons were presented to the Commission in the form of a mockup of the season brochure, with recommended changes from the prior 2020 season highlighted (Appendix 54, Exhibit 20).

Staff recommendation for Landowner Appreciation Program Controlled Hunts and tag levels will correspond proportionally to “parent” controlled hunts.

Deputy Attorney General Trever suggested that the Commission adopt the staff recommendations as presented by staff and then Commissioners could propose amendments they wish the Commission to consider on an individual basis.

21-19 Commissioner Attebury moved and Commissioner Ebert seconded a motion to adopt staff recommendations for the 2021-2022 and 2022-2023 big game seasons for mule and white-tailed deer, elk, pronghorn, mountain lion, black bear and gray wolf. Motion carries.

Amendment to Black Bear Proposal

21-20 Commissioner Murphy moved and Commissioner Clezie seconded a motion that the Commission amend the big game proclamation for black bear to begin the “dogs prohibited” period on September 15 instead of October 1 (approximately two weeks earlier) in general hunts in unit 22, 31 and 32A and in controlled hunts 8503, 8505, 8506, and the new unlimited controlled hunt in area 32-2. Commissioner Murphy described his reasons for proposing this adjustment as a balance among competing interests. Motion carries.

Landowner Appreciation Program

21-21 Commissioner Attebury moved and Commissioner Cameron seconded a motion that the Commission adopt staff recommendations for the Landowner Appreciation Program seasons and controlled hunt tag numbers for the 2021-2022 and 2022-2023 big game seasons. Motion carries.

Identify a Waiting Period for Capped Zone Tags

Toby Boudreau, Chief, Wildlife presented. In recent years, high demand in some general season hunts with limited tags has been a significant source of tag buyer congestion at Department offices, vendor locations, and on-line sales. Capped elk zone tags go on sale for residents on July 10th (or the following business day if on a weekend), and some zones have sold out in mere minutes due to their popularity. In 2017 Sawtooth Zone tag sales were moved to a different date to help manage the congestion, but other zones also began to experience similar interest and quick sale.

To address this issue, the Commission adopted a rule (effective in 2020) to allow the Commission to establish a wait period of up to five (5) days for resident controlled hunt applicants to buy general hunts with tag limits (capped zones). In 2020, the Commission acted to delay eligibility (in 2020 only) for 5 days for controlled hunt applicants to purchase capped zone elk tags.

A comparison of sales data for elk tags between 2020 and 2019 indicates that the 5-day waiting period did extend the availability of some capped zone tags in 2020. In 2020, only 3 of the 17 capped zones (excluding the Sawtooth Zone) sold out within 5 days, and in those zones the available tag times were extended by 1.5 days compared to 2019 (Appendix 54, Exhibit 21).

Staff recommends adoption of a consistent wait period for capped elk zones. A five-day wait period means a 2021 elk controlled hunt applicant would not be able to buy a resident capped zone elk tag until July 17, 2021, and a 2022 elk controlled hunt applicant would not be able to buy a resident capped zone elk tag until July 16, 2022.

21-22 Commissioner Davies moved and Commissioner Cameron seconded a motion that a wait period of five (5) days be established for eligibility in 2021 and 2022 to buy a resident capped elk zone tag for any person who applies for a controlled elk hunt in the same calendar year. Motion carries.

Revised Outfitter Allocation in Newly Limited Deer Units for 2021 Seasons

Jon Rachael, Southwest Regional Supervisor presented (Appendix 54, Exhibit 22).

In November 2020, the Commission set nonresident limits for 2021 general hunt tags, based on a “sliding scale” for each game unit for deer and for each previously uncapped elk zone. This action set nonresident limits for deer in all general hunt units, Elk A tags in 20 zones, and Elk B tags in 6 zones. The Commission also allocated a portion of these tags for outfitters based on the highest outfitted use in each newly limited zone/unit during 2018 and 2019, the 2 most recent years for which use data were available from the Idaho Outfitters and Guides Licensing Board (IOGLB). Following the Commission’s November 2020 action, staff identified additional circumstances for the Commission to consider in potential revision of these limits. The Commission reviewed the circumstances related to outfitter allocated elk tags and took related action at its January 28, 2021 meeting. Following Commission direction at the January 28, 2021 meeting, staff have continued to work with the IOGLB and IOGA regarding outfitter reporting information for general deer tags.

For 2021 general deer hunts, staff recommends the Commission modify the number of outfitter-allocated regular deer and white-tailed deer tags set by proclamation at the Commission’s November 20, 2020 meeting, based on 100% of the highest outfitted use as reported to IOGLB (2018-2019 use years). Because over-the-counter nonresident deer tags have sold out in most game units, increasing the number of outfitter allocated tags would also involve increasing the 2021 total nonresident limits in the affected units.

Staff recommendation for 2022 general elk and deer hunts in previously unlimited zones, staff recommends the Commission defer action on setting nonresident deer and elk tag limits until later this year. Deferring action for 2022 will give the Commission the ability to consider information from negotiated rulemaking related to the statewide outfitter set-aside and from upcoming staff discussion and coordination with IOGLB and IOGA regarding 2020 outfitter use information.

21-23 Commissioner Murphy moved and Commissioner Cameron seconded a motion that the Commission amend its November 20, 2020 proclamation as it relates to 2021 limits on total nonresident general hunt tags, over-the-counter tags, and outfitter allocated tags for regular deer and white-tailed deer as specified in the tables as they now appear before [the Commission], with direction to reduce the over-the-counter nonresident tag limit and any amended increase in the total nonresident tag limit for a unit, 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 unit now, or be later returned (such as in exchange for a controlled hunt tag). Motion carries.

LEGISLATION

Legislative Update

Deputy Director Kline updated the Commission about legislative activity since initiation of the 2021 Legislature on January 11, 2021 (Appendix 54, Exhibit 23). Weekly legislative conference calls were initiated on February 4 at 8:00 a.m. MST.

SEASON SETTING AND RULES

Rulemaking Update

Deputy Director Kline provided the following rulemaking update (by rule category):

1. Pending Non-Fee Rules (2021 Legislative Session).

All pending non-fee rule dockets before the Legislature this Session have been approved by the House Resources and Conservation and Senate Resource and Environment committees, with the exception of the following rule section that was not approved by the House Resources and Conservation Committee:

13.01.09.100 SAGE AND SHARP-TAILED GROUSE TAGS AND PERMITS AND VALIDATIONS.

No person may hunt sage or sharp-tailed grouse anywhere within the state, except licensed shooting preserves, without having in possession the appropriate *hunting license with tag* (if required under Section 36-409, Idaho Code) or *permit validation for sage grouse and sharp-tailed grouse whose fee is specified in Section 36-416, Idaho Code.*

Pending non-fee rule dockets that were approved:

Docket 13-0104-2002

Docket 13-0108-2001

Docket 13-0109-2002

Docket 13-0116-2002

Unless rejected by concurrent resolution (rejection by both House and Senate floor votes), all Pending Non-fee Rules the Commission directed the Department to pursue will become Final Rules upon adjournment of the 2021 legislative session and remain in effect through June 30, 2022.

Agency rules that took effect in prior years will expire June 30, 2021 unless the Legislature passes a bill to extend the rules for another year (referred to as the “going home bill”). Because it appears the Legislature may not act to extend rules beyond June 30, 2021, the Governor’s Office is prepared to support agency temporary rulemaking to ensure rule continuity in the next fiscal year (beginning July 1, 2021).

2. Pending Omnibus Fee Rules

Pending fee rules require adoption by concurrent resolution to become final rules. Agency fee rules expired at the end of the 2020 Legislative Session in the absence of legislative action. Accordingly, the Governor’s Office authorized Temporary & Proposed Omnibus Rulemaking for

fee rules. The Commission's Pending Fee Rules are before the Legislature this Session as Docket 13-0000-2000F, and both Senate and House Resource Committees have approved the Omnibus Fee Rules.

However, unless approved by concurrent resolution of the full House and Senate, these Fee Rules will expire again upon adjournment of this Legislative Session. Consistent with Governor's Office direction, on February 25, 2021, the Commission conditionally adopted Temporary Fee Rules to ensure rule continuity in case the Legislature does not act to approve the Pending Fee Rules as Final Rules.

3. Commission Temporary Rule

At their December 22, 2020 meeting the Commission adopted a Temporary Rule to increase the number of general hunt elk tags set aside for outfitters from 2,400 to 2,800 for sale to persons who have entered into an agreement with a licensed outfitter.

Senate and House Resource Committees have approved extending the temporary rule through the 2022 Legislative session. However, temporary rules require approval by concurrent resolution of the full House and Senate to remain in effect upon adjournment sine die. If the Legislature fails to adopt a concurrent resolution to extend this temporary rule, additional temporary rulemaking will be needed for the rule to remain in effect.

4. Rulemaking for 2022 Legislative Session

a. Zero-based Regulation Rulemaking (Five-Year Rulemaking).

The Governor's Office directed Executive Agencies to conduct a five-year review of all rules and continue efforts to eliminate outdated or unnecessary language and eliminate restrictions. This directive (E.O. 2020-01) is a continuation of work initiated under the Governor's Red Tape Reduction Act (E.O. 2019-02).

Consistent with Governor's Office and Commission Direction, the Department is beginning negotiated rulemaking for three IDAPA 13 Chapters for year-one of Zero-based Regulation Rulemaking (2021 rulemaking, with 2022 Legislative Review). At a subsequent Commission meeting, staff will update the commission on rulemaking as part of the process of developing Proposed Rule language.

b. Outfitter Elk and Deer Tags Set-aside (Rulemaking petition by Idaho Outfitter and Guides Association).

At their December 22, 2020 meeting, the Commission directed the Department to conduct Negotiated Rulemaking in response to a petition from the Idaho Outfitter and Guides Association. The petition requested increases to the number of tags the Commission sets aside for use by outfitted hunters (Idaho Code 36-408 allows a maximum of 25% of the nonresident quotas for deer and elk tags to be set-aside for hunters using licensed outfitter services). A negotiated rulemaking meeting is scheduled for March 31, 2021 at 6:00 MDT.

At a subsequent Commission meeting, staff will review results of the public comment period as part of the process of developing Proposed Rule text.

MANAGEMENT PLAN

Update on Pelican Management

Rex Sallabanks, Wildlife Diversity Program Manager and Jeff Dillon, Fisheries Research Manager presented.

In May 2016 the Commission approved a 10-year Management Plan for the Conservation of American White Pelicans in Idaho. The Plan established abundance objectives for breeding pelicans statewide and for each Idaho colony, and described management actions to reduce impacts from pelican predation on native trout and other sport fisheries.

Recent changes in breeding pelican distribution in the Southeast Region have prompted fisheries and wildlife staff to adjust management strategies to reduce predation on native Yellowstone Cutthroat Trout in the Blackfoot River. A new pelican breeding colony was detected in 2020 at Chesterfield Reservoir, likely as a result of our intensive hazing at the Blackfoot Reservoir colony. Staff intend to allow this new colony to persist and to eliminate all pelican nesting on Blackfoot Reservoir islands. Staff believe a “relocation” of the breeding colony to Chesterfield will result in lower predation rates on Yellowstone Cutthroat Trout and will greatly simplify management actions on Blackfoot Reservoir islands. Objectives for colony size in the Southeast Region remain the same (350 nests, 700 breeding birds) and staff continue to seek lethal take authority from the U.S. Fish and Wildlife Service where needed to manage the breeding colony or to dissuade adult pelicans from foraging on the Blackfoot River.

REPORT

Citizens Shooting Range Committee Report

Sharon Kiefer, Chief, Communications provided the committee report.

Background: At the November 2020 meeting, the Commission was briefed about revisions to the shooting range grant program implemented by House Bill 396 passed by the 2020 Idaho Legislature and supported by the Commission.

A key element of House Bill 396 was the charge to the Director to appoint a committee with representation by active recreational shooters to advise the Director about the annual shooting range applications and funding decisions. The application period for the Citizen Shooting Range Grant Advisory Committee (Committee) closed October 30, 2020 and the Department received just over 60 applications. In consultation with the regions, the Director selected an applicant from every region, except Salmon due to lack of applicants. The seat for the Salmon region remains open should there be an interested applicant.

Shooting Range Grant Advisory Committee Members:

- Richard Gerhard, Panhandle Region
- Morgan Drew, Clearwater Region
- Lonnie Eads, Southwest Region
- John Weston, Magic Valley Region
- Richard Cheatum, Southeast Region
- Cody Lish, Upper Snake Region
- Salmon Region – Vacant

The Committee met on January 20 and February 24 and anticipate another meeting to be held mid-March. The Committee will send funding recommendations to the Director in April for Commission approval.

SEASON SETTING AND RULES

Migratory Game Bird Briefing

Jeff Knetter, Upland Game & Migratory Bird Coordinator, provided the briefing.

Idaho's waterfowl seasons are set within a framework established by the U.S. Fish and Wildlife Service (USFWS), after they consult with all state fish and wildlife agencies. Regulatory decisions are made using biological data observed the previous year. This process and schedule mean season frameworks (e.g., outside dates, season lengths, bag limits) are finalized early enough for state agencies to select and publish season dates well in advance of fall seasons. Furthermore, this process allows the Commission to set seasons for all migratory game birds at the same time.

The Adaptive Harvest Management (AHM) process determines the general duck season framework. This process was adopted by the USFWS in 1996 and is used to evaluate duck habitat and populations annually. The AHM process informs the optimal season framework for U.S. duck seasons. Special harvest strategies are used for some of the less common ducks. Goose seasons are determined by flyway management plans for each goose population.

American crow seasons are set by states as per the hunting regulations defined in the Federal Register ((i.e., 50 CFR 20.133).

Dove seasons are determined by the mourning dove harvest strategy for doves in the Western Management Unit, which is based on band returns.

Sandhill crane seasons are directed by the Pacific Flyway Council Rocky Mountain Population Crane Plan.

The Commission will set Idaho's migratory game bird seasons during their April 15 conference call.

REPORTS

Hunter Congestion Survey 2020 Report

Kenneth E. Wallen, Ph.D., University of Idaho provided the report on the survey.

To continue the process of addressing hunter crowding, the Department began a statewide, regionally stratified elk, mule deer, and white-tailed deer hunter survey in March 2020 with the objective of assessing resident hunters' experiences with and perceptions of crowding. A report of the 2019 crowding survey (year one) is now available. Key takeaways from the report include:

- Crowding is complex issue and not necessarily caused by a single factor; crowding is a multi-dimensional phenomenon experienced by individuals and groups differently.
- Crowding is a larger issue in southern Idaho compared to northern Idaho, but specific elk zones and GMUs have higher than average crowding scores, regardless of geography.
- Hunters who purchased a regular deer tag to pursue mule deer experienced the highest average level of perceived crowding during the 2019 season.
- Elk hunters (A/B tag) in the Magic Valley region and the Smoky-Bennett zone perceive the highest levels of crowding, on average, in 2019.
- Exclusive whitetail hunters (purchased white-tailed deer tag) perceive the lowest levels of crowding, on average, in 2019.
- Hunters who pursue elk and mule deer are likely to report higher crowding levels relative to hunters who pursue other ungulate species.
- All hunters, regardless of tag or species, perceive more hunters now than in the past.
- All public land hunters perceive higher levels of crowding than private land hunters.
- Satisfaction is not necessarily associated with perceptions of crowding.

In March 2021, a year two (2020) survey will be implemented to collect longitudinal trend data. Modifications and details of that survey process will be presented. Additional comparable surveys are planned for the 2021, and 2022 general elk and deer seasons.

Director's Report

Director Schriever updated the Commission on Department happenings and the written report stands as written in the agenda packet.

Commissioner Reports

Commissioner reports stand as written (Appendix 54, Exhibit 24).

MISCELLANEOUS

Planning for Next Meeting

The next meeting is scheduled for May 5-6 in Coeur d'Alene.

Executive Session

21-24 Commissioner Cameron moved and Commissioner Clezie seconded a motion to that the Commission go into executive session under Idaho Code 74-206 subsections (1) c and (f). Roll call vote: Ayes: Brad Corkill, Don Ebert, Tim Murphy, Greg Cameron, Lane Clezie, Derick Attebury and Ron Davies. The executive session concerned potential property acquisition and litigation matters.

21-25 Commissioner Cameron and Commissioner Clezie seconded a motion that the Commission come out of executive session with the record to reflect no final action was taken. Motion carries.

Adjourn



Greg Cameron
Chairman



Ed Schriever
Secretary