

**Idaho Fish and Game Commission  
Idaho Department of Fish and Game  
Panhandle Region  
May 5-6, 2021  
Coeur d'Alene, Idaho**

**May 5****MISCELLANEOUS****Commission Field Tour Coeur d'Alene River**

Commissioners Ebert, Murphy, Cameron, Clezie and Davies participated on the tour.

**Public Meeting**

Chairman Corkill called the meeting to order and reviewed the rule 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: Tom Anderson, Glenn Lefebvre, Richard Gerhard, Calvin Nolan, John Gilbert, Eric Gilbert, Justin Webb and Starr Kelso. Jake Rajala submitted written comments regarding upcoming fishing regulations.

**May 6****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.

**Review of Public Comment**

Director Schriever and Commissioners discussed and reviewed the public comments.

- Shooting Range Committee comments, the committee is new this year, agenda item 5.A.
- Comments to close all fishing for rainbow (Kamloop) trout in the tributaries of Lake Pend Oreille including the Clark Fork River during the main spawning season which occurs during late winter and spring.
- The Department continued use of nets in managing predator fish species to retain effect on forage fish.

**CONSENT CALENDAR****Consent Calendar**

- Minutes: January 27-28, February 4,11,18, 28, March 5, 11, 2021
- Financial Report

Consent calendar items were adopted without objection.

## FISCAL

### **FY22 Shooting Range Grant Funding Recommendations for Commission Approval**

Sharon Kiefer, Chief, Communications presented.

Background: Staff briefed the Commission in November 2020 and March 2021 about implementation of HB 396 revisions to the IDFG shooting range grant program, which the Commission supported. Program revisions included formation of a new Range Grant Advisory Committee, including recreational shooters, to provide recommendations to the Director about funding range grant applications. The Commission approves grant funding annually.

The Pittman-Robertson (PR) funding available for FY22 is \$455,000, similar to recent years. Due to delays in state criminal proceedings in the pandemic, Fine & Forfeiture funding for FY22 will be about \$50,000, less than recent years of up to \$120,000. Total funds available for FY22 applications are projected to range from \$485,000 to \$505,000.

The Advisory Committee met four times during January to March. The Director received the Committee's funding recommendations for the FY22 range grants in early April. The Committee reached a consensus recommendation to fund twelve of the nineteen grant applications they considered, and had non-consensus recommendations on three other applications. The Committee provided valuable perspective and expertise for the Range Grant approval process. IDFG staff's evaluation of the grant applications was generally similar to the Committee's.

Table 1 (Appendix 54, Exhibit 27) is the Director's recommendation to the Commission to fund 15 of the FY22 range grant applications (consensus or mixed Committee recommendations), for a total of \$466,300.

Four of the range grant applicants (Valley County Gun Club, Elmore Sportsman's Association Shooting Complex, Magic Valley Bowhunters, and Butte County Sheriff's Office) were not recommended for funding because of either W-9 ineligibility or insufficient demonstration of reasonable public access. These applicants may re-apply in the future.

Three other grant applications for CXT toilet installation received separate funding: Lemhi County Shooting Range (Salmon Region), Blacks Creek Shooting Range (Southwest Region), and Boise River WMA Archery Range (Southwest Region). The Department also funded Conex storage boxes and new 3D targets for the Boise River WMA Archery Range.

**21-27** Commissioner Attebury moved and Commissioner Cameron seconded a motion to approve the Director's Range Grant Funding Recommendations in Table 1, with the Director retaining discretion for assigning the grant funding source. And the Commission thanks the Range Grant Citizen Advisory Committee for their valuable assistance to the Director for the approved recommendations. Motion carries.

## SEASON SETTING AND RULES

### Season Setting: 2021 Summer Chinook

Jim Fredericks, Deputy Director, reported on seasons targeting adult anadromous Chinook Salmon returning to the South Fork Salmon, upper Salmon, and Lochsa Rivers. Current forecasted returns are not sufficient to propose a fishery for these rivers. Staff recommends deferring action to a later date. Staff will continue to monitor returns of PIT-tagged salmon destined for these areas. The Commission deferred action for this agenda item.

## FISCAL

### Commission Direction for the Wolf Depredation Control Board Funds

Martha Wackenhut, Assistant Chief, Wildlife presented.

In 2014, the Idaho Legislature passed HB470 creating the Wolf Depredation Control Board to administer the wolf depredation control fund established by the same bill. HB470 was largely in response to the loss of federal funding for wolf depredation control. The Board has no management authority for wolves, which is held by the Fish and Game Commission.

This year's Senate Bill 1211 will increase the Department's annual contribution to the fund from a maximum of \$110,000 to a set amount of \$300,000. The livestock industry will continue to make a maximum annual contribution of \$110,000, and staff anticipate the livestock industry contribution in FY22 will be close to this maximum amount. The fund also receives general fund money, expected to be \$392,000 for FY22.

Staff are still evaluating potential changes related to SB1211 and recommend the Commission defer action on funding direction until the July meeting. The Commission deferred action.

### Commission Direction for Animal Damage Control Board Funds

Martha Wackenhut presenting. (Appendix 54, Exhibit 28)

Idaho Code 36-112 provides for the annual transfer of \$100,000 of Department funds to the State Animal Damage Control Board for control of predatory animals, with a requirement to follow Commission direction for use of these funds. Typically, the Commission has directed use of \$50,000 to support USDA Wildlife Services activities identified in the MOU between the Department and the Animal Damage Control Board for general control of predatory animals, and use of \$50,000 for specific wildlife management activities.

Staff recommends the Commission direct the expenditure of \$50,000 for general predatory wildlife control consistent with the Animal Damage Control Board MOU; \$25,000 for control of wolves, black bears and mountain lions, and \$25,000 for in the implementation of the State American White Pelican Plan.

**21-28** Commissioner Davies moved and Commissioner Clezie seconded a motion that the Commission adopt the staff recommendation to direct \$50,000 for general predatory wildlife

control consistent with the Animal Damage Control Board MOU, \$25,000 for control of wolves, black bears and mountain lions, and \$25,000 for assistance in the implementation of the State American White Pelican Management Plan. Motion carries.

## **SEASON SETTING AND RULES**

### **Season Setting: Migratory Game Birds**

Toby Boudreau, Chief, Wildlife, presented.

The federal Migratory Bird Treaty Act regulates the hunting of migratory game birds, including swans and other waterfowl. Idaho's waterfowl seasons are set within a framework established by the U.S. Fish and Wildlife Service (USFWS), after consultation with state fish and wildlife agencies. The current process and schedule use biological data observed the previous year, and season frameworks (outside dates, season lengths, bag limits) are now finalized early enough for 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. USFWS has used this process since 1996 to evaluate duck habitat and populations annually and inform the optimal season framework. Special harvest strategies are used for some less common ducks. Flyway management plans determine seasons for each goose population.

The Waterfowl Breeding Population and Habitat Survey was not conducted in 2020 due to the COVID-19 pandemic; consequently, adjustments to optimization methods and AHM decision frameworks are based on a predicted 2020 breeding population size and regulatory alternatives selected for the 2020 hunting season.

Based on a predicted 2020 breeding population size of 410,000 mallards in Alaska, and 530,000 in the southern Pacific Flyway, the optimal choice for the 2021 hunting season in the Pacific Flyway is the liberal regulatory alternative; a 107-day season for all waterfowl, except scaup (86 days). The maximum number of hunting days and bag limits allowed by the federal framework can be taken with no long-term impacts on Idaho's waterfowl resource.

The federal framework for ducks and dark geese was extended in 2019-20 to January 31.

The federal framework for light geese (snow and Ross's) was extended in 2008-2009 to March 10 for interior states within the Pacific Flyway. Idaho has implemented late-winter seasons since 2010.

In 2013, the federal framework for white-fronted geese was separated from Canada geese, and extended to March 10 within the Pacific Flyway. Idaho has implemented a late-winter season for white-fronted geese since 2014.

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

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

American crow seasons are set by states consistent with federal regulations (50 CFR 20.133).

In 2019 and 2020 the Department conducted mail and web-based surveys to obtain hunter input on how to structure migratory game bird (ducks, geese, and doves) seasons and zones, within the confines of the federal framework, which includes flexibility in start and end dates. There were over 4,100 respondents to the 2019 goose hunter opinion survey, and over 6,300 respondents to the 2020 duck and dove survey. At the time, the concept was to use survey input to guide Idaho waterfowl seasons for 2020-2025, rather than re-defining seasons each year.

Draft proposals for 2021-2022 Migratory Game Bird seasons were available for public comment on the Department's website from March 12–24. No open houses were held due to COVID-19 closures and social distancing recommendations. The Department recorded a season proposal overview video and held a virtual open house event on March 11 to provide an overview of proposals and answer questions. Over 400 participants provided 31 submissions during the virtual event. Additionally, the Department made 23 different posts/features on migratory game bird seasons-setting across three social media platforms (i.e., Facebook pages, Twitter, and Instagram) and reached over 37,000 people.

The Department also conducted a survey on season preferences and duck zone configuration among migratory bird permit holders –from Adams and Valley counties north - for whom the Department had a valid email address. Permit holders were sent an email with a link to a survey on the Department's website. The survey platform was available from April 12-23.

Chief Boudreau reviewed key results from the hunter preference surveys and staff recommendation for the 2021-2022 migratory game bird seasons (ducks, geese, swan, crane, snipe, and coot) (Appendix 54, Exhibit 29).

**21-29** Commissioner Davies moved and Commissioner Murphy seconded a motion that the Commission adopt staff recommendations for the 2021-2022 migratory game bird seasons, with the exception to move the duck season in Zone 3 to October 16, 2021 through January 28, 2022, and move the scaup season in Zone 3 to November 4, 2021 through January 28, 2022. Motion carries.

### **Zones**

Chief Boudreau provided a duck zone summary to the Commission (Appendix 54, Exhibit 30). Zones and split seasons are special regulations designed to distribute hunting opportunities and harvest according to temporal, geographic, and demographic variability in waterfowl populations. There are established federal guidelines to provide a framework for zones and splits.

For ducks:

- A zone is a geographic area or portion of a State, with a contiguous boundary, for which independent dates may be selected for the regular duck season.

- Once a zone and split option is selected during an open season, it must remain in place for the following 5 years.

Any State may continue the configuration used in the previous 5-year period. If changes are made, the zone and split-season configuration must confirm to one of the following options:

- No more than 4 zones with no splits,
- Split seasons (no more than 3 segments) with no zones, or
- No more than 3 zones with the option for 2-way (2-segment) split seasons in one, two, or all zones.

The USFWS's rationale for requiring duck zones and season splits to be set for 5 years at a time include:

- Their ability to conduct assessments of the consequences of zones and splits on duck harvest, and effect of season length and bag limit on duck harvest;
- Administrative burden associated with making more-frequent changes;
- Concern over the proliferation of zones and splits; and
- Little perceived need to change zones and splits annually for hunter satisfaction, recruitment, and retention.

The Fish and Game Commission chose not to modify the duck zone configuration for 2021-2025 seasons in 2020; however, due to the COVID-19 pandemic, the U.S. Fish and Wildlife Service granted states the ability to select duck zone configuration for the 2022-2025 seasons during 2021. The deadline for states to request changes to duck zone configurations for the 2022-2025 seasons is May 2022.

The Commission discussed different zone configurations.

**21-30** Commissioner Murphy moved and Commissioner Davies seconded a motion to modify the duck zone configuration (per below). Motion carries.

**Zone – (East Idaho):** All lands and waters within the Fort Hall Indian Reservation, including private inholdings; Power County east of State Highway 37 and State Highway 39; and Bannock, Bear Lake, Bingham, Bonneville, Butte, Caribou, Clark, Fremont, Jefferson, Madison, and Teton Counties.

**Zone - (Panhandle):** Benewah, Bonner, Boundary, Kootenai, and Shoshone Counties

**Zone – (Central & South Idaho):** Power County west of State Highway 37 and State Highway 39, and Ada, Adams, Blaine, Boise, Camas, Canyon, Cassia, Clearwater, Custer, Elmore, Franklin, Gem, Gooding, Idaho, Jerome, Latah, Lemhi, Lewis, Lincoln, Minidoka, Nez Perce, Oneida, Owyhee, Payette, Twin Falls, and Washington Counties.

**Zone – Valley County**

*Agency Note: Zone numbering was adjusted in the published proclamation for duck and geese seasons for simplified display.*

**21-31** Commissioner Ebert moved and Commissioner Cameron seconded a motion to amend the commission previous action for the 2021-2022 migratory game bird seasons to include Canada goose in moving the opening date to October 16 and closing on January 28, 2022. Motion carries.

**21-32** Commissioner Ebert moved and Commissioner Davies seconded a motion to clarify that motion 21-31 is for Canada geese only in “Zone 3” (*Zone 3 in Staff recommendation handout corresponds to Panhandle & Central/South Idaho zones above*). Motion carries.

### **Swan Tags Controlled Hunt**

Toby Boudreau, Chief, Wildlife, presented. In 2019, the U.S. Fish and Wildlife Service approved the Commission’s request for a swan hunting season in the Panhandle Region, incorporating the Pacific Flyway Council’s recommendation to allow a swan season in northern Idaho with up to 50 tags and a one-bird bag limit.

Idaho held its first swan hunt during fall 2020. The fifty (50) tags offered on a first-come, first-served basis. sold out very quickly, which caused frustration with some constituents.

The Commission directed the Wildlife Bureau to conduct public scoping for the option of a controlled hunt versus the 2020 general capped hunt framework to inform Commission decisions about future hunt frameworks. A public comment period was offered from April 12-23 (Appendix 54 Exhibit 31).

Commission consensus is for staff to proceed with development of a controlled hunt framework for swans. The Commission requested staff keep them updated on progress.

## **LEGISLATION**

### **Legislative Update**

Paul Kline, Deputy Director, presented. Commissioners received updated House and Senate bill tracking forms for the 2021 Legislature (Appendix 54, Exhibit 32).

### **Rulemaking Update**

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

#### **1. Agency Non-Fee Rulemaking**

The Commission has four Non-Fee Rule dockets before this Legislature this Session. These rules become final *sine die* unless the Legislature adopts a concurrent resolution to reject these dockets. These rules represent a very minor fraction Fish and Game rules (IDAPA 13). If the Legislature does not act to extend other existing non-fee rules this session through the traditional “going home bill,” those rules will expire June 30, 2021.

To avoid having rules expire, DFM is expected to initiate a process for temporary rulemaking to ensure there is no “rule gap.” At a future Commission meeting, staff will review Commission actions needed to address non-fee rulemaking needs.

## **2. Agency Omnibus Fee Rulemaking**

Agency fee rules are currently in place as temporary rules. Rule Docket 13-0000-2000F is the pending fee rule docket before the Legislature. Although both House and Senate Resource Committees reviewed these dockets favorably, the full House and Senate must adopt a concurrent resolution for fee rules to become final. Consistent with DFM’s instruction to agencies, the Commission conditionally adopted omnibus temporary fee rules at the February 25, 2021 meeting. These new Temporary Fee Rules will take effect *sine die* if the Legislature adjourns without adopted a concurrent resolution.

## **3. Temporary Rules**

The Commission has five temporary rules in place (limits on nonresident Disabled American Veteran deer and elk tags, early two-day waterfowl opportunity for veterans and active military, mandatory swan validation/check in, turkey permits, and increased outfitter elk tag set-aside from 2,400 to 2,800). These temporary rules expire *sine die*. Four of these temporary rules will be replaced *sine die* with final rules in dockets described in Agency Non-Fee Rulemaking above. The temporary rule docket raising the outfitter set-aside will expire *sine die*, and there is no pending rule docket to transition this rule to final status. At a future Commission meeting, staff will review additional rulemaking actions for outfitter set-aside.

## **4. Governor’s Zero-Based Regulation Rulemaking**

This rulemaking continues efforts to clean-up agency rules initiated in 2019 as part of the Governor’s Red Tape Reduction Act. The Commission provided direction to staff to initiate Negotiated Rulemaking for year-one efforts. IDAPA 13 chapters (1, 7 & 9) were selected for review and clean-up in year one. Negotiated rulemaking meetings were held on March 12, 2021 (chapter 1) and March 25, 2021 (chapters 7 and 9). At a future Commission meeting, staff will review the outcome of these negotiated rulemaking meetings and other public comments and make recommendations for formal Commission rulemaking.

## **5. Petitioned Rulemaking**

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 was held on March 31, 2021. At a future Commission meeting, staff will review the outcome of this negotiated rulemaking meeting and other public comments and discuss Commission options regarding “next steps” for rulemaking.



## **REPORT**

### **Idaho Fish & Wildlife Foundation Report**

Hilarie Engle, Foundation Development Coordinator, provided the report. She noted it has been one year since the demo started on the former HQ building. As of April 7, construction was 52% complete. The project is still on budget and on schedule for a move-in date in December 2021.

## **FISCAL**

### **FY 23 Budget Forecast and License System Updates**

Michael Pearson, Chief, Administration, reported that the Department has begun the planning process for preparation of the fiscal year 2023 budget request to be submitted to the Governor's Office by September 1st. Mr. Pearson reported on the current financial status of the Department and discussed revenue and expense expectations for the upcoming budget year.

### **License System Update**

On November 1, 2020 the Department launched its license sales system (iWILD) to a new contractor, Brandt. This transition included several new features and customer service adaptations that were previously not possible with the former contract. A key component of the new system is the ability to limit nonresident deer and elk general hunt tags by unit and zone consistent with Commission action on November 20, 2020. Eleven days later, those limited tags went on sale for 2021 and resulted in the single biggest sales event in Department history, with over \$10 million in sales and 20,000+ nonresidents trying to get a tag. Brandt and the IDFG Licensing team have worked hard since then to continue to identify and resolve system errors and implement changes to facilitate controlled hunt draws, outfitter tag allocation, and other customer-service oriented features.

## **SEASON SETTING AND RULES**

### **2022-2024 Fishing Season Scoping and Draft Proposals**

Joe Kozfkay, State Fisheries Manager, reported on triennial (3-year) fishing season setting for 2022-2024. During March and April, 2021, the Department completed internal and public scoping regarding potential changes from current fishing seasons. (Appendix 54, Exhibit 33). Based on scoping input and biological information, staff developed draft proposals (Appendix 54, Exhibit 34) to circulate for additional public input before presenting the 2022-2024 season and limit recommendations for the Commission's consideration in November.

Joe DuPont, Regional Fisheries Manager, provided a report about anadromous fishery proposals in the Clearwater Region (Appendix 54, Exhibit 35). To reduce controversy for fall Chinook Salmon and steelhead fisheries, the Department worked closely with the Clearwater River Fisheries Working Group to develop season and limit proposals consistent with the 2019-2024 Fisheries Management Plan. There are 13 members in this citizen-based working group.

## REPORT

### IDFG Program Updates

Paul Kline, Deputy Director provided the update.

1. Idaho law authorizes the Commission to issue free permits or tags for specific programs.

Children with Special Needs Big Game Tag Program. Five game tags are available annually for children with life-threatening medical conditions sponsored by qualified non-profit organizations. Tags may be used for deer, elk, pronghorn, moose, black bear or mountain lion in general hunts or controlled hunts offering 5 or more tags. The application window is January 2 - January 31. Three sponsoring organizations (Hunt of a Lifetime, Hunting Dreams and Outfitters 4 Hope) applied for tags for seven children. Four residents and one nonresident were drawn for 2021 tags on April 13, 2021.

Disabled Veterans Big Game Tag Program. Five game tags are available annually for disabled Veterans sponsored by qualified non-profit organizations. Two tags are designated to the Idaho's Division of Veterans Services (DVS), and the Department cooperates with DVS to screen applicants and draw tags. Tags may be used for deer, elk, pronghorn, moose, black bear or mountain lion. in general hunts or controlled hunts with 5 or more tags. The application window is January 2 - January 31. The drawing for 2021 tags coming hunt year was April 28, 2021.

2. Commission Community Challenge Grant Program. The Application period for Fiscal Year 2022 was March 1 - April 15, 2021. The Department received the following applications:

Region	Applications
Panhandle Region	2
Clearwater Region	3
Southwest Region	3
Magic Valley Region	5
Southeast Region	2
Upper Snake Region	1
Salmon Region	2
Statewide	5

Regional and statewide staff teams will review applications and make recommends for Commission consideration at the July, 2021 meeting.

## MISCELLANEOUS

### Election of Commission Chair and Vice Chair

21-33 Commissioner Attebury moved and Commissioner Clezie seconded a motion to nominate Greg Cameron for Chairman and Tim Murphy as Vice Chairman. Motion carries.

## REPORTS

### Director's Report

Director Schriever highlighted items from the director reports in the agenda packet. He also reported that the USFWS recently published a draft Hunt Plan for elk at the Camas Wildlife Refuge in the Federal Register. The Department is hoping to see a Fall hunt opportunity.

### Commissioner Reports

Commissioner reports stand as written (Appendix 54, Exhibit 36).

## MISCELLANEOUS

### Planning for Next Meeting

The next Commission conference call is set for May 20 at 9:00 a.m. MDT.

### Executive Session

**21-34** Commissioner Murphy moved and Commissioner Clezie seconded a motion that the Commission go into Executive session under Idaho Code 74-206 (1)(b)(c)(f).

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

The Commission discussed potential property acquisition, litigation matters, and evaluation of the Director's performance.

**21-35** Commissioner Murphy moved and Commissioner Clezie seconded a motion to come out of executive session with no action taken.

### Salary Recommendation for Director

**21-36** Commissioner Davies moved and Commissioner Attebury seconded a motion to recommend the Director's pay increase in accordance with the Department's CEC plan and with Governor's office direction. Motion carries.

### Adjourn



Greg Cameron  
Chairman



Ed Schriever  
Secretary

