

**Idaho Fish and Game Commission  
Special Meeting – June 3, 2021  
Idaho Department of Fish and Game  
Nampa, Idaho**

A meeting of the Idaho Fish and Game Commission was held by telephone conference, attended by Commissioners Brad Corkill, Don Ebert, Tim Murphy, Greg Cameron, Lane Clezie, Derick Attebury and Ron Davies.

IDFG staff present: Director Schriever, Deputy Director Jim Fredericks; Deputy Attorney General Kathleen Trever, Deputy Attorney General Owen Moroney, Mary Boyer, Lance Hebdon, Toby Boudreau, and Frank Edelmann. IDFG participating via phone: Martha Wackenhut, Dave Silcock, Greg Wooten, Sharon Kiefer, Ryan Walrath and Katie Oelrich.

Chairman Cameron called the meeting to order at 9:00 a.m. MDT

**MISCELLANEOUS**

**Executive Session**

**21-38** Commissioner Corkill moved and Commissioner Clezie seconded a motion that the Commission go into executive session under Idaho Code 74-206 (1) subsections (d)(f).

The Commission reviewed a legal advice memo and litigation matters with legal counsel.

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

**20-39** Commissioner Corkill moved and Commissioner Attebury seconded a motion to come out of executive session with no action taken.

**Open session**

**SEASON SETTING AND RULES**

**Chinook Season Setting**

Lance Hebdon, Anadromous Fish Manager, presented the proposals for the Lower Salmon River, South Fork Salmon River and the Clearwater River Basin (Appendix 54, Exhibit 37).

**20-40** Commissioner Ebert moved and Commissioner Davies seconded a motion to accept the chinook salmon proposals as presented. Motion carries.

**Repeat & Adoption of Temporary Fee Rules (Omnibus Rulemaking)**

Jim Fredericks, Deputy Director presented.

**Background:** On the afternoon of May 20, the Division of Financial Management issued revised direction related to agency omnibus temporary fee and non-fee rulemaking. This direction involves revision of the Commission's prior actions (taken in February and May) for fee and non-fee omnibus rulemaking. The direction includes rescinding previously adopted temporary rules and re-adopting omnibus rules with effective dates of July 1 to avoid confusion as to which rules are in effect. This situation has not come up before because the Legislature has always adjourned *sine die* before June 30, the date upon which final rules expire unless the Legislature acts to extend them.

In addition, the Department recommends the adoption of a new rule section (IDAPA 13.01.08.413) (draft circulated to the Commission) to address changes in law that will take effect on July 1 with the enactment of Senate Bill 1211 related to wolf management. The Governor's Office has approved this temporary rulemaking and it is incorporated into the Commission's omnibus non-fee temporary rulemaking package.

*Prior Commission Action on Omnibus Fee Rulemaking*

On February 25, 2021, the Commission conditionally adopted omnibus fee rules (Commission Motion 21-14) at DFM's direction to take effect upon adjournment *sine die* of the 2021 Legislature if the Legislature did not take action to approve or reject pending fee rules. This action did not anticipate that the Legislature would not adjourn before June 30.

*Prior Commission Action on Omnibus Non-Fee Rulemaking*

On the morning of May 20, the Commission adopted omnibus non-fee rules consistent with DFM direction. However, in the afternoon of May 20, DFM revised its direction after considering additional information including legal advice from the Attorney General's Office related to the lack of the adjournment of both the Senate and House of the Legislature before June 30.

Statutory changes adopted with the passage of Senate Bill 1211 will take effect July 1, 2021. Changes that affect recreational wolf hunting and trapping include amendments to Idaho Code 36-201 (trapping seasons and methods of take) and Idaho Code 36-408 (wolf tags). The Commission's May 20 temporary rulemaking incorporated changes to use of wolf tags. Following additional review, additional temporary rulemaking is appropriate to address the statutory changes related to methods of take (Idaho Code 36-201 and 36-1101) and provide for waiver of big game shooting hours for hunting wolves.

Staff recommends the Fish and Game Commission rescind existing temporary rules consistent with DFM direction, and adopt temporary fee and non-fee rules consistent with the Commission's prior omnibus rulemaking actions in February (fee) and May (non-fee). Staff also recommends incorporation of amendments to IDAPA 13.01.08.413 related to the passage of Senate Bill 1211.

**20-41** Commissioner Ebert moved and Commissioner Clezie seconded a motion that the Commission rescind its temporary fee rules effective July 1, 2021 and adopt temporary fee rules as we previously adopted them in Commission Motion 21-14 on February 25, 2021, such that they become effective on July 1, 2021.

Pursuant to Section 67-5226, Idaho Code, the Governor has found that temporary adoption of these rule is appropriate to protect the public health, safety, and welfare of the citizens of Idaho and confer a benefit on its citizens.

These rules implement the duly enacted laws of the state of Idaho, provide citizens with the detailed rules and standards for complying with those laws, and assist in the orderly execution and enforcement of those laws. Expiration of previously adopted fee rules without due consideration and processes would undermine the public health, safety, and welfare, of the citizens of Idaho and deprive them of the benefit intended by these rules. Motion carries.

**Repeal & Adoption of Temporary Non-Fee Rules Omnibus Rulemaking,( as amended to address Senate Bill 1211)**

**20-42** Commissioner Corkill moved and Commissioner Attebury seconded a motion that the Commission rescind its temporary non-fee rules effective July 1, 2021 and adopt the temporary non-fee rules as we previously adopted them on May 20, 2021, with the amendment to 13.01.08.413 as presented by staff, such that these temporary rules become effective July 1, 2021.

Pursuant to Section 67-5226, Idaho Code, the Governor has found that temporary adoption of these rules is appropriate to protect the public health, safety, and welfare of the citizens of Idaho and confer a benefit on its citizens.

These rules implement the duly enacted laws of the state of Idaho, provide citizens with the detailed rules and standards for complying with those laws, and assist in the orderly execution and enforcement of those laws. Expiration of previously adopted non-fee rules without due consideration and processes would undermine the public health, safety, and welfare, of the citizens of Idaho and deprive them of the benefit intended by these rules. Motion carries.

**Scoping of Potential Changes to 2021-2022 Wolf Season Proclamation (information)**

Toby Boudreau, Chief, Wildlife, reviewed information for scoping/communicating potential changes (Appendix 54, Exhibit 38) to 2021-2022 wolf hunting and trapping seasons with the public related to changes in Idaho laws taking effect July1.

Senate Bill 1211 related to wolf management will become law effective July 1, 2021. The law states that wolf trapping season will be open-year round on private land and authorizes the use of additional methods for taking wolves if they are used for other wild canines (coyotes and foxes). The law also address the use of wolf tags for hunting and trapping.

Changes adopted through the passage of Senate Bill 1211 will take effect July 1, 2021. Changes that affect recreational wolf hunting and trapping include amendments to Idaho Code 36-201 (trapping seasons and methods of take) and Idaho Code 36-408 (wolf tags).

Commission consensus is for staff to proceed with public scoping/ communicating potential changes to 2021-2022 wolf hunting and trapping seasons with the public based related to changes in Idaho law taking effect July 1.

**Adjourn**



Greg Cameron  
Chairman



Ed Schriever  
Secretary