

**Idaho Fish and Game Commission  
Idaho Department of Fish and Game  
Southeast Regional Office  
July 13-14, 2021  
Pocatello, Idaho**

**July 13**

**MISCELLANEOUS**

**Commission Field Tour**

Commissioners Don Ebert, Tim Murphy, Greg Cameron, Lane Clezie, Derick Attebury and Ron Davies participated on a tour of American Falls.

**Public Meeting**

Chairman Greg Cameron 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 Wednesday business meeting. Commissioners Don Ebert, Tim Murphy, Lane Clezie, Derick Attebury and Ron Davies were present. Commissioner Brad Corkill was absent.

The following individuals provided public comment: Jeff Broadbent, Lauren Redig, Hubert Quade, Joe Foster, Brad Smoot, Sarah Jackson, Justin Webb, Greg Mladenke and Mike Larkin. Commissioners were provided with copies of all email comments received.

**July 14**

**MISCELLANEOUS**

**Opening Comments**

The meeting was called to order by Chairman Greg Cameron at 8:00 a.m. Commissioners Don Ebert, Tim Murphy, Lane Clezie and Ron Davies were present. Commissioners Brad Corkill and Derick Attebury were absent.

**Agenda Changes**

Following the review of public comment, Deputy Attorney General, Kathleen Trever will provide an update on rule procedures. Agenda item # 7 is an action item.

**Review of Public Comment**

Director Schriever and Commissioners discussed and reviewed the public comments. Director Schriever noted that most of the comments were in regards to agenda item 5. D. Sage-grouse season setting.

- Request to hunt pheasant with a crossbow, Deputy Director Fredericks will follow up on this request. Other topics discussed:
- Wolves and wolf management.
- Climate change and effects on fish and wildlife.
- Comments from falconers who felt left out of the conversation regarding season setting for sage-grouse length of season and had concerns with tag availability.
- Pheasant stocking program expansion.

## **REPORT**

Deputy Attorney Kathleen Trever briefed the Commission on Parliamentary procedures.

## **CONSENT CALENDAR**

### **Consent Calendar**

- Minutes March 17-18 and April 22, 2021
- Financial Report

Consent calendar items were adopted without objection.

## **FISCAL**

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

Toby Boudreau reported that the Idaho Wolf Depredation Control Board is responsible for administering the wolf control fund established in Idaho Code 22-5305. Legislation created the Board in 2014, 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.

In 2021, [Senate Bill 1211](#), increased the annual transfer of Department funds to the Board to a total amount of \$300,000 (the annual transfer under Idaho Code 22-5406 was previously a maximum of \$110,000). The Department provided \$54,565, \$105,331, \$95,351, \$93,733, \$110,000, \$110,000 and \$110,000 in FY15, FY16, FY17, FY18, FY19, FY20 and FY21 respectively. The Board receives an appropriation from the general fund; \$392,000 for FY22.

Previous Commission direction has been to use the sportsmen funds for management and control of wolves for the protection of ungulates in areas with department-approved predation management plans and where ungulate management objectives are not being achieved. Additionally, in February 2021, the Commission gave amended direction to use funds (that IDFG anticipated would otherwise be unspent in FY2021) to increase the funding amount for the Foundation for Wildlife Management FY21 Commission Challenge grant. The grant helps fund a program to reimburse expenses hunters and trappers incur during the harvest of wolves in GMUs

where increased wolf harvest will promote elk management objectives, as well as GMUs where landowner/wolf conflicts are occurring.

Idaho Code Title 22, Chapter 53 identifies the responsibilities of the Idaho Wolf Depredation Control Board, related responsibilities of the Commission, and funding for administration of wolf depredation control. To maintain eligibility for Idaho's receipt of federal excise tax funds for wildlife conservation, fish management and restoration, and public shooting ranges (such as the Pittman-Robertson Act excise tax on firearms, ammunition, and hunting equipment), the Fish and Game Commission must maintain control of its license funds. Idaho Code 22-5306 maintains this control by authorizing the Commission to direct the Board's use of fish game funds and requiring the Board to comply with Commission direction for funding wolf depredation control activities.

Senate Bill 1211 provides directions that, beginning in fiscal year 2022, the state controller shall annually, as soon after July 1 of each year as practical, transfer three hundred thousand dollars (\$300,000) from the fish and game fund to the fish and game fund transfer subaccount of the wolf control fund.

Staff recommends directing the expenditure of up to \$300,000 of fish and game funds for management and control of wolves for the protection of ungulates in management units/zones with predation management plans or where management objectives are not otherwise being achieved, and in units where wolf depredations on livestock or other domestic animals are chronic.

Staff recommended expenditure of fish and game funds would include up to \$100,000 for Department-directed control and related actions for the protection of ungulates in units/zones with predation management plans or where management objectives for ungulates are not otherwise being achieved. Expenditure of fish and game funds would also include providing up to \$200,000 via Department cooperative agreement for nonprofit organization reimbursement of hunters and trappers for expenses incurred during the harvest of wolves in units/zones with predation management plans or where management objectives for ungulates are not otherwise being achieved, and in units where wolf depredations on livestock or other domestic animals are chronic.

**21-43** Commissioner Murphy moved and Commissioner Clezie seconded a motion that the Commission adopt staff recommendation for direction to the Idaho Wolf Depredation Control Board to expend up to \$300,000 in management units / zones for the protection of ungulates and to address chronic livestock depredation. Motion carries.

### **Discount Order for Bighorn Sheep Lottery Tag Application**

Jim Fredericks, Deputy Director presented.

Idaho Code Section 36-408(5)(b) authorizes the Commission to issue one (1) special bighorn sheep tag each year, with the tag to be issued by the Department of Fish and Game to an eligible person as determined by lottery drawing. Under Section 36-408 the bighorn sheep "lottery tag"

may be marketed by the Department or a nonprofit organization dedicated to wildlife conservation selected by the Commission.

Commission rule, IDAPA 13.01.04.800, clarifies that “tickets” for the bighorn sheep lottery tag are nontransferable controlled hunt applications. Agreements with the nonprofit organization selected for marketing the Bighorn Sheep Lottery Tag have identified discounted prices, including additional discounts for multiple purchases. The published brochures (season proclamation and summary of rules) for Moose/Bighorn Sheep/Mountain Goat have reflected these agreed-upon prices. The Commission has determined that a discount order pursuant to its authority under Idaho Code Section 36-415, is an appropriate procedural mechanism for memorializing the ticket/application prices for the Bighorn Sheep Lottery Tag.

Fees for all “Bighorn Sheep Lottery Tag” Special Controlled Hunt Applications for the July 2022 drawings are proposed to be consistent with those in the 2021 drawing as follows:

- One (1) Ticket/Application - \$20.00
- Six (6) Tickets/Applications - \$100.00
- Fourteen (14) Tickets/Applications - \$166.75
- Twenty-Five (25) Tickets/Applications - \$250.00

Staff recommendation is to Adopt discount fees for all “Bighorn Sheep Lottery Tag” Special Controlled Hunt applications for the July 2022 drawing.

**21-44** Commissioner Ebert moved and Commissioner Clezie seconded a motion to adopt discount fees for all “Bighorn Sheep Lottery Tag” Special Controlled Hunt applications for the July 2022 drawing. Motion carries.

### **SEASON SETTING AND RULES**

#### **Release of 2022 Bighorn Sheep Auction and Lottery Tag**

Hollie Miyasaki presented.

Background: Idaho Code 36-408(5)(a) dictates that one special bighorn sheep tag shall be auctioned off by an incorporated nonprofit wildlife conservation organization selected by the Commission each year. The Commission is also authorized to issue one special bighorn sheep tag to be issued by lottery by the Department or a nonprofit wildlife conservation organization selected by the Commission (Idaho Code 36-408(5)(b)). At Commission direction, the Bureau of Wildlife staff developed guidelines for selection of organizations competing for opportunity to offer wildlife auction and lottery tags. When there are multiple bidders, Wildlife Bureau staff review and score all applications for the auction and lottery tags to assist in selecting which conservation groups receive these special wildlife tags to market through lottery or auction. Only two organizations have applied to offer the bighorn sheep auction tag and bighorn sheep lottery tags in recent years. *Wild Sheep Foundation* has been selected to receive the auction tag, and the opportunity to market the lottery tag has been granted to *Idaho Wild Sheep Foundation*.

**Auction tag** -- The auction tag sells for the highest price during odd-numbered years when the tag may be used in Hunt Area 11 in Hells Canyon. The auction tag sold for high values of \$310,000 in 2021, \$180,000 in 2005 and \$175,000 in 2019. The winning bid for the tag was

\$165,000 in 2020 and \$105,000 in 2018 when the tag could not be used in Hunt Area 11. Since 1988, the auction tag has generated \$2,914,500 for bighorn sheep research and management.

**Lottery tag** -- The lottery tag has generated as much as \$212,147 in 2020 and \$114,531 in 2018 when the tag was valid in Hunt Area 11. During odd-numbered years when the tag is not valid in Hunt Area 11 lottery proceeds were \$109,593 in 2019 and \$65,825 in 2017. The lottery drawing will be held on the last Friday in July and is scheduled for July 30, 2021. Since 1992, the sale of tickets for the lottery tag drawing has generated \$1,668,060.

Staff recommends the Commission award the 2022 bighorn sheep auction tag to the Wild Sheep Foundation and the 2022 bighorn sheep lottery tag to the Idaho Wild Sheep Foundation.

**21-45** Commissioner Clezie moved and Commissioner Ebert seconded a motion that the Commission award the 2022 bighorn sheep auction tag to the Wild Sheep Foundation and the 2022 bighorn sheep lottery tag to the Idaho Wild Sheep Foundation. Motion carries.

### **Sage-grouse Season Setting**

Ann Moser, Staff Biologist presented the proposals (Appendix 54, Exhibit 40).

Back ground: Greater sage-grouse were a candidate for listing under the Endangered Species Act from 2010-2015, when the U.S. Fish and Wildlife Service determined that listing sage-grouse as a threatened or endangered species was not warranted at that time. Despite significant investments in habitat restoration and management, sage-grouse populations continue to decline in Idaho and range-wide. Sage-grouse populations face increasing threats of habitat loss due to wildfire and invasive annual grasses, infrastructure development, and drought.

On May 27, 2015, Idaho Governor C.L. “Butch” Otter signed *EXECUTIVE ORDER NO. 2015-04 ADOPTING IDAHO’S SAGE-GROUSE MANAGEMENT PLAN*, which directs all executive agencies, to the extent consistent with existing state law, for relevant permits and policies, adopt the Governor’s Plan and all supporting documentation. Governor Otter’s Plan recommended adaptive regulatory triggers to evaluate population and habitat changes and respond to land management decisions. These population and habitat triggers were also formalized within the 2015 BLM and FS greater sage-grouse plan amendments. Since the formalization of Governor Otter’s plan and the federal plans in 2015, the Department has increased our lek survey efforts to assure that we have accurate and sufficient data to evaluate population triggers.

From 1996-2020, the Department followed the hunting season and bag-limit guidelines from the 2006 *Conservation Plan for the Greater Sage-grouse in Idaho*. Season frameworks were evaluated by comparing the 1996-2000 lek count averages to the most recent three-year running averages within 14 Reporting Zones. Reporting Zones could be closed if <100 males were observed in a population, or if wildfires or West Nile virus were affecting any population or zone. While this approach did not result in overharvest of sage-grouse at the statewide level in recent years, the framework is outdated and inflexible. New population tools and better data now allow us to estimate sage-grouse populations and to directly manage harvest based on current population numbers and status.

A tag system would also allow benefits for hunters including potential for increased season lengths and decreased hunter crowding.

In 2020, the Department initiated the process for a rule change to allow sage-grouse game tags. House Bill 235 was approved by the Idaho Legislature and signed by Governor Little in 2021.

On June 2, 2021, the Department posted a news release informing the public about the new sage-grouse tag. The Department will continue public outreach on the tag process immediately following the Commission setting the season.

The sage grouse tag system is designed to limited harvest to  $\leq 10\%$  of the estimated fall population in each of the 12 reporting zones. Wildlife Bureau staff used 2021 lek data and other demographic data to estimate fall populations for each Reporting Zone and calculated tag numbers.

Statewide, sage-grouse populations increased 13% in 2021 compared to 2020, but are still down 48% from 2016. Trends in 2021 were highly variable, with continued declines in southwest Idaho, North Magic Valley, and the Greater Curlew Valley, compared to modest increases elsewhere.

Preliminary recommendations include:

- Sage-grouse season 3<sup>rd</sup> Saturday in September through October 31 (note: seasons for falconry previously set for August 15, 2021 – March 15, 2022)
- Tags allocated annually within each Reporting Zone
- Hunters can purchase tags over the counter when tags go on sale (date TBD)
  - Hunters can purchase one or two tags per season depending on the Reporting Zone
  - Daily/season bag limit would be equal to the number of valid tags and individual held
- Statewide, the number of tags available would be approximately 1,900

**21-46** Commissioner Murphy moved and Commissioner Davies seconded a motion to adopt staff recommendations for the 2021 sage-grouse hunting season and falconry. Motion carries.

### **Goose Zone Selections**

Jeff Knetter, Upland Game & Migratory Bird Coordinator reported that 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 guidelines to provide a framework for zones and splits.

For geese,

- A zone is a geographic area or portion of a state, with a contiguous boundary, for which independent dates may be selected for the goose season.
- Zone and split options selected by a state may be changed annually.

Any state may continue the configuration used in the previous year. If changes are made, the zone and split-season configuration must conform to the following:

- No restriction on number of zones,
- Seasons may be split into 3 segments, and
- Three-segment seasons for Canada geese and white-fronted geese require Pacific Flyway Council and U.S. Fish and Wildlife Service approval and a 3-year evaluation by each participating state.

Goose zone configurations may be changed annually, as long as states notify the Pacific Flyway by its annual fall meeting (August 23-27, 2021).

In 2019, the Department conducted web-based surveys to obtain input from hunters on their preferences on how to structure goose seasons and zones, within the confines of the federal framework. There were over 4,100 respondents to the 2019 goose hunter opinion survey. The Department proposes to use responses from the hunter opinion survey and input received during the 2021 migratory game bird public input period (March 2021) to inform recommendations for changes to goose zones for the 2022–2023 seasons, and to guide Department recommendations for goose seasons through 2025.

Staff recommend changes (Appendix 54, Exhibit 41) to goose zone configurations in the Panhandle Region to align with changes to duck zones approved by the Commission in May 2021. Staff also recommend changes to Canada goose zones in eastern Idaho to better align with hunter preferences.

These goose zone configurations would be in effect and apply to the Commission’s season-setting action for the 2022-2023 waterfowl seasons (action scheduled spring 2022).

**21-47** Commissioner Davies moved and Commissioner Ebert seconded a motion to adopt the staff recommendations for goose zone configurations to take effect for the 2022-2023 hunting seasons. Motion carries.

### **Upland Game Bird Permit – Additional Areas and Shooting Hours**

Jeff Knetter, Upland Game & Migratory Bird Coordinator presented.

Upland game bird, upland game animal, and furbearer seasons and bag and possession limits are set on even-numbered years and cover a two-year period. The purpose of this agenda item is to adopt changes to the list of areas where pheasants are stocked and an Upland Game Bird Permit is required to hunt or possess pheasant (IDAPA 13, Title 01, Chapter 09).

In addition to the sites approved by the Commission in August 2020, the following is the list of areas, by region, where pheasant stocking is proposed to be expanded in 2021:

#### Southeast Region

- Zollinger – (Access Yes! property)

## Salmon Region

- Pratt Creek area – (Access Yes! property)

Proposed shooting hours for upland game birds on areas where an Upland Game Bird Permit is required are 10:00 a.m. to one-half hour after sunset, except for those areas in the Clearwater Region where shooting hours would be 8:00 a.m. to one-half hour after sunset.

Staff recommends adding 2 sites to the list of areas where pheasants are stocked and an Upland Game Bird Permit is required, and to approve shooting hours for upland game birds on areas where an Upland Game Bird Permit is required.

**21-48** Commissioner Clezie moved and Commissioner Ebert seconded a motion that the Commission adopt staff recommendations for the list of areas and associated shooting hours, for areas where pheasants are stocked and an Upland Game Bird Permit is required to hunt or possess pheasant during fall 2021 seasons. Motion carries.

### **Later Pheasant Season Start Date for Non-residents**

Jeff Knetter, Upland Game & Migratory Bird Coordinator presented.

As an outcome of a 2020 citizen petition and 2021 zero-based rulemaking for game birds, a new Commission rule (IDAPA 13.01.09.190) takes effect on July 1, 2021 to “set by proclamation a later season start date, of no more than five (5) days, for nonresident participation in pheasant seasons.”

The Commission sets upland game bird seasons and limits in even-numbered years for a two-year period, with current seasons through 2021. The 2021 season (set in January 2020) for pheasant has the following start dates, which are currently the same for resident and nonresidents:

Zone 1: October 9 (5-day delay in opener translates to Oct. 14)

Zones 2 & 3: October 16 (5-day delay in opener translates to Oct. 21)

The 2021 Youth Season for pheasants in all zones is Oct. 2 – Oct. 8. (5-day delay in opener translates to a season from Oct. 7-8)

Public involvement occurred during rulemaking in 2020, including an opportunity for negotiated rulemaking, input on questions posted on the website, and comment after formal publication of proposed and pending rules. There were 480 individual respondents to this proposal via the website; 461 provided an opinion. Of those with an opinion, 363 (79%) provided support, while 98 (21%) did not.

The 2021 Legislature had the opportunity to review the pending rule. This rule change was integrated into Zero-Based Rulemaking for IDAPA 13.01.09 in 2021, with additional opportunity for negotiated rulemaking. Because the 2021 Legislature has not adjourned, the rule



change was integrated into the omnibus temporary rules adopted and taking effect on July 1, 2021. The public has the opportunity to comment on the season-setting aspects of this agenda item on July 13.

The Department seeks direction from the Commission on whether a delayed opener should apply to general and youth-only pheasant seasons, as authorized by IDAPA 13.01.09.190. Seasons are designed to manage Idaho's upland game resources for hunting opportunity while considering biological and sociological implications.

Staff recommends a 5-day delayed pheasant season opener for nonresident participation in the general 2021 pheasant seasons. This would result in the following start dates for residents and nonresidents:

Zone 1: Resident Oct. 9 – Dec. 31, and Nonresident Oct. 14 – Dec. 31.

Zones 2&3: Resident Oct. 16 – Dec. 31, and Nonresident Oct. 21 – Dec. 31

Staff recommends the youth pheasant season remain unchanged, because of expected lower youth participation and desires of resident adults to hunt with nonresident youth (such as grandchildren). Staff recommend keeping the resident and nonresident youth seasons for all zones from Oct. 2 – Oct. 8.

**21-49** Commissioner Ebert moved and Commissioner Murphy seconded a motion that the Commission adopt staff recommendations for a 5-day delayed pheasant season opener for nonresident participation in the general 2021 pheasant seasons. Motion carries.

### **Hunt Structure for Swans Controlled or General Hunt**

Jeff Knetter, Upland Game and Migratory Bird Coordinator, explained that the federal Migratory Bird Treaty Act regulates the hunting of migratory game birds, including swans and other waterfowl. The Commission previously endorsed seeking federal agency approval for a swan hunting season in the Panhandle Region. The Pacific Flyway Council recommended a change to the swan season framework for the Pacific Flyway to allow a swan season in northern Idaho with up to 50 tags and a one-bird bag limit. This change was approved by the U.S. Fish and Wildlife Service in October 2019.

The Commission received approval for agency-sponsored legislation that included creation of a game tag for swans that the 2020 legislature approved. The Commission later adopted rules for tag requirements, and Idaho's first swan hunt was held during fall 2020. Tags (50) were offered on a first-come, first-served basis at 10 a.m. MDT on August 1, at any vendor. These tags sold out very quickly, which caused frustration with some constituents.

Under existing controlled hunt frameworks applications for controlled hunts may be submitted electronically through the automated licensing system at any vendor location, including Department offices, through the Internet, or via telephone, not later than the date specified by the Commission. For consistency with nonresident limits for big game controlled hunts, the Commission adopted a temporary rule to apply the 10% nonresident limit to game birds controlled hunts as part of the omnibus/zero-based rulemaking package for IDAPA 13.01.09.

The Department sought public input on a potential controlled hunt for swan tags via the Department website. Interested stakeholders were able to comment on this topic from April 12-23. There were 127 individuals who participated in the public comment period; 28 of the comments were outside the scope of the question and were not relevant (i.e., opposition to any kind of swan hunting). Of the remaining 99 comments relevant to the proposal, 77% (76) supported a controlled hunt framework. Eleven (11) 2020 swan tag holders provided comment; 3 supported a CH framework whereas 8 opposed it.

Staff recommends the Commission adopt a Controlled Hunt framework to distribute swan tags for the 2021 season, with an application period from August 5-15.

**21-50** Commissioner Ebert moved and Commissioner Davies seconded a motion to adopt a Controlled Hunt framework to distribute swan tags for the 2021 season with an application period from August 5-15. Motion carries.

#### **Season Setting: Fall Chinook Salmon**

Lance Hebdon, Chief, Fisheries presented the proposal for the Fall Chinook Salmon (Appendix 54, Exhibit 42). The season opens on August 18, the daily limit is three (3) adult Fall Chinook Salmon and no limit on Jack Fall Chinook salmon. Possession is Nine (9) Adult Fall Chinook Salmon.

**21-51** Commissioner Ebert moved and Commissioner Clezie seconded a motion to approve the staff recommendation for a Fall Chinook Salmon Fishery. Motion carries.

#### **Season Setting: Coho Salmon**

Lance Hebdon presented the Coho Salmon fishery proposal (Appendix 54, Exhibit 43). The season will open September 1(all day) to December 31, 202. The daily limit is Two (2) Adult Coho salmon and no limit on jacks. Possession Limit is Six (6) Adult Coho salmon. There is no limit on jacks. It is legal to harvest adults and jacks. Adults are considered as 20 inches or more. Jacks are considered under 20 inches. Both adipose clipped and unclipped Coho Salmon may be retained.

**21-52** Commissioner Ebert moved and Commissioner Clezie seconded a motion to approve a Coho salmon fishery in the Clearwater River basin. Motion carries.

### **FISCAL**

#### **Commission Challenge Grant**

Jim Fredericks, Deputy Director explained that the Fish and Game Commission authorized a Commission Community Challenge Grant (Challenge Grant) composed of 7 regional (\$10,000 each) and 1 statewide grant (\$30,000) to provide partnership opportunity to implement projects

broadly supported by the local/statewide sportsman community and enhance fish and wildlife habitat, populations, or associated recreational opportunities.

The Department received 21 Regional proposals and four statewide project proposals (Appendix 54, Exhibit 44). Final recommendations presented to the Commission for approval and announcement:

Panhandle Region

Trout Unlimited -- \$5,000

F4WM -- \$5,000

Clearwater Region

Great Burn Society -- \$7,000

F4WM -- \$3,000

Southwest Region

Canyon County 4H -- \$9,800

Magic Valley Region

Firstlite and Hushin -- \$8,500

Wood River Land Trust -- \$1,500

Southeast Region

Eastern Idaho Houndsmen Association -- \$10,000

Upper Snake Region

Idaho State Bowhunters - \$10,000

Salmon Region

Wild Sheep Foundation -- \$10,000

Statewide

Sagebrush Steppe Land Trust -- \$30,000

**21-53** Commissioner Clezie moved and Commissioner Ebert seconded a motion to approve and announce staff recommendations for award of FY2022 Commission Community Challenge Grant. Motion carries.

**LANDS**

**Land Acquisitions**

Bill Bosworth presented the land items for Croft, Jeffery, and Rack Brown properties, and Michael Pearson presented the Nampa Research Facility.

**Tex Creek West, Croft**

This 240-acre property is located approximately 35 miles east of Idaho Falls, ID. It is adjacent to the Tex Creek WMA.

The property contains valuable wildlife habitat in the Tex Creek landscape, particularly for big game populations. The property provides important transitional habitat for elk moving between Tex Creek WMA and National Forest lands and falls within an area with high abundance of elk during early winter big game surveys. This property also provides good summer and transitional habitat for moose, high-quality summer mule deer habitat, and sharp-tailed grouse winter habitat. Upper Tex Creek flows through the property and supports high-value riparian habitat.

The property borders the Tex Creek WMA and would connect to 2,000 acres of the WMA. The property connects through IDL land to the Caribou-Targhee National Forest and also borders the proposed Tex Creek East acquisition.

The acquisition cost is \$300,000 (appraised value), which will be provided by Bonneville Power Administration under the Southern Idaho Wildlife Mitigation Memorandum of Agreement. **21-54** Commissioner Clezie moved and Commissioner Ebert seconded a motion to approve acquiring the 240-acre Croft property. Motion carries.

#### **Tex Creek East, Jeffery**

This 719-acre property is located approximately 15 miles East of Idaho Falls, ID.

The property contains valuable wildlife habitat in the Tex Creek landscape, including habitat for big game populations. The property provides sagebrush, conifer, aspen, and riparian habitat heavily used by elk moving between Tex Creek WMA and National Forest lands. This property also provides good summer and transitional habitat for moose, high-quality summer mule deer habitat, and sharp-tailed grouse winter habitat. Upper Tex Creek and its tributary, Peterson Creek, flow through the property. Associated riparian habitat is in very good condition and supports active beaver colonies and riparian dependent wildlife.

The property abuts the Tex Creek WMA for 2 miles and will enhance access to 2,000 acres of the WMA. It also connects the WMA with Idaho State lands and the Caribou-Targhee National Forest. The parcel would provide public access to thousands of contiguous acres currently fragmented by private ownership.

The acquisition cost is \$885,225 (appraised value), which will be provided by Bonneville Power Administration under the Southern Idaho Wildlife Mitigation Memorandum of Agreement.

**21-55** Commissioner Ebert moved and Commissioner Davies seconded a motion to approve acquiring the 719-acre Jeffrey property. Motion carries

### **Deep Creek, Rack Brown**

This 1,172-acre property is located approximately 20 miles east of Idaho Falls, ID. The property abuts the Tex Creek WMA.

The property contains important wildlife habitat in the Tex Creek landscape. Habitat is important for mule deer, moose, and upland bird populations. Mule deer from portions of 6 GMUs use the area as terminal winter range, and the property also provides transitional summer habitat and some fawning habitat. Columbian sharp-tailed grouse use of the property includes a recently documented lek. Intermittent and perennial reaches of Deep Creek run through the property and support high-quality riparian habitat within the Meadow Creek drainage.

Acquisition connects an isolated parcel of the WMA with other public lands to create a large contiguous block of public land, which will enhance habitat management and support a high-quality hunting experience.

The acquisition cost is \$1,778,000 (appraised value), which will be provided by Bonneville Power Administration mitigation funds under the Southern Idaho Wildlife Mitigation Memorandum of Agreement.

**21-56** Commissioner Ebert moved and Commissioner Davies seconded a motion to approve acquiring the 1,172-acre Rack Brown property. Motion carries.

### **Nampa Research Facility**

This is a proposal for exercising the option to acquire fee title for the Nampa Research Facility from the Idaho Fish and Wildlife Foundation. The Facility consists of approximately 11.5 acres and 8,688 square feet of building and other improvements, including specialized research facilities to support Fisheries Management. The Facility has been the subject of a long-term lease arrangement with the Foundation since 2003, with bonding to support land purchase and facility construction and with an option for Commission purchase of the property.

The estimated remaining lease term cost is \$134,845. After payment of the remaining lease cost, the Department receives fee title for a cost of \$1.

The Department has received and reviewed the title report for the property.

**21-57** Commissioner Clezie moved and Commissioner Murphy seconded a motion to that the Commission accept fee title to the Nampa Research Facility from the Idaho Fish and Wildlife Foundation. Motion carries

## **LEGISLATION**

### **Legislative Update**

Deputy Director Jim Fredericks provided the update.

Executive agencies have the opportunity to provide ideas for legislation through the Executive Agencies Legislation System (EALS). There were no legislative proposals from staff for 2022 legislation, and staff did not submit legislative ideas into the EALS for Governor's Office approval for 2022 agency-sponsored legislation. The EALS process does not apply to legislative ideas that may be sponsored by legislators and other non-executive agency stakeholders.

All Department administrative rules, approved by the Commission on a June 3, 2021 conference call, are currently temporary, as they were not approved by the 2021 Legislature prior to July 1. The Department has not yet received direction from the Division of Financial Management for omnibus proposed rulemaking.

The Department currently has one outstanding Negotiated Rulemaking item related to the Outfitter set-aside for deer and elk tags. 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 the number of tags the Commission sets-aside for use by outfitted hunters be set at the statutory maximum of 25% of the nonresident quotas for deer and elk tags. A negotiated rulemaking meeting was held on March 31, 2021, and subsequent meetings have been held with both IOGA representatives (May 3) and individual outfitter interests (April 28). During those meetings, parties recognized the complexity of the issue and understood that increasing the set-aside to 25% may not affect the number of tags available to individual outfitters because of other limitations on non-residents and factors governing tag allocation. There was a recognition that the temporary rule that increased the set-aside for elk from 2,400 to 2,800, approved at the November, 2020 was instrumental in making elk tags available to outfitted hunters. Consequently, that rule was included as a temporary rule in the omnibus package. Staff will continue to work with the IOGA, outfitters, and other interested parties on the issue of tag availability for outfitted hunters.

## **FISCAL**

### **FY23 Budget Approval**

Michael Pearson, Chief, Administration provided an update and requested the Commission's approval for the state fiscal year 2023 Legislative Budget Request. The 2023 budget request package is due to the Governor's office on September 1, 2021. The Department is seeking approval to submit the request, though minor details are still in development. These minor details are expected to change the overall total by \$1 million or less, or less than 1% of the total. Staff recommends Commission's approval of the State Fiscal Year 2023 budget request to the Governor's office as reviewed.

**21-58** Commissioner Murphy moved and Commissioner Clezie seconded a motion to approve the State Fiscal Year 2023 budget request as presented, and allow the Department to modify the request as necessary for minor administrative items if they arise. Motion carries.

## **REPORTS**

### **Mountain Goat Gender Identification**

Hollie Miyasaki, Wildlife Staff Biologist, reported the results of the public input survey conducted in April 2021 to determine public support of mandatory mountain goat gender identification training. The gender identification training program would be used to educate hunters on the best ways to identify the differences between male and female mountain goats with the goal of reducing the number of adult females taken in the harvest. The Department conducted an online and a targeted email survey. The online survey was on our website and available to anyone while the email survey was sent to hunters that applied for mountain goat tags in the last 5 years. Results for both surveys were similar with 80% of 777 email survey respondents and 90% of 153 online survey respondents supporting mandatory gender identification training.

Commission consensus is for staff to proceed with negotiated rulemaking regarding requirement for mountain goat hunter to complete a gender identification class.

### **Technical Assistance and Big Game Movement & Migration Program**

Frank Edelmann, Natural Resources Policy Manager, provided an overview of the two programs.

#### **Technical Assistance**

The Department provides technical assistance to further the mission of preserving, protecting, perpetuating, and managing Idaho's fish and wildlife for the benefit of the people of Idaho by ensuring continued fishing, hunting, and trapping opportunities. The Department is routinely requested to provide technical assistance on a wide variety of projects, planning efforts, and other proposals that potentially affect fish, wildlife, and associated recreation. Requests come from a diversity of entities including for example local, state, and federal regulatory agencies; public and private land and resource managers; real estate developers; transportation agencies; energy and mineral companies; and private property owners. Technical assistance may be provided in many forms, including formal written correspondence, emails, phone calls, project meetings, site visits, and participation in collaborative processes.

As an executive agency, the Department also has responsibilities to ensure that effective stewardship of the state's fish and wildlife resources occurs in a manner that is compatible with other business of the State to promote the safety, health, and welfare of Idaho citizens. In doing so, the Department implements a solution-oriented approach to technical assistance that is also compatible with policymaking roles of the Fish and Game Commission, other executive branch

agencies, and the Legislative and Judicial branches of state government. Accordingly, the Department extensively coordinates technical assistance activities with the Governor's Office and other State agencies including for example the Office of Energy and Minerals, Office of Species Conservation, Department of Water Resources, Department of Environmental Quality, Department of Lands, and Transportation Department.

#### Big Game Movement & Migration

The Department's Big Game Movement & Migration (M&M) Program works with a diversity of partners to conserve big game habitats across the State including migration habitat. Partners include state and federal agencies, non-governmental organizations, and private landowners. Habitat conservation efforts focus on management, monitoring, and technical assistance for partners.

For decades, the Department has invested significant research and monitoring resources to obtain data necessary to assist public and private land managers with conserving big game habitats. Since 2018, the Department's management and studies of big game seasonal habitats and migration routes have been augmented through the Department of Interior's (DOI) Secretarial Order No. 3362 (SO3362). SO3362 directs DOI agencies to assist western tribes, private landowners, state fish and wildlife agencies, and state highway departments with conserving and managing priority big game winter ranges and migration routes.

#### Director's Report

Director Schriever stated that the written report stands as written in the agenda packet. In addition Toby Boudreau, Chief, Wildlife provided a briefing on Chronic Wasting Disease (Appendix 54, Exhibit 45).

#### Commissioner Reports

Commissioner reports stand as written (Appendix 54, Exhibit 46).

### MISCELLANEOUS

#### Executive Session

**21-59** Commissioner Murphy moved and Commissioner Clezie seconded a motion to hold an executive session pursuant to Idaho Code 74-206(1)(c)(f) to discuss lands and legal items. Roll call vote: Ayes: Don Ebert, Tim Murphy, Greg Cameron, Lane Clezie and Ron Davies.

The Commission discussed potential land acquisition and litigation matters.

**21-60** Commissioner Murphy moved and Commissioner Davies seconded a motion to come out of executive session with the record to reflect no final action taken. Motion carries.



**Adjourn**



Greg Cameron  
Chairman



Ed Schriever  
Secretary

