

**Idaho Fish and Game Commission
Idaho Department of Fish and Game
Salmon, Idaho
July 24-25, 2019**

July 24

MISCELLANEOUS

Commission Field Tour Salmon Region

Commissioners Corkill, Blanco, Murphy, Cameron, Clezie, Attebury and Meyers participated on the field tour.

Public Hearing

Chairman Meyers called the meeting to order at 7:00 p.m. Commissioners Corkill, Blanco, Murphy, Cameron, Clezie and Attebury were present. Chairman Meyers reviewed the rules of conduct for the hearing and reported that all public comments would be reviewed by the Commission at the Thursday meeting. Department staff is available after the meeting to answer questions.

The following individuals provide public comment: Jerry Myers, Terry Myers, Nikos Monoyius, Justin Webb, Aaron Smith, Travis Bullock, Jeff Bitton, Jim Warner, Mike Richie and Rusty Kramer.

Written comment received from Jim Hagedorn, Ed Lindahl, Jim Warner and Larry Isham (Appendix 52, Exhibit 39).

July 25

MISCELLANEOUS

Opening Comments

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

Agenda Changes

Commissioner Corkill requested a discussion on Panhandle airboats to be addressed as item 16. b.

Review of Public Comment

Director Schriever and Commissioners discussed and reviewed the public comments.

- Support for removing the rule requiring diverters on wolf snares.
- Thanks to the Commission and staff from Eagle Valley Ranch for the work staff is doing for both fish and wildlife.
- Concerns for the status of salmon and steelhead recovery.
- Support of the auction and lottery tags from the Wild Sheep Foundation and fund raising progress.
- White-tail deer seasons in the Clearwater Region, Commissioner Blanco followed up on this comment.
- Thanks to the Commission for their action taken in controlled hunts Units 26 and 27 to manage nonresident participation.
- Idaho Outfitters Guides and Association, support for outfitter set-aside quotas, ban on import of live mule deer, white-tailed deer, moose and wild-organ elk and limiting nonresident participation in general season big game hunts.

CONSENT CALENDAR

Consent Calendar

Minutes: March 12-13, March 21 and April 11, 2019

19-59 Commissioner Attebury moved and Commissioner Clezie seconded a motion to approve the minutes as presented in the consent calendar. Motion carries.

Financial Report

19-60 Commissioner Clezie moved and Commissioner Attebury seconded a motion to approve the financial report as presented in the consent calendar. Motion carries.

FISCAL

Direction for Animal Damage Control Board

Toby Boudreau, Chief, Wildlife, presented.

Idaho statute annually appropriates \$100,000 of Department funds to the State Animal Damage Control Board for control of predatory animals and birds. Idaho statute authorizes the Commission to direct how these funds are to be used.

Typically, \$50,000 has been directed by the Commission to support Wildlife Services activities identified in the MOU between the Department and the Animal Damage Control Board for general control of predatory animals.

The additional \$50,000 has been directed for specific wildlife management activities such as intensive coyote removal in conjunction with the Mule Deer Initiative, wolf control in elk

management zones at or below management objectives, feral pig control in the Bruneau Valley, and raven control conducted in SW and SE Idaho.

36-112. ANIMAL DAMAGE CONTROL FUND. The animal damage control fund is hereby established in the state treasury. Moneys in the fund are subject to appropriation to the state animal damage control board established by section 25-2612A, Idaho Code, for the control of predatory animals and birds. In addition to moneys transferred into the fund pursuant to section 36-115(c), Idaho Code, the state controller shall annually, by August 1 of each year, transfer the sum of one hundred thousand dollars (\$100,000) from the fish and game fund to the animal damage control fund. The state animal damage control board in using these moneys shall follow fish and game commission direction on actions regarding predatory animals or birds forwarded by the department by the same date.

Staff recommends directing the expenditure of \$50,000 for general predatory wildlife control consistent with the MOU. Staff further recommends the remaining \$50,000 be divided with \$25,000 going to control wolves, black bears and mountain lions and the \$25,000 going to assist in the implementation of the State American White Pelican Plan.

19-61 Commissioner Cameron moved and Commissioner Murphy seconded a motion that the Commission adopt the staff recommendation. Motion carries.

SEASON SETTING AND RULES

Release of 2020 Bighorn Sheep Auction and Lottery Tags

Hollie Miyasaki, Wildlife Staff Biologist, provided a brief summary and selection for the tags.

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*.

The auction tag sells for the highest price during odd-numbered years when the tag may be used in Game Management Unit (GMU) 11 in Hells Canyon. The auction tag sold for high values of \$180,000 in 2005 and \$175,000 in 2019. The winning bid for the tag was \$90,000 in 2016 and \$105,000 in 2018 when the tag could not be used in Unit 11. Since 1988, the auction tag has generated \$2,439,500 for bighorn sheep research and management.

The lottery tag has generated as much as \$114,531 in 2018 and \$86,246 in 2006 when the tag was valid in Unit 11, and has generated approximately \$40,000 - \$65,000 during odd-numbered years when the tag is not valid in Unit 11. Lottery proceeds were \$65,825 in 2017. The lottery drawing is held on the last Wednesday in July each year and is scheduled for July 31, 2019. Since 1992 the sale of tickets for the lottery tag drawing has generated \$1,346,320.

Staff recommends the Commission award the 2020 bighorn sheep auction tag to the Wild Sheep Foundation and the 2020 bighorn sheep lottery tag to the Idaho Wild Sheep Foundation.

19-62 Commissioner Clezie moved and Commissioner Attebury seconded a motion that the Commission award the 2020 bighorn sheep auction tag to the Wild Sheep Foundation and the 2020 bighorn sheep lottery tag to the Idaho Wild Sheep Foundation. Motion carries.

Nonresident Deer/Elk Tag Quotas

Jon Rachael, State Wildlife Manager presented to the Commissioners. The Commission establishes quotas for total nonresident deer and elk tags annually. The quota of nonresident deer tags has sold out since 2016 and the quota of nonresident elk tags has sold out since 2017. Nonresident deer tags did not sell out from 2009-2015; nonresident elk tags did not sell out 2009-2016. The 2018 nonresident deer tags quota sold out on October 10, 2018, and the nonresident elk tag quota sold out on September 24, 2018.

In 2018 nonresidents purchased 13,556 deer tags as first tags. The remainder from the quota were sold to nonresident and resident hunters as second deer tags. In 2018 nonresidents purchased 12,349 elk tags as first tags. The remainder from the quota were sold to nonresident and resident hunters as second elk tags.

For the 2020 hunting season, staff recommends no change from the existing (2019) nonresident deer and elk tag quotas of 14,000 regular or white-tailed deer tags, 12,815 A or B elk tags for all zones, and 1,500 white-tailed deer tags.

19-63 Commissioner Attebury moved and Commissioner Blanco seconded a motion to adopt the staff recommendation on quotas for 2020 nonresident deer and elk tags. Motion carries.

Nonresident Deer & Elk Tag Outfitter Set-aside Quota

The Fish and Game Commission annually establishes a quota on general nonresident deer and elk tags for use by hunters using the services of a licensed Idaho outfitter. Outfitter set-aside quotas are a subset of the total nonresident deer and elk tag quotas, not an addition to the total nonresident deer and elk tag quotas. The statute and administrative rule relevant to the Outfitter Set-aside tags was amended during the 2019 legislative session. Any outfitter set-aside tags not claimed by outfitted clients by July 15 (compared to July 1 in past years) revert back to the nonresident quotas for the Department to sell to nonresident hunters.

Staff recommends the Commission authorize the following nonresident deer and elk tag outfitter set-aside quotas for the 2020 hunting season:

- 1,985 deer tags (regular or white-tailed)
- 2,400 elk tags (A or B tags for all zones)

19-64 Commissioner Murphy moved and Commissioner Cameron seconded a motion to accept the staff recommendation for authorizing the quotas for the 2020 deer and elk outfitter set-aside tags. Motion carries.

Proposed Rules

Minimum Age for Mentored Hunters to Hunt Turkey and Designation of Locations Requiring Upland Game Permits

Paul Kline, Deputy Director, presented.

Currently, rule (IDAPA 13.01.09. 102.02) identifies youth-only general hunts are limited to participation by hunters who are ten (10) to seventeen (17) years of age with a valid license.

Hunters and supporters of youth opportunities have asked the Department to consider allowing youth hunters who are eight (8) or nine (9) years of age, in possession of a Hunting Passport, to participate in general season hunts, youth-only general hunts, landowner permission hunts, and depredation hunts for turkey.

Additionally, current rule (IDAPA 13.01.09.103.01.a) identifies nine Wildlife Management Areas (WMA) with pheasant stocking programs where hunters eighteen (18) years of age and older must have a WMA Upland Game Bird Permit to hunt pheasants. Hunters and supporters of pheasant hunting have asked to expand the pheasant stocking program to include additional properties. The WMA Upland Game Bird Permit requirement helps to offset costs of stocking. A rule change would provide the Commission the flexibility to require an Upland Game Bird Permit to hunt additional properties.

Staff recommends the Commission determine negotiated rulemaking infeasible and adopt the proposed rules.

19-65 Commissioner Blanco moved and Commissioner Attebury seconded a motion to allow youth hunters who are eight (8) or nine (9) years of age, in possession of a Hunting Passport, to participate in general season hunts, youth-only general hunts, landowner permission hunts, and depredation hunts for turkey. Motion carries.

19-66 Commissioner Blanco moved and Commissioner Cameron seconded a motion to provide the Commission the authority to require hunters possess an Upland Game Bird Permit to hunt areas in addition to WMAs should the Department stock pheasant at these locations. Motion carries.

Ban on import of live mule deer, white-tailed deer, moose and wild-origin elk

In 2016, the Department revised the Chronic Wasting Disease Strategy (issued in 2002 and previously revised in 2010 and 2012). The 2016 Strategy updated information on CWD research,

prevention, and response to date, and revised strategies for pre- and post-detection surveillance, communication, and post-detection management.

As an outgrowth of the 2016 strategy, the Commission eventually proposed administrative rule changes to reduce the risk for CWD in Idaho. These involved restrictions on carcass transport/import from CWD areas, private feeding of wildlife in CWD management zones, use of natural urine as an attractant, and import of live mule deer, white-tailed deer and elk. The legislature rejected the rule restricting import of live deer and elk based on concerns related to domestic cervids regulated by the Idaho State Department of Agriculture under state law. The other rules related to CWD took effect upon legislative adjournment in April 2019.

At the Commission's direction, the Department revisited rulemaking on a rule to ban the importation and possession of live mule deer, white-tailed deer, and moose in Idaho, with additional clarification that the rule would not apply to domestic cervids regulated by the Idaho State Department of Agriculture until Idaho Code Title 25.

Staff recommends the Commission determine negotiated rulemaking infeasible and adopt the following proposed rule:

**13.01.10 – RULES GOVERNING THE IMPORTATION, POSSESSION,
RELEASE, SALE, OR SALVAGE OF WILDLIFE**

100. PERMITS FOR IMPORT, EXPORT, TRANSPORT, RELEASE, AND SALE OF LIVE WILDLIFE.

No person may import into, export from, sell, or transport, cause to be transported, or release within the state of Idaho any living wildlife, including eggs thereof, without having first obtained a permit from the Department. (6-30-19)T

01. Exemptions for Import, Export, Transport, Possession or Sale. No permit is required from the Department to import, export, transport, possess or sell the following (although another state or federal agency may regulate such activity): (6-30-19)T

a. Agricultural or domestic animals. (6-30-19)T

b. Domestic furbearing animals, as defined and regulated under Chapter 30, Title 25, Idaho Code. (6-30-19)T

c. Domestic cervids, as defined and regulated under Chapter 37, Title 25, Idaho Code. (6-30-19)T

d. Animals commonly considered conventional household pets, including sugar glider (*Petaurus breviceps*) and African hedgehog (*Atelerix albiventris*). (6-30-19)T

e. Domestic Game birds produced in captivity and lawfully obtained, as shown by proof maintained and presented in accordance with Section 36-709, Idaho Code. (6-30-19)T

f. Birds of prey, provided actions comply with IDAPA 13.01.14, "Rules Governing Falconry." (6-30-19)T

(BREAK IN CONTINUITY OF SECTIONS)

03. Restriction on Permit Issuance. The Department will not issue any permit for import, export, transport, release or sale of live wildlife or eggs thereof, if the wildlife or eggs thereof

would pose a threat to the state of Idaho, including threat of disease, genetic contamination or displacement of or competition with existing species. Because of the threat of chronic wasting disease, the Department will not issue any permit for the import into Idaho of any live cervid not regulated as a domestic cervid by the Idaho State Department of Agriculture, including mule deer, white-tailed deer, moose, and wild-origin elk. (X-XX-XX)

19-67 Commissioner Attebury moved and Commissioner Murphy seconded a motion to adopt the rule to allow the Department to not issue any permit for the import into Idaho of any live cervid not regulated as a domestic cervid by the Idaho state Department of Agriculture including mule deer, white-tailed deer, moose and wild-origin elk. Motion carries.

Waiting Period for controlled hunt applicants to purchase general season big game tags in capped zone/units

High demand in some general season hunts with limited tags has been a significant source of tag buyer congestion at Department offices, vendors and on-line sales, with potential for increased congestion if demand continues to increase in these and other general hunts.

Establishing delayed eligibility (5 days as an example) for controlled hunt applicants to buy high-demand general hunts with tag limits (capped zones) is one method for reducing buyer congestion. Individuals who did not apply for controlled hunts would have an opportunity to buy capped zone tags during this period.

At the Commission's direction, the Department initiated negotiated rulemaking to consider rules for delaying eligibility for controlled hunt applicants.

A notice of Intent to promulgate rules (negotiated rulemaking) was published in the Administrative Bulletin on June 5, 2019, with a 21-day public comment period. The Department's website provided an avenue for submitting comment. One hundred and sixty (160) public comments were received and 153 of those were from Idaho residents. Of the individuals who commented, 69 (43%) supported a delayed eligibility rule, 85 (53%) did not support the rule, and 6 (4%) were neutral.

A second question asked if buyer congestion and rapid sell out of high demand capped zone tags reduced the respondent's interest in hunting. Of the individuals who commented, 76 (47%) indicated it did not reduce their interest, 63 (39%) said it did reduce their interest in hunting and 21 (13%) were neutral. Comments received did not represent a strong referendum of approval or disapproval of the proposed rule change. Managing buyer congestion for rapid sell-out, high demand capped zone hunts is expected to remain an issue of concern for hunters. If the Commission chooses to move forward with rulemaking to delay eligibility for controlled hunt applicants to buy tags in limited general hunts, staff recommend the Commission propose changes that consider rule simplicity for public and vendor understanding, and that limit impacts to buyer choice (e.g., apply the delay in eligibility only to controlled hunt applicants for the same species).

Proposed rule language:

13.01.08 – RULES GOVERNING THE TAKING OF BIG GAME ANIMALS IN THE STATE OF IDAHO

252. DELAY IN ELIGIBILITY FOR BUYING LIMITED GENERAL HUNT TAG.

When the Commission limits the number of tags available for a general big game hunt, the Commission may establish a period of no more than five (5) days at the beginning of a tag sale period, during which any applicant for a controlled hunt in the same calendar year for the same species is not eligible to buy a tag for that limited hunt. (X-XX-XX)

19-68 Commissioner Clezie moved and Commissioner Attebury seconded a motion to adopt the proposed rule language to delay eligibility for limited general hunts as presented. Motion carries.

Limits for nonresident participation in general season big game hunts

While a significant proportion of Idaho's elk and deer hunters value general hunt opportunities each year, elk and deer hunters have asked the Commission to take action to address hunter crowding in certain areas. Resident hunters requests commonly refer to increased numbers/proportion of nonresident hunters in some of these areas.

At the Commission's direction, the Department initiated negotiated rulemaking to provide the Commission with flexibility to manage nonresident participation in general big game hunts, with consideration for impacts to agency revenues and effects to hunter support businesses, and to provide for outfitter tag allocation.

Idaho Code 36-104 grants authority to the Commission to set seasons and promulgate IDAPA rules. Idaho Code Title 67, Chapter 52 (Idaho Administrative Procedure Act) governs the process for considering, adopting, and implementing IDAPA rules.

Policy issues include: (1) general fairness considerations for high-demand items, (2) rule simplicity in license/tag issuance requirements to promote up-front buyer and customer service understanding of purchase options, (3) tailoring solutions to limit impacts to buyer choices, (4) fiscal impacts to the Department's revenue model and (5) potential impacts to hunter support businesses that cater to nonresidents.

Should Commission action correspond to any significant decrease in nonresident deer/elk tag sales, a revenue offset (e.g., increased tag fees, increased resident tag sales or other revenue) would be necessary to avoid significant impacts to dedicated license funds and federal funds. I.C. 36-416 sets non-resident elk and deer tag prices at \$415 and \$300 respectively, with an accompanying nonresident hunting license of \$153 or combo license of \$238. By comparison, resident elk and deer tag prices are \$23 and \$35 (with lower prices for resident seniors/youth/DAV). Nonresident elk/deer tag and license revenues are a significant factor in federal funds received through allocation to states of excise taxes on firearms, and ammunition through the Pittman-Robertson Act and the allocation of the excise tax on fishing and boating equipment under Dingell Johnson Act.

19-69 Commissioner Attebury moved and Commissioner Blanco seconded a motion to adopt the proposed rule to provide the Commission the authority to manage nonresident participation general season big game hunts as presented. Motion carries.

Gear requirements on snares (diverters, stops, breakaway devices) for take of gray wolf

When pursuing wolves with snares, trappers are currently required to equip snares with diverters and have either a breakaway device or a stop that minimizes loop size within the snare loop. These components are incorporated into the snare design with the intent to minimize non-target captures.

Constituents have brought forth concerns that diverters may reduce snare effectiveness to capture the target species (wolves), and concerns they are ineffective at reducing the capture of non-target species.

At Commission direction, the Department initiated negotiated rulemaking to consider rules for modification of the combination of gear requirements (diverters, break-away devices, and minimum loop stops) to balance effective capture of target species while minimizing non-target animal capture.

A notice of Intent to promulgate rules (negotiated rulemaking) was published in the Administrative Bulletin on June 5, 2019, with a 21-day public comment period. The Department's website provided an avenue for submitting comment. The Department received 311 comments, with 289 of these being from Idahoans. The Department asked four survey questions in addition to providing an open comment opportunity.

After reviewing comments submitted during the public comment period and a request to participate in further negotiation, the Department is hosting a negotiated rulemaking meeting of interested parties on July 22, 2019 to discuss modification of gear requirements (diverters, breakaways, and minimum loop stops) for wolf gear. Staff is compiling the information and will provide to you when the results are ready.

No action taken by the Commission. The Commission will address at a conference call scheduled for August 12th.

MANAGEMENT PLAN

Upland Game Management Plan

Jeff Knetter, Upland Game & Migratory Bird Coordinator, reported that staff presented an overview of the status and content of Upland Game Management Plan revision at the Commission's November 2018 meeting. A second update and a draft of the plan were presented to the Commission at the January 2019 meeting. A final plan was presented to the Commission prior to the March 2019 meeting; however, action on the Plan was deferred until May 2019, to

allow commission additional time for review. No action was taken on the Plan at the May 2019 meeting.

This revision of the upland game management plan will provide guidance to the Department and their partners to implement management actions that will enhance upland game habitat and populations in Idaho. This plan will function as the action plan for upland game management. Major issues that affect upland game species are identified, which set overall direction for upland game management during the next 6 years (2019-2024). This plan will guide the Department in annual work plan development and program prioritization, and will provide guidance on development of regulatory recommendations.

Mr. Knetter updated the commission on the harvest objectives added to the Plan since the May 2019 meeting.

19-70 Commissioner Cameron moved and Commissioner Clezie seconded a motion that the Commission adopt the staff recommendation to adopt the Idaho Upland Game Management Plan (2019-2024). Ayes: 6, Nays: 1, Motion carries.

FISCAL

Commission Challenge Grants (regional and statewide)

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.

Attached (Appendix 52, Exhibit xx) are the solicitation letter used in 2019 and a copy of the Challenge Grant framework, developed with the Commission, including decision criteria, match requirements, and the structure of the regional and statewide selection committees. The application period was April 15 through July 25, 2019. Upon request, an applicant for regional and the statewide grants was provided opportunity to address some technical and policy issues with their application and resubmit. Grant money is awarded for project expenditure during FY20: July 1, 2019 through June 1, 2020.

Regional and statewide selection committee funding decisions:

Panhandle Region

- Foundation for Wildlife Management: \$10,000

Clearwater Region

- Foundation for Wildlife Management: \$10,000

Southwest Region

- Canyon County 4H: \$3,000
- Idaho State Bowhunters: \$2,500

- Ted Trueblood Chapter of Trout Unlimited: \$4,500

Magic Valley Region

- Minidoka Bowmen Archery Club (\$7,000)
- Trout Unlimited (\$3,000).

Southeast Region

- The Sagebrush Steppe Land Trust - \$10,000

Upper Snake Region

- Mackay High School \$2,853
- Western Bear Foundation \$7,147

Salmon Region

- Idaho Trails Association - \$10,000

Statewide

- Idaho Houndsmen Association, Eastern Idaho Houndsmen Association, Idaho Sporting Dogs - \$30,000

19-71 Commissioner Attebury moved and Commissioner Blanco seconded a motion to authorize the Department to announce the 2019 Commission Challenge Grant award recipients. Motion carries.

LEGISLATION

2020 Legislative Proposals

Background: Staff briefed the Commission in May regarding their request to consider two ideas for legislation for the 2020 Legislative Session that would be specifically sponsored by the Department. The Commission approved staff to submit both ideas for legislation through the Executive Agencies Legislation System (EALS); this action was completed prior to the July 12, 2019 filing deadline. Subsequent Governor's Office approval is required to move legislation ideas forward. Once approved, proposals must then be drafted as legislative bills and submitted to EALS by August 16, 2019. The two ideas for legislation that were submitted through EALS by the July 12, 2019 filing deadline are:

- Legislative idea #1: Establishing statutory authority for the Commission to issue an Upland Game Bird Permit that must be purchased to hunt stocked pheasants on nine (9) WMA properties in addition to potential new properties approved by the Commission.
- Legislative idea #2: The proposal to change statute to reflect an increase in nonresident license, tag and permit fees to offset potential declines in sales and revenue associated with lower non-resident participation anticipated if rulemaking is approved (and acted on) that provides the Commission the authority by proclamation to manage the number of nonresidents participating in general season big game hunts.

This item was not noticed as an action item and will be presented as an action item on a conference call August 12th.

REPORT

Analysis of Second Tag Sales

Jonathon Oswald, Financial Specialist, provided a summary and update on the history and trend of nonresident deer and elk tag sales, including those sold as second tags (Appendix 52, Exhibit 40).

SEASON SETTING AND RULES

Omnibus Rulemaking Update

Deputy Director Paul Kline reported that staff briefed the Commission at its May 17, 2019 meeting on the Governor's strategy for omnibus rulemaking to extend existing agency administrative rules beyond their expiration on June 30, 2019. Consistent with the Governor's Red Tape Reduction Act (Executive Order 2019-2), staff reviewed IDAPA 13 (Fish and Game) rule language and proposed edits to repeal outdated or ineffective rules, simplify existing rules and make other text consolidations that did not significantly change the effect of existing rules.

Notices of Omnibus Rulemaking--Temporary/Proposed Rules (attached) were published in the Idaho Administrative Bulletin on June 19, 2019, with a 21-day public comment period. Temporary Rules comprising the reauthorized IDAPA 13 took effect on June 30, 2019.

Since the Commission's adoption of temporary and proposed rules, staff have identified three inadvertent omissions in the reauthorized IDAPA that they recommend be reinstated in adopting pending rule language:

13.01.09: Forest grouse methods of take: The expiring rule version had exceptions nested within exceptions regarding take of forest grouse. In making edits for clarity, allowances for some methods of take for forest grouse were inadvertently not included.

13.01.10: Allowance for limited take of native amphibians/reptiles: The expiring rule version had an allowance for take/captive possession of up to 4 native amphibians and 1 native reptile; this allowance was dropped in editing.

13.01.11: Unattended line: While Idaho Code 36-1401(a) identifies an unattended fishing line as a rule violation that is an infraction, and IDAPA 13.01.11 has a definition of unattended line, the revised rule does not include a separate prohibition.

Before final rules can take effect under the Idaho Administrative Procedure Act, the Commission must adopt/ratify pending rules for publication and review in the upcoming session of the Idaho Legislature. The Governor's Office Division of Financial Management directs agencies to

submit pending rule language for approval (identifying any changes between proposed and pending rules) before adopting pending rules. Staff will submit language to DFM for approval, and provide any additional briefing to the Commission as appropriate. After Commission approval of pending rules at a future meeting, staff will coordinate with the Office of Administrative Rules Coordinator for publication of the appropriate *Notice of Rulemaking – Adoption of Pending Rule* in the Administrative Bulletin.

MANAGEMENT PLAN

White-tailed Deer and Mule Deer Management Plans; Update on Public Input

Daryl Meints, Natural Resources Program coordinator Deer & Elk provided an update on the public input process for the Mule Deer and White-tailed Deer Management Plan (Appendix 52, Exhibit 41). The draft plans were posted on the Department's website on May 31, 2019 and the Department accepted comments through June 30, 2019. Regions held 11 open houses across the state to gather additional comments.

After consideration of public input, the plans will be finalized to present to the Commission for adoption in August.

Staff presented an overview of the status and content of the Mule Deer and White-tailed Deer Management Plan revisions at the Commission meeting in March. Staff provided a second update and a draft of the plans to the commission at the May Commission meeting.

The intent of a revision to the Mule Deer and White-tailed Deer plans is to provide guidance for the Department and their partners to implement management actions that will aid in protection and management of Mule Deer and White-tailed Deer populations in Idaho and guide harvest season recommendations. These plans will function as the action plans for deer management in Idaho. Major issues that affect deer are identified, and set overall direction for deer management during the next 6 years (2020-2024). These plans will guide the Department in annual work plan development and program prioritization, and provide guidance on development of regulation recommendations. After consideration of public input, the plans will be finalized to present to the Commission for adoption in August.

REPORT

Report About Federal Wildlife Refuges that Allow Big Game Hunting

Daryl Meints reported that National Wildlife Refuges across the nation have been established to preserve, protect and enhance migratory waterfowl, shore birds and threatened and endangered species and their habitats. They are administered by the U.S. Fish and Wildlife Service (USFWS). Idaho is home to six National Wildlife Refuges (Bear Lake, Camas, Deer Flat, Grays Lake, Kootenai and Minidoka). All six areas provide some limited waterfowl and upland game hunting in designated areas only. Only two refuges (Kootenai and Deer Flat) offer any type of limited big game hunting opportunities (Appendix 52, Exhibit 42).

Most human activity on all refuges is highly regulated by seasons and hours of use to reduce disturbance to wildlife and corresponding habitat. The needs of wildlife and their habitats come first on refuges, in contrast to other public land that are managed for multiple use.

SEASON SETTING AND RULES

Sage-grouse Season Setting Process (Information Only)

Ann Moser, Staff Biologist reviewed the Sage-grouse season setting process which the Department has followed since 2008 and provided an update on current status of Sage-grouse populations (Appendix 52, Exhibit 43).

Sage-grouse local working groups have provided recommendations on sage-grouse hunting seasons for their sage-grouse planning area. Public input will be collected on the website in August. Staff recommendations will be presented to the Commission at its August 22 meeting.

Management Plans

Pelican Management Plan Update

Zach Lockyer, Title and Jeff Dillon, Fisheries Research Manager presented.

The Commission approved the current Management Plan for the Conservation of American White Pelicans in Idaho (2016-2025) in May 2016. The Plan addresses the need to conserve pelicans in Idaho and reduce pelican predation impacts on important native fish and recreational fisheries. Pelican distribution and abundance in southern Idaho has increased since the 1990s, and predation on native cutthroat trout and hatchery trout has led to conflicts with fisheries management goals in some locations. The Plan includes actions to identify and address predation conflicts using a variety of approaches such as hazing and nesting colony management.

The update reviewed pelican population objectives in the Plan, management actions taken in 2019 to achieve those objectives, and proposed activities for 2020 (Appendix 52, Exhibit 44).

REPORTS

Update on Restitution

Chris Wright, Assistant Chief, Enforcement, reported that violations of title 36 where game fish and game animals are wasted or taken unlawfully have a civil component called reimbursable damages. Idaho code specifies the amount an individual 'shall' reimburse the state for each animal, repair of artificial simulated animals and meat processing. Courts may ask for reimbursement when individuals unlawfully purchase a wrong class license (e.g. nonresident purchasing resident license). These moneys go to the Idaho Department of Fish and Game (IDFG) account. Protocol for collecting reimbursements differs among the 44 counties. Many judgments direct the individual to pay IDFG directly. In those cases the Enforcement Bureau invoices and manages collections. Some counties collect the reimbursements themselves and

forward money to the IDFG. Enforcement has one full time employee dedicated to collecting reimbursements. Individuals are sent to collections at 125 days delinquent after receiving three formal letters of notification starting 30 days past initial invoice.

There are currently 134 active files. IDFG is currently receiving direct reimbursement from 26 and the courts are receiving from 96. We are collecting with the courts on eight (8) cases that are joint and several (several individuals responsible for a single reimbursement amount; messy). Four (4) individuals with active files are incarcerated, one for life. Courts have received full payment for 17 cases but have not forwarded the moneys to IDFG. In the last three years IDFG received \$326,593.75 in reimbursement and sent 31 cases to collections. In 2019 to date IDFG closed 82 case files paid in full.

Marketing/PriceLock Update

Ian Malepeai, Marketing Manager, presented the update (Appendix 52, Exhibit 45).

Background: Based on WAFWA recommendations to provide dedicated resources toward marketing, recruitment, retention, and reactivation (R3) and the need to engage with license buyers for successful “Pricelock” implementation, IDFG began staffing a Marketing Team in 2017. Currently housed in the Bureau of Communications, this team formalized efforts previously underway in the Department and adds an emphasis to further R3 efforts, provide excellent information and engagement with our customers, and grow the brand of the agency by sharing the work we do on the public’s behalf.

FISCAL

FY21 Preliminary Budget Briefing

Jonathon Oswald, Financial Specialist, provided the briefing. The Department has begun the planning process for preparation of the fiscal year 2021 budget request to be submitted to the Governor’s Office by August 30. This presentation is the 2nd update provided to the Commission on what the Department plans to request from the Legislature for spending authority.

REPORTS

Directors’ Report

Director Schriever updated the Commission on department happenings and the written report stands as written.

Commissioner Reports

Commissioner Corkill informed the Commission about airboats on certain department properties not accessible by a water channel in the Panhandle Region. The properties are the Stinger and

Black Lake acquisition. There is a public hearing scheduled at a future date and Commissioner Corkill will keep the Commission updated on this item.

Commissioner reports stand as written (Appendix 52, Exhibit 46).

MISCELLANEOUS

Planning for Next Meeting

A conference call is planned for August 12.
The next Commission meeting is August 22 in Nampa.

Executive Session

19-72 Commissioner Murphy moved and Commissioner Clezie seconded a motion to hold an executive session pursuant to Idaho Code 74-206(1)(b)(c)(f).

Roll Call Vote Ayes: Brad Corkill, Dan Blanco, Tim Murphy, Greg Cameron, Lane Clezie, Derick Attebury and Jerry Meyers.

19-73 Commissioner Attebury moved and Commissioner Murphy seconded a motion to come out of executive session and let the record reflect that no action was taken. Motion carries.

Adjourn



Jerry Meyers
Chairman



Ed Schriever
Secretary