

**Idaho Fish and Game Commission
Conference Call
August 12, 2019
Idaho Department of Fish and Game
600 S Walnut
Boise, ID**

Present: Director Schriever, Deputy Director Paul Kline, Deputy Director Scott Reinecker, Kathleen Trever, Owen Moroney, Greg Wooten, Matt O'Connell, Michael Pearson, Roger Phillips, Sharon Kiefer and Mary Boyer.

Regional Supervisors Brad Compton, J.J. Teare, Chip Corsi, Brad Compton, Dan Garren, Jim White and Tom Curet participated via phone call.

A special meeting of the Idaho Fish and Game Commission was held by telephone conference. The meeting was called to order by Chairman Meyers with Commissioners Brad Corkill, Dan Blanco, Greg Cameron, Lane Clezie and Derick Attebury. Commissioner Murphy was excused.

SEASON SETTING AND RULE MAKING

Gear Requirements on Snares for Gary Wolf

Paul Kline, Deputy Director, presented the proposal.

At Commission direction, the Department initiated negotiated rulemaking to consider the combination of gear requirements (diverters, break-away devices, and loop stops) for wolf trapping to balance effective capture of the target species while minimizing non-target animal capture. Staff briefed the Commission in July on the status of this rulemaking effort and on the fact that the Department received one request to conduct negotiated rulemaking. The results of the online public comment period are presented again below. Additionally, results from the negotiated rulemaking meeting held on July 22, 2019 are presented.

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.

The Department received one request from the Idaho Farm Bureau to conduct negotiated rulemaking. On July 22nd from 2-4 Mountain Time, a negotiated rulemaking meeting was held at the IDFG HQ office in Boise with call in options available at all regional offices to discuss the modification of requirements for ground snares for wolves related to diverters, stops, and breakaway devices. Information about how to participate in the meeting was posted on the Department's website and was emailed to those who commented on the notice and provided contact information.

Seventeen people participated in the meeting (twelve at the Boise office, two at both the Coeur d'Alene and Lewiston offices, and one at the Pocatello office). Upon conclusion of the meeting consensus was not reached. Of those attending, five people supported removing diverters and requiring a breakaway device, minimum loop stop, or both. The remaining 15 people did not support removal of diverters and many supported requiring both a minimum loop stop and a breakaway device in addition to diverters.

Comments received during the negotiated rulemaking meeting held on July 22nd expressed similar concerns and opinions as those received online (and reviewed above) during the 21-day public comment period. The majority of respondents favored removing the diverter requirement. Most respondents also supported requiring both breakaways and loop stops if the diverter rule were removed.

Staff recommendation is to remove the current rule that requires snare diverters for trapping gray wolves, and that the Commission has discretion to allow diverters to be used in certain areas to reduce bycatch if deemed necessary. And mandates that cable stops and breakaways on wolf snares in order to allow nontargeted animals to escape if accidentally snared.

19-74 Commissioner Corkill moved and Commissioner Clezie seconded a motion to adopt the proposed rule for gear requirements on snares as presented. Motion carries.

LEGISLATION

2020 Agency Sponsored Legislation, Upland Game Bird Permit

The Commission approved submittal of two ideas for agency-legislation through the Executive Agencies Legislation System (EALS). Both ideas were submitted through the EALS prior to the July 12, 2019 filing deadline. Following approval by the Governor's Office, the Division of Financial Management and adoption by the Commission, legislative ideas are formatted as bills and resubmitted through EALS. The deadline for submitting ideas in bill format is August 16, 2019.

This agenda item is for Legislative idea #1: Establishing statutory authority for the Commission to require an Upland Game Bird Permit to hunt pheasants stocked at locations in addition to Wildlife Management Areas.

Idaho Code 36-409(i) currently authorizes the Commission to require hunters to possess an "WMA Upland Game Bird Permit" to hunt stocked upland game birds on state wildlife management areas (WMAs). The Commission has stated interest in considering stocking pheasants at locations in addition to WMAs based on bird availability and program costs. The Commission has responsibility to provide policy direction for Department-sponsored legislation.

Staff recommendation is to provide policy approval for staff to submit the attached draft bill language through the EALS for Governor's office approval as agency-sponsored legislation for the 2020 legislative session. The draft bill language amends I.C. 36-409(i) and makes technical

corrections to the permit name in I.C. 36-416 and the scope of the infraction listed for wearing of hunter orange in I.C. 36-1401.

19-75 Commissioner Cameron moved and Commissioner Attebury seconded a motion to adopt the draft bill language as presented for upland game bird permit authority for submission through EALS and direct staff to prepare a statement of fiscal impact and a statement of purpose. Motion carries.

2020 Agency Sponsored Legislation, Nonresident Fee Schedule

The Commission approved staff submittal of two ideas for agency-legislation through the Executive Agencies Legislation System (EALS). Both ideas were submitted through the EALS prior to the July 12, 2019 filing deadline. Following approval by the Governor's Office, the Division of Financial Management and adoption by the Commission, legislative ideas are formatted as bills and resubmitted through EALS. The deadline for submitting ideas in bill format is August 16, 2019.

To address hunter congestion, the Commission is conducting rulemaking so it may manage, by proclamation, the number of general season deer and elk tags available, by zone or unit, to nonresident hunters. If the proposed rulemaking and legislative review in the 2020 legislative session results in a final rule change, it would allow the Commission to limit the number of nonresident deer or elk tags available in a specific general hunt unit or zone to manage levels of nonresident participation to no less than ten percent (10%) of the average hunter participation estimated for that zone or unit during the preceding five (5) year period. If the Commission limits the number of nonresident tags in a general hunt without limiting resident tags, the options for allocation of outfitter tag would be those that currently apply to controlled hunts, including controlled hunts limited for nonresidents and unlimited for residents.

This agenda item is for Legislative idea #2. The schedule of license fees is established in Idaho Code, and represents a higher level of precedent than state agency rules. This agenda item addresses the Commission's request for proposing agency-sponsored legislation to revise the nonresident fee schedule to offset projected losses in revenue should the Commission adopt additional limits for nonresident hunter participation in general deer and elk hunts.

There is an opportunity through Commission meetings for public input regarding Governor's Office-approved legislative proposals. There is also substantial opportunity for public involvement through legislative committee hearings about bills during the 2020 session.

Staff recommendation is to provide policy approval for staff to submit the attached draft bill language through the EALS for Governor's office approval as agency-sponsored legislation for the 2020 legislative session. The legislation would establish a new nonresident fee schedule to take effect December 1, 2020.

19-76 Commissioner Attebury moved and Commissioner Clezie seconded a motion to adopt the draft bill language as presented for the nonresident fee schedule for submission through EALS

and direct staff to prepare a statement of fiscal impact and a statement of purpose. Motion carries.

Adjourn

A handwritten signature in cursive script, appearing to read "Jerry L. Meyers".

Jerry Meyers
Chairman

A handwritten signature in cursive script, appearing to read "Ed Schriever".

Ed Schriever
Secretary