

**Idaho Fish and Game Commission
November 15-16, 2021
Idaho Department of Fish and Game
Clearwater Regional Office
Lewiston, Idaho**

November 15

MISCELLANEOUS

Craig Mountain Fish, Fuels and Fiber Tour

Commissioners Dave Bobbitt, Don Ebert, Tim Murphy, Greg Cameron, Lane Clezie, Derick Attebury and Ron Davies participated on the tour.

Public Hearing

Chairman Cameron called the meeting to order and reviewed the rules of conduct for the hearing.

The following individuals provided in person testimony: Richard Scully, David Cannamela, Justin Webb, Don Sickels, Michael Wilson, Keith Carlson, Tom Haeder and Zach Hanson. Written comment was received from Paul Mascuch, Idaho Falconers Association, and Jim Hagedorn, The Gamebird Foundation (Appendix 54, Exhibit 52).

November 16

MISCELLANEOUS

Opening Comments

Chairman Cameron called the meeting to order with Commissioners Bobbitt, Ebert, Murphy, Clezie, Attebury and Davies present.

Review of Public Comment

Director Schriever and Commissioners discussed and reviewed the public comments. Comments included:

- Anadromous fish and comments asking the Commission to manage differently.
- Support for the Fisheries proposal at Henry's Lake.
- Unit 11A rifle hunting opportunity and loss of archery hunt.
- Recreational use in Atlanta Unit 39 and a request for the Department to consider contributing to road maintenance.
- Proposals for deer management in the Clearwater Region and season setting comments regarding furbearer proposals.

CONSENT CALENDAR

Consent Calendar

- Minutes May 5-6, May 20, June 3, June 17, July 13-14, September 1 and October 7, 2021.
- Financial Report

21-74 Commissioner Ebert moved and Commissioner Bobbitt seconded a motion to accept the items listed in the consent calendar. Motion carries.

SEASON SETTING AND RULES

Season Setting: Fishing Seasons and Rules 2022-2024

Joe Kozfkay, State Fisheries Manager, presented the proposed fishing season and limit changes for 2022-2024 (Appendix 54, Exhibit 53).

Outreach and Scoping Summary

IDFG provided a 30-day comment period allowing anglers to provide input on the proposed fishing seasons and limits changes for 2022-2024. These efforts included:

- News releases and social media campaign announced public comment periods
- Open houses (10 total) hosted throughout the state during the 30-day comment period
- Email invitation to over 60,000 anglers to complete the online survey and provide comment
- Additional email surveys were used for proposals on: (1) Henrys Lake, (2) Snake River-American Falls tailwater, and (3) Snake and Clearwater rivers salmon and steelhead season proposals.

Results

Our comprehensive outreach efforts resulted in significantly more public input than for previous general fishing seasons and limits updates. Public comment included:

- 2,678 anglers completed the public online survey
- 796 anglers provided written comments through the website
- 135 anglers attended open houses or otherwise contacted Regional Offices
- 3,232 responses to the Snake/Clearwater rivers anadromous proposals email surveys
- 3,910 responses to the Henrys Lake proposal random email survey
- 3,669 responses to the Snake River (American Falls tailwater) random email survey

21-75 Commissioner Ebert moved and Commissioner Bobbitt seconded a motion to approve the 2022-2024 fishing seasons and rules as presented by staff. Motion carries.

Steelhead Season Update and Proposed Modifications

Lance Hebdon, Chief, Fisheries presented the staff recommendations for the 2022 spring steelhead season daily bag limits (Appendix 54, Exhibit 54). Fish and Game fisheries managers

monitor steelhead returns annually and , consistent with projection, the 2021-2022 run year to has been one of the lower returns in the last 20 years.

At Lower Granite Dam, steelhead counts have been well below the 10-year average. The Commission adopted reduced daily bag limits for steelhead statewide for the fall 2021 season to ensure enough steelhead returns for hatchery broodstock.

Steelhead returns to the Salmon River and to Hells Canyon dam were later than normal. “When salmon or steelhead returns are late, the run appears smaller than it actually is,” Hebdon said. “Now that we have a more complete picture of the steelhead return we are confident that the two-fish limit on the Salmon and Snake rivers will provide sufficient fish to meet hatchery goals and provide more opportunity for steelhead anglers.”

Fisheries recommended Steelhead bag limit modifications:

Snake River

- Starting January 1, 2022 the daily bag limit is two steelhead on the Snake River.

Clearwater River

- Starting January 1, the daily bag limit is one steelhead on the Mainstem, Middle Fork, North Fork and South Fork Clearwater rivers.

Salmon River (including Little Salmon River)

- Starting January 1, the daily bag limit is two steelhead.

Hells Canyon Reservoir or the Boise River

- No modifications.

21-76 Commissioner Bobbitt moved and Commissioner Ebert seconded a motion to approve the recommended modifications to the spring 2022 Steelhead seasons for the Salmon, Clearwater, and Snake rivers as presented by staff. Motion carries.

Grizzly Bear Update: Wyoming Delisting Petition for Greater Yellowstone Population, Revision of 2016 Tri-State Memorandum of Agreement and Proclamation

Toby Boudreau, Chief, Wildlife reported that no action will be taken on this agenda item, an update only.

The Interagency Grizzly Bear Committee, consisting of various federal and state wildlife and land management agencies, along with other experts, agrees that grizzly bears in the Greater Yellowstone Ecosystem (GYE) have been biologically recovered for at least 15 years. However, court decisions invalidated 2007 and 2017 delisting efforts for GYE grizzly bears. The court decisions identified procedural flaws or disagreements with the U.S. Fish and Wildlife Service’s (USFWS) assessment of state regulatory mechanisms.

The court decisions identified three needs warranting remand of the 2017 delisting rule: (1) a commitment to genetic augmentation through translocation if the GYE remains isolated from

other populations; (2) a commitment to recalibrate population metrics and mortality thresholds should the states change to a new method for estimating abundance and survival/mortality of the GYE population; and (3) an USFWS review of the effect of delisting the GYE population on the rest of the “lower-48” grizzly bear listed entity.

The first two needs relate to state commitments for management of grizzly bears after delisting, while the third relates to an analysis the Service would complete before making a delisting decision.

The State of Wyoming informed Idaho and Montana of Wyoming’s intent to petition the delisting of GYE grizzly bears. To support a petition, Wyoming has asked Idaho and Montana to adopt revisions to the Tri-state MOA and related individual state regulatory documents that state wildlife agencies and commissions executed in support of the 2017 delisting.

Commissioners will be asked to review the new draft MOA when ready at a later date, forthcoming.

Turkey Tag Discount Order Renewal

Jeff Knetter, Upland Game & Migratory Bird Coordinator presented.

There are two types of turkey tags: general hunt tags and controlled hunt tags. General hunt tags are valid for spring and fall general seasons. If a general hunt tag is not used to harvest a turkey during the spring season, it may be used in a fall season. Controlled hunt tags are valid in the controlled hunt for which a hunter was drawn or in any open general hunt during the calendar year for which the tag is valid.

Commission Order 21-17 continued fee discounts for certain types of turkey tags through calendar year 2021. These discounted general hunt tags are referred to as “special unit” tags and “discounted” tags.

- “Special Unit” Tag - For use in units 1, 2, 3, 4, 4A, 5, 6, 7, and 9 in fall general seasons, and in designated depredation hunts. Fees are \$5, including the vendor issuance fee.
- “Discounted” Tag - Tag fees are discounted for the second or subsequent resident tags purchased in a calendar year following purchase of the first full-price general or controlled hunt tag purchase. These are available for use in spring and fall general seasons throughout the state. Fees are \$12.25, including the vendor issuance fee.

Staff recommends continuing existing discounts for resident and nonresident special unit tags, and for the purchase of the second or subsequent resident tags purchased in a calendar year following the first full-price general or controlled hunt tag purchase, as follows (all prices include \$1.75 vendor fee):

	First tag (general or controlled hunt)	Discounted tags (up to 2)	Discounted general "special unit" tags (up to 3)
Resident w/ Pricelock	\$19.75	\$12.25	\$5.00
Resident w/out Pricelock	\$22.75	\$12.25	\$5.00
Nonresident	\$80.00	\$80.00	\$5.00

21-77 Commissioner Murphy moved and Commissioner Clezie seconded a motion to adopt the turkey tag discount Order 21-66 as presented by staff. Motion carries.

MANAGEMENT PLAN

Draft Turkey Management Plan

Don Jenkins, Natural Resource Program Coordinator provided a brief update on the plan.

Wild turkey populations in Idaho provide excellent hunting opportunities, with some of the highest success rates in the United States. In general, seasons are structured to maximize hunter opportunity. This provides abundant opportunities for youth hunting and mentoring, as wild turkey hunting is often considered a good way to introduce young people to hunting.

Staff have developed a draft plan for wild turkey management in Idaho. The Commission has not previously approved a wild turkey management plan. This plan outlines the major issues affecting wild turkey management and provides overall direction for wild turkey management, including guidance for damage/nuisance turkeys and winter feeding, for the next 6 years (2022-2027). This plan will guide the Department in annual work plan development and program prioritization, and provide guidance on development of harvest recommendations.

With Commission approval, the current draft will be posted on the department website to provide the public an opportunity to review and comment. After consideration of public input, a final plan will be prepared to present to the Commission for adoption in January.

21-78 Commissioner Attebury moved and Commissioner Murphy seconded a motion to approve the staff recommendation to release the draft Wild Turkey Management Plan for public review. Motion carries.

SEASON SETTING AND RULES

Rules: Adoption of Pending Rules

Jim Fredericks, Deputy Director, presented.

This omnibus rulemaking is to adopt as Pending previously approved and codified chapters of IDAPA 13. On June 3rd, the Commission adopted omnibus fee and non-fee rules as temporary

per direction from the Division of Financial Management (DFM) to be effective July 1st. DFM subsequently issued direction to all state executive agencies to proceed with rulemaking to submit necessary rules for 2022 legislative review as an omnibus rulemaking. On September 1st the Commission approved omnibus fee and non-fee proposed rules. The proposed rules included changes to existing rule in Chapters 4, 7, 8, and 9 and 15. These included changes to correct typographical errors, clarify points of confusion and/or make language across chapters consistent, provide for the use of crossbows as a method of take for upland game birds, make minor adjustments to Geographical Management Units (GMUs) to better align with management and enforcement objectives, adjust elk tag set-aside for outfitter allocation, and include a hound hunter licensing requirement inadvertently deleted from a prior rule version. Proposed Omnibus rules were published in a special edition of the Idaho Administrative Bulletin on October 20, 2021, after which comments were accepted for 21 days.

For proposed rules to take effect as final rules, the Commission must adopt them as Pending rules to submit them for legislative review. Staff recommends the adoption of fee and non-fee rules presented to the Commission as Pending. This recommendation is consistent with the Commission's prior omnibus rulemaking actions in February (fee) and May (non-fee), June (both fee and non-fee temporary), and September (both fee and non-fee proposed). Because of differences in approval processes for adoption of fee and non-fee rules, these are separated into two different rulemaking actions.

21-79 Commissioner Clezie moved and Commissioner Ebert seconded a motion to adopt fee rules as presented by staff as Pending, with authority for the Department to make non-substantive edits in the proofreading process that do not alter the sense, meaning or effect of the rules. Motion carries.

21-80 Commissioner Attebury moved and Commissioner Ebert seconded a motion to adopt non-fee rules as presented by staff as Pending, with authority for the Department to make non-substantive edits in the proofreading process that do not alter the sense, meaning or effect of the rules. Motion carries.

LEGISLATION

Legislative Update

Deputy Director Fredericks reported that the Department has no agency-sponsored legislation proposed for the 2022 legislative session.

In recent years, the Commission has met via weekly conference calls during the legislative session to evaluate legislative proposals related to fish and wildlife management, Department administration, and other items of interest. Calls have typically occurred on either Wednesday or Thursday mornings at 8 a.m. MST, and staff have provided the Commission with a summary of legislation and bill status (including Commission-sponsored legislation approved by the Governor's office). The weekly calls provide the Commission with the opportunity to determine whether a policy position is warranted. Commission consensus is to proceed with the legislative calls on Thursday mornings at 8:00 a.m. MST.

SEASON SETTING AND RULEMAKING

Petition for Rulemaking

Jim Fredericks, Deputy Director, presented.

The Commission and the Department received a petition (Appendix 54, Exhibit 55) on October 29, 2021 for rulemaking to modify the rule related to nonresident limitations in the Children with Special Needs Big Game Tag program (13.01.04.900.07) established under Idaho Code section 36-408(6).

Each year, up to five big game tags can be made available for children with life threatening medical conditions. These tags are valid in any open hunt, controlled or general, as provided by Commission proclamation, with the exception that they may not be used in any Controlled Hunt with less than five controlled hunt tags.

Current rule states “*Not more than one (1) special needs tag will be issued to a nonresident, unless there are insufficient applications for resident applicants.*”

The current rule went through negotiated rulemaking in 2017. The Commission added this nonresident limitation language as a result of public input that residents should receive preference for Children with Special Needs Big Game Tag tag eligibility.

The petition seeks to modify the limitation on nonresidents by either 1) using a full lottery drawing without preference as to the child's residency or 2) allocating 1 tag to a resident and then the other remaining 4 tags to a lottery drawing.

Commissioner Bobbitt moved that the Department initiate negotiated rulemaking to consider the nonresident limitations in the Children with Special Needs Big Game Tag program. Motion died for lack of a second.

21-81 Commissioner Davies moved and Commissioner Murphy seconded a motion to deny the petitioner's request for rulemaking to adjust the nonresident limitations in the Children with Special Needs Big Game Tag program. Motion carries.

Falconry: Sage Grouse Tag Use for End of 2021-2022 Season / Discount Order

Jeff Knetter, Upland Game & Migratory Bird Coordinator presented.

Legislation (House Bill 235) enacted in 2021 added sage grouse to the list of species requiring game tags under Idaho Code 36-409. This legislation was a revised version of Commission-sponsored legislation, with the goal of better regulation of sage-grouse harvest and distribution of hunting activity to align with sage grouse populations across the state.

During the July 2021 meeting, the Commission set 2021 sage-grouse seasons and allocated tags by designated zones. Sage-grouse seasons were set from September 18 to October 31 for shotgun/archery hunters.

Falconry season dates have traditionally differed from other sage-grouse season dates. During the July 2021 meeting, the Commission did not make changes to previously adopted falconry season dates for sage-grouse (August 15 – March 15).

Under Idaho Code 36-403, game tags are valid only during the time the corresponding basic annual license is valid. Sage-grouse 2021 tags are valid through the end of calendar year 2021 and expire on December 31, 2021.

Falconers and staff identified the enactment of a game tag requirement for sage grouse as potentially reducing or confusing tag use for falconer participation. Under the prior permit framework, falconers simply purchased an annual sage/sharp-tailed permit that allowed falconry hunting of sage grouse from January 1 – March 15 and from August 15 – December 31 in a calendar year. Staff have identified a need to address the use of game tags for the remainder of the falconry seasons (Jan. 1 – March 15, 2022), such that their use aligns with the Commission's tag allocation based on 2021 biological data, and such that it is separate from future tag allocation the Commission may make for seasons beginning in fall 2022 after a review of 2022 biological data.

The Commission will be able to consider the falconry framework for sage grouse more fully in conjunction with upcoming falconry season setting and the zero-based review of falconry rules (IDAPA Chapter 13.01.14). In the interim, staff present a discount order for the Commission's consideration to address sage grouse tag use for the remainder of the falconry season previously set for fall 2021/winter 2022 for sage grouse. This discount order would allow IDFG to issue tags at no charge to falconers who have not yet filled their 2021 sage-grouse tags. Newly issued tags would be valid for the 2022 portion of the falconry season: January 1, 2022 – March 15, 2022.

21- 82 Commissioner Ebert moved and Commissioner Attebury seconded a motion to adopt the discount Order 21-67 for sage grouse tags for falconry as presented. Motion carries.

REPORT

Idaho Fish & Wildlife Foundation Report

Hilarie Engle, Foundation Development Coordinator reported that staff move to the new HQ building will start on November 29 and should be complete by December 30th. The 2021 IFWF Competitive Grants have been awarded. The next IFWF Board meeting is scheduled for December 4th at the Southwest Regional office in Nampa.

Appoint IFWF Representative

21-83 Commissioner Ebert moved and Commissioner Bobbitt seconded a motion that Commissioner Cameron serve as the 2022 Commission Liaison to the Idaho Fish & Wildlife Foundation. Motion carries.

SEASON SETTING AND RULES

Wolf Update

Toby Boudreau, Chief, Wildlife presented a statewide update (Appendix 54, Exhibit 56) of wolf mortality in relation to 2021 legislative changes and the seasons and rules amendments adopted by the Idaho Fish and Game Commission, including:

- Wolf mortalities by mortality agent and method, including Mortalities as a result of expanded methods of take
- Number of hunting hours exemptions authorized
- Number of landowner kill permits authorized and number of wolves taken
- Wildlife Services update: numbers of wolves removed, wolves collared, and wolf-caused livestock depredations

REPORTS

Status of Transition to New HQ Office

Michael Pearson, Chief, Administration, reported that the new headquarters building is completely enclosed and climate controlled, with the new furniture being delivered and assembled. Dates have been scheduled to move about 170 Department staff assigned to the new HQ from three different locations, and work is underway to make the transition as smooth as possible given the size and scope.

Current plan is to completely vacate the leased St. Luke's plaza facility by December 31, 2021, and also thereby avoid unnecessary lease payments of over \$250,000.

Big Game Tag Rain Check / Refund Update

Michael Pearson, Chief, Administration, stated that the Commission has provided the Director delegation of authority for rainchecks and refunds in the interest of efficiency and customer service due to the frequency and fact-specific nature of these requests.

The delegation excludes rainchecks or refunds for antlered Moose, Bighorn Sheep, or Mountain Goat tags, including the affiliated license; any auction or "lottery" controlled hunt tags, including Superhunt; and any controlled hunt tags for big game hunts that have drawing odds less than 5% as calculated by the total number of tags divided by the total number of first choice applicants.

Commissioners were provided the statistics (Appendix 54, Exhibit 57) for requests received during fall 2021 within the Commission's delegated authority to the Director, including how many requests were received related to the COVID19 pandemic.

Crop Depredation Update

Don Jenkins, Natural Resource Program Coordinator, reported that the number and amount of crop depredation claims to the Department has been increasing over the last few years. This has resulted in a situation in which the amount owed exceeds the funds within the depredation compensation accounts. When this occurs the Department is legally required to prorate payments to agricultural producers. Mr. Jenkins provided a summary (Appendix 54, Exhibit 58) of recent crop depredation claims, claim trends, changes in crop rotation and commodity prices over the past few years. Additionally, the Department continues to work to alleviate claims, along with legislative changes to the depredation compensation program (2017 House Bill 230).

SEASON SETTING AND RULES

Outfitter Tag Use Update and Modification of 2022 Allocated Tags and Non-resident Limits in Five Clearwater Region Deer Units

Rick Ward, Wildlife Game Manager, provided background information to the Commission on Outfitter Tag Use. In November 2020, the Commission set nonresident limits for 2021 and 2022 general hunt participation for each game management unit for deer and for each previously uncapped elk zone. The Commission also allocated a portion of these tags for outfitters based on the highest outfitted use in each newly limited zone/unit during 2018 and 2019. The Commission made subsequent adjustments to tag numbers in some elk zones and general-season deer units at their meetings in December 2020 and January and March 2021. Beginning with the 2021 season, outfitter tag sales are administered through IDFG's licensing system, providing improved tracking and monitoring of outfitter tag use.

Mr. Ward presented an update on the 2021 Outfitter Tag use and timeline; and presented the Amended 2022 Allocated Tags & Non-resident Limits (Appendix 54, Exhibit 59).

Staff recommendation:

Nonresident Regular Deer Tags: Staff recommends the Commission amend its September 1, 2021 proclamation by eliminating 2022 nonresident regular deer tags from units 11, 11A, 13, 14, And 18.

Outfitter Deer Tag Allocation: Staff recommends the Commission amend its September 1, 2021 proclamation by eliminating outfitter allocated regular deer tags in units 14 and 18 and replacing them with a new allocation of white-tailed deer outfitter tags in the same quantities by unit with a corresponding reduction in nonresident over-the-counter white-tailed deer tags.

21-84 Commissioner Bobbitt moved and Commissioner Attebury seconded a motion that the Commission amend its September 1, 2021 proclamation as it relates to 2022 nonresident over-the-counter and outfitter-allocated regular and white-tailed deer tags in units 11, 11A, 13, 14, and 18, as specified in the tables as they now appear before us (see Exhibit 59). Motion carries.

Upland and Furbearer Season Setting Update

Jeff Knetter, Upland Game & Migratory Bird Coordinator, presented a brief overview on the season setting process timeline and a preview of key preliminary proposals that the Department will be taking to the public for the 2022 and 2023 upland game and furbearer seasons. Staff will present the final proposals to the Commission for action at their January 2022 meeting.

MISCELLANEOUS

Set the 2022 Commission Calendar

The Commission discussed and agreed upon the following calendar dates for 2022.

- January 26-27, Boise
- March 23-24, Boise
- April 14, conference call
- May 18-19, McCall
- July 20-21, Salmon
- November 14-15, Lewiston

Appoint Commission Representative to WAFWA

21-85 Commissioner Davies moved and Commissioner Murphy seconded a motion to appoint Commissioner Attebury continue as the Commission representative to WAFWA. Motion carries.

REPORTS

Director's Report

Director Schriever reported that the written report stands as written in the agenda packet.

Commissioner Reports

Commissioner Reports stand as written (Appendix 54, Exhibit 60).

MISCELLANEOUS

Planning for Next Meeting

The next meeting is scheduled for January 26-27 in Boise.

Executive Session

21-86 Commissioner Clezie moved and Commissioner Attebury seconded a motion that the Commission go into executive session under Idaho Code 74-206 subsection (c) for land acquisition and subsection (f) for litigation.

Roll Call vote Ayes: Dave Bobbitt, Don Ebert, Tim Murphy, Greg Cameron, Lane Clezie, Derick Attebury and Ron Davies.

The Commission discussed potential property acquisition and litigation matters.

21-87 Commissioner Clezie moved and Commissioner Davies seconded a motion to come out of executive session with no action taken. Motion carries.

Adjourn 1:20 p.m. PST



Greg Cameron
Chairman



Ed Schriever
Secretary