

**Idaho Fish and Game Commission
Quarterly Meeting
Idaho Department of Fish and Game
3316 16th Street
Lewiston, Idaho**

November 16

MISCELLANEOUS

Field Tour

Commissioners Brad Corkill, Dan Blanco, Blake Fischer, Greg Cameron, Lane Clezie, Derick Attebury and Jerry Meyers participated on a Steelhead survey on the Clearwater River.

Commissioners met at the Jack O'Connor Center for a tour of the center and to meet with the Board Members. A Trapping Overview and an Anadromous Fish Overview were presented at the center. The trapping overview was presented by Toby Boudreau, Regional Supervisor and Jack Whitman. Joe Dupont, Fisheries Regional Manager, presented the Anadromous Fish overview.

Public Hearing

Acting Chairman Corkill called the meeting to order at 7:00 p.m. Commissioners Dan Blanco, Blake Fischer, Greg Cameron, Lane Clezie, Derick Attebury and Jerry Meyers were present. Introductions of Director Moore and staff at the hearing followed. Director Moore introduced former Commissioners Fred Trevey, Will Godfrey and Keith Carlson.

The following individuals provided public comment: Butch Sour, Clarence Binninger, Jim Hagedorn, Bo Lane, Brad Morlock, Robert Howell, Ali Hakaln, Joseph Peterson, IOGA, and Will Godfrey.

November 17

MISCELLANEOUS

Call to Order and Opening Comments

Acting Chairman Brad Corkill called the meeting to order with all Commissioners in attendance.

Commission Officer Election

16-93 Commissioner Dan Blanco moved and Commissioner Jerry Meyers seconded a motion to nominate Brad Corkill as Chairman and Lane Clezie for Vice Chairman of the Commission. All Commissioners voted in favor.

Review of Public Comment

Director Moore led the discussion and review of the public comments. There were nine individuals who testified. Comments heard were opposition to LAP and auction tags, Access Yes signage in the Clearwater Region, elk hunting and loss of elk on the Lochsa front. Regional Supervisor Chip Corsi met with the individuals from Sunnyside Peninsula homeowners' opposed to the proposed logging of the 52 acre parcel owned by Idaho Fish and Game after the meeting. A comment asking the Commission to represent the public of Idaho vs. the bidding of elected officials. A desire to see quality fishing for all publics; we have lost our leadership there. A request from the IOGA urging the Commission to maintain the discounted NR tag fees for Mt. lion, bear and wolves. Written comment received from Idaho Wildlife Sheep Foundation, Jim Hagedorn and Ali Hakala (Appendix 49, Exhibit 75).

CONSENT CALENDAR

Consent Calendar

- Minutes July 6-7, August 8, September 23, and October 7, 2017

16-94 Commissioner Derick Attebury moved and Commissioner Lane Clezie seconded a motion to approve the minutes as presented in the consent calendar. All Commissioners voted in favor.

FISCAL

Financial Report

Michael Pearson, Chief, Administration, presented an informational overview of the Financial Report to provide understanding and clarity for new Commissioners Jerry Meyers and Greg Cameron. Normally the financial report is included in the Commission consent calendar.

16-95 Commissioner Lane Clezie moved and Commissioner Dan Blanco seconded a motion to approve the Financial Report as presented. All Commissioners voted in favor.

FY18 Budget Update Information Only

During the July Commission meeting, the preliminary figures were presented for the FY18 budget request which was due to the Governor's Office by September 1. On August 8th, the Commission voted to approve the FY18 budget request which had minimal changes from July.

Since approval by the Commission and submission to the Governor, the department has become aware of budget items that needed to be added to this request. This presentation updated the Commission on those specific items which were added to the FY18 *revised* budget request that was submitted to the Governor's Office by the October 31st deadline.

LANDS

Gregg Servheen, Wildlife Program Coordinator presented the land proposals.

Clagstone Meadows Easement

This is a proposal to acquire a conservation easement (CE) on a 13,169-acre property known as Clagstone Meadows Ranch – the largest contiguous block of privately-owned land in Bonner County – and on 1,263 acres in two parcels on the west shore of Lake Pend Oreille at Cape Horn. The value of the Clagstone Meadows/Cape Horn CE is \$12,600,000.00. The conservation easement will be jointly held by the Idaho Fish and Game Commission and the Idaho Department of Lands. Cash contributions to the project include \$5.5 million from the Forest Legacy Program; \$2 million from a private donation through the Trust for Public Lands; and, IDFG proposes to provide \$2 million in Pittman-Robertson (PR) funds.

The Clagstone Meadows property is largely forested, containing identified priority wetlands, and portions are within identified focal areas of the State's Comprehensive Wildlife Conservation Strategy. Over 11,600 acres are forested; about 280 acres of the property consists of wetland, riparian, and lake habitats; and another 770 acres consists of a mosaic of scrub-shrub and grassland areas with some rocky outcrops. It is home to elk, deer, black bear, wild turkey, migratory birds, waterfowl, and forest grouse. The property has historically been managed for timber production and some agricultural use. The CE would protect both the continued management of timber and the property's fish and wildlife resources, and would open up the opportunity for year-round public access and enjoyment of these resources, including hunting and trapping.

No fee in lieu of taxes (FILT) is required as this is an easement and the landowner retains fee-title and is responsible for payment of taxes on the property.

County Commissioners have been notified and do not oppose the conservation easement. The public has been informed and contacted for their input regarding the protection and public access on the property.

16-96 Commissioner Derick Attebury moved and Commissioner Greg Cameron seconded a motion that the Commission adopt the staff recommendation to proceed with the acquisition of the Clagstone Meadow /Cape Horn conservation easement. All Commissioners voted in favor.

Black Lake Ranch Acquisition

This fee title acquisition will add 1,012.72 acres to the Coeur d'Alene River Wildlife Management Area (WMA) for the appraised value of \$2,600,000. The proposed acquisition, known as the Black Lake Ranch (BLR), fronts over five miles of the Coeur d'Alene River and 3,800 feet of Black Lake shoreline in Kootenai County, Idaho. It is approximately 18 miles east from the town of Harrison.

The Black Lake Ranch is a key property within the clean-up and restoration planning area within the lower Coeur d'Alene Basin due to its size and location. The ranch includes approximately

675 acres of floodplain on the south side of the Trail of the Coeur d'Alenes to the east and west of Black Lake, 45 acres of riparian habitats composed of riverine shrub and black cottonwood, and about 292 acres of winter range shrub and forested uplands. Current uses of the floodplain portion include haying and cattle and horse ranching. This property has been extensively fenced, ditched and diked and continues to be pumped in an effort to control surface water. Several ponds exist on the property, and portions of several of the pastures become saturated during parts of the year. Prior to converting the floodplain habitats to agricultural production, the eastern and western portions of the property were seasonal wetlands used heavily by waterfowl.

Acquisition of the property by IDFG would facilitate short- and long-term remediation and restoration efforts of the ranch's contaminated lowlands, with potential conversion of agricultural areas back to historic wetlands, wetland habitat improvements, and improvements to water quality issues of Black Lake. Acquisition of the property would allow for improved connectivity of WMA lands and wetland habitats across the lower Coeur d'Alene Basin, as well as provide improved public access to the Chain Lake Area (i.e., Blue Lake, Swan Lake, and Black Lake). The current wildlife species diversity, habitat values, and potential for improvement are extremely high.

IDFG pays a fee in lieu of taxes (FILT) for all fee-title properties. The FILT for properties in Kootenai County is estimated at \$2.24 per acre, for a total annual FILT payment of \$2,268.49 for the property.

Acquisition of this property was presented to the Commission during Executive Session on November 12, 2014 and again on September 23, 2016. All due diligence required by Federal Aid monies has been completed.

16-97 Commissioner Blake Fischer moved and Commissioner Derick Attebury seconded a motion to approve the Department to complete acquisition of Black Lake Ranch using the proceeds of the sale of St. Maries surplus property. All Commissioners voted in favor.

Clack/Craig Mountain Exchange

This project will exchange a 40-acre parcel of Department-owned property on the edge of Craig Mountain WMA for a 40-acre private in-holding parcel adjacent to the property being traded. Timber evaluations, land appraisals, and due diligence investigations are now completed. Both parcels are appraised at \$19,000.00.

The main reason for completing this land trade is to improve management and administrative efficiencies of IDFG staff and help reduce the potential for future legal issues regarding IDFG access to Craig Mountain. IDFG currently travels through this private land to access the WMA. This exchange would eliminate that need.

The parcel being acquired has been subdivided. If the property were to be subdivided, potentially multiple owners might need access across IDFG lands to enter their property. This would increase administrative and management demands and reduce the wildlife values of our

current property. Acquisition and management of the property being acquired can be incorporated into the current WMA management without an increase in annual operating.

This was a proposal presented to the Commission during Executive Session on March 19, 2013. The Lands Committee recommended proceeding with the land exchange.

16-98 Commissioner Blake Fischer moved and Commissioner Jerry Meyers seconded a motion to adopt staff recommendation to approve completion of the Clack land exchange. All Commissioners voted in favor.

RULES

Review Public Input About Proposed Rules to Administer Take of Delisted Greater Yellowstone Grizzly Bear

Sharon Kiefer, Deputy Director, presented.

The Commission is not proposing to open a hunting season for grizzly bear in the Greater Yellowstone Ecosystem, and the Department is not making any recommendation to open such a hunting season. However, in conjunction with the delisting process, staff recommended that the Commission adopt rules related to the administration of potential take through hunting should the Commission open a season after delisting. Following an information briefing to the Idaho Fish and Game Commission on May 17, 2016, the Department submitted a Notice of Intent to initiate negotiated rule making for publication in the July 6, 2016 issue of the Administrative Bulletin. The publication contained seven rule proposals, which were made available for public review on the Department's website. Public comments were gathered during the July 6, 2016 Commission hearing, and via email, Department website, and direct mail during a 21-day comment period running from July 6 through 27, 2016.

On August 8, staff reported to the Commission that the majority of comments elicited through negotiated rulemaking did not address the rule proposals. The Commission adopted the Department's recommendation to determine that negotiated rulemaking was not feasible and they adopted the rules as proposed to be published in the Administrative Bulletin on October 5, 2016 for public input through October 26, including a public hearing that was scheduled October 12.

Idaho Code 36-104(b)(2) and 36-105 grant authority to the Commission to set seasons and limits through proclamation and adopt IDAPA rules and orders. Rules governing the taking of big game animals are provided in IDAPA 13.01.08. Idaho Code, title 67, chapter 52 (Idaho Administrative Procedure Act) governs the rulemaking process to adopt, amend, or repeal IDAPA rules.

A summary of public comment received in response to the notice of rulemaking was provided (Appendix 49, Exhibit 76).

No action taken by the Commission.

No revision of the seven proposed rules in Docket No. 13-0108-1601.

RULES

Renewal of Commission Order Discounting Nonresident Tag Fees for Mountain Lion, Black Bear and Gray Wolf

Sharon Kiefer, Deputy Director, reported that Idaho Code Section 36-415 grants discretionary authority to the Commission to discount fees for licenses, including tags and permits, upon finding a biological need or public need or unsold licenses. Fees may be discounted for several purposes, including for specific species, units, areas, zones, or gender as necessary to encourage increased license sales or to encourage hunting, fishing, or trapping. Any discounted fee is effective only for the time period set by a Commission Order. Holders of licenses purchased before the discount are not entitled to a refund except as provided by rule.

On April 2, 2015, the Commission authorized Order 15-22 to extend discounted nonresident tag fees for mountain lion and black bear in certain units, and statewide for gray wolf. The Commission discount for these units is \$41.75 for nonresident mountain lion and black bear tag fees, and the nonresident wolf tag fee of \$31.75, inclusive of the vendor issuance fee. This discount represents fees that are 22% and 17% of the full fee of \$186.

Order 15-22 is in effect through December 31, 2016. A new order is necessary to extend tag fee discounts.

The Commission has previously found a biological and public need to encourage participation in the hunting of mountain lion and black bear in certain units and in the hunting of wolves statewide as a rationale to discount nonresident tag fees, pursuant to I.C. 36-415.

Staff recommends a new Commission Order, in effect through December 31, 2018, that extends the same nonresident mountain lion, black bear, and gray wolf tag discounts achieved in Commission Order 15-22.

A proposed discount order was provided for Commission consideration (Appendix 49, Exhibit 77).

16-99 Commissioner Blake Fischer moved and Commissioner Lane Clezie seconded a motion to adopt the proposed Commission Order to discount nonresident tag fees to \$41.75, inclusive of vendor issuance fee, for mountain lion and black bear in Units 4, 4A, 6, 7, 9, 10, 12, 16A, 17, 19, 20, 20A, 26, 27, that portion of Unit 16 north of the Selway River, and those portions of Units 21 and 28 within designated wilderness and to discount the nonresident gray wolf tag fee statewide to \$31.75, inclusive of vendor fee. All Commissioners voted in favor.

FISCAL

Resolution to Support Recovering America's Wildlife Act of 2016 (HR 5650)

Rex Sallabanks, Wildlife Diversity Program Manager presented the proposed resolution.

The Blue Ribbon Panel on Sustaining America's Diverse Fish and Wildlife Resources recommended that \$1.3 billion in existing revenues from energy and mineral development on

federal lands and waters be invested annually in fish and wildlife conservation through the Wildlife Conservation and Restoration Program under the Pittman-Robertson Act. The Wildlife Conservation and Restoration Program was created in statute in 2000 to provide funding to states to develop and implement State Wildlife Action Plans to conserve the full array of fish and wildlife, and support wildlife conservation education and wildlife-associated recreation. The Program was funded at \$50 million in its first year but has not been funded since.

A direct result of the Blue Ribbon Panel's recommendation, Recovering America's Wildlife Act of 2016 (HR5650) proposes to modernize fish and wildlife conservation funding by using existing royalties to expand the funding base to ensure the full array of fish and wildlife can be sustainably managed. Without this funding, the current model puts a disproportionate burden on hunters, recreational shooters, anglers, and boaters, and is insufficient to meet the needs of thousands of species and their associated habitat.

State fish and wildlife agencies have a strong track record of conservation success when they have adequate funding. To this end, a new dedicated and sustainable funding mechanism is needed to implement proactive conservation actions for Species of Greatest Conservation Need to maintain healthy, sustainable populations and prevent federal listing under the Endangered Species Act.

Staff recommends the Commission adopt the attached resolution (Appendix 49, Exhibit 78) supporting the recommendation of the Blue Ribbon Panel on Sustaining America's Diverse Fish and Wildlife Resources.

16-100 Commissioner Derick Attebury moved and Commissioner Lane Clezie seconded a motion that the Commission adopt the resolution supporting the recommendation of the Blue Ribbon Panel on Sustaining America's Diverse Fish and Wildlife Resources. All Commissioners voted in favor.

MISCELLANEOUS

Appoint Commission Representative to Western Association of Fish and Wildlife Agencies (WAFWA)

16-101 Commissioner Lane Clezie moved and Commissioner Dan Blanco seconded a motion to appoint Commissioner Derick Attebury as the Commission representative for WAFWA. All Commissioners voted in favor.

RULES

Pending Rules Ratification

Kathleen Trever, Deputy Attorney General presented the rules and explained the process for IDAPA rulemaking.

Background: As part of the rulemaking process under the Idaho Administrative Procedure Act (IDAPA), the Commission needs to adopt as **Pending Rules** those Proposed Rules previously

promulgated during the last rulemaking year. We have referred to this process as 'ratification' because the Commission is formally approving rules which it has already promulgated. This approval is needed for the rules to be reviewed by the 2017 Legislature. If the Pending Rules are accepted by the Legislature, the rules will become Final Rules.

The IDAPA provision for adopting Pending Rules and the legislative review process is Idaho Code Section 67-5224. There are no policy issues. This is an annual step in the rulemaking process.

Staff Recommendation: I recommend that the Commission adopt as Pending Rules the following Proposed Rules:

- 1) **Docket No. 13-0102-1601** Proposed Rule (Fee Rule). Rules Governing Hunter Education and Mentored Hunting. The rules implement a mandatory trapping education program for trappers who purchased their first trapping license on or after July 1, 2011, broadens the description of mandatory education, establishes fees for mandatory hunter, archery, and trapping education, integrates reference to existing archery education pursuant to Sections 36-411 and 36-412, Idaho Code, and deletes an obsolete rule about practical handling and shooting of firearms requirement for hunter education certification.
- 2) **Docket No. 13-0108-1601** Proposed Rule. Rules Governing the Taking of Big Game in the State of Idaho. The proposed rules administer grizzly bear hunting should the Idaho Fish and Game Commission authorize hunting after grizzly bear in the Greater Yellowstone Ecosystem are taken off the federal endangered species list. The proposed rules do not make any decision to delist grizzly bears and do not propose to open any hunting season for grizzly bear in Idaho.
- 3) **Docket No. 13-0108-1603** Proposed Rule. Rules Governing the Taking of Big Game in the State of Idaho. Rule will increase the amount of time from one to two years that a hunter must wait after drawing an antlered-only deer or elk tag to be eligible to apply again for an antlered-only deer or elk controlled hunt.
- 4) **Docket No. 13-1009-1501** Temporary and Proposed Rule. Rules Governing the Taking of Game Birds in the State of Idaho. This rule modifies the current boundary of the Hagerman goose hunting closure area to remove certain private property to allow hunting to reduce goose depredation on crops.
- 5) **Docket No. 13-0109-1602** Temporary and Proposed Rule. Rules Governing the Taking of Game Birds in the State of Idaho. The rule simplifies the age and mentor requirements for youth-only hunts to make them more consistent and updates the rule to be consistent with legislative revision of Section 36-409(i), Idaho Code, in 2016.
- 6) **Docket No. 13-0111-1601** Proposed Rule. Rules Governing Fish. This rule provides opportunity to harvest unclipped summer Chinook salmon in the Clearwater River.
- 7) **Docket No. 13-0117-1601** Temporary and Proposed. Rules Governing the Use of Bait and Trapping for Taking Big Game Animals. This rule revises the distance from road and trails

for placing bear bait in the Panhandle and Clearwater regions because hilly terrain and an extensive road network make the current standard infeasible in many areas of these regions.

Commission discussion followed on Docket No. 13-0108-1603

3) **Docket No. 13-0108-1603** Proposed Rule. Rules Governing the Taking of Big Game in the State of Idaho. Rule will increase the amount of time from one to two years that a hunter must wait after drawing an antlered-only deer or elk tag to be eligible to apply again for an antlered-only deer or elk controlled hunt.

16-102 Commissioner Lane Clezie moved and Commissioner Greg Cameron seconded a motion that the Commission adopt as pending rules the seven proposed rules as presented by staff. The motion died.

For the record Commissioner Blake Fischer comments that he feels this is not the best solution and that it is a fairness issue.

Substitute Motion: **16-103** Commissioner Blake Fischer moved and Commissioner Dan Blanco seconded a motion that the Commission adopt as pending rules six of the seven rule dockets except Rule Docket 3 13-0108-1603 as presented by staff. All Commissioners voted in favor.

Discussion on rule docket 3 followed.

Commission consensus is to address the item after lunch allowing staff to pull information for questions from the commission, allowing time for further discussion and a vote later.

LEGISLATION

Legislative Update and 2017 Commission Legislative Process Guidance

Sharon Kiefer, Deputy Director, reported that the Department's five proposals previously discussed have been approved by the Governor's office and will be forwarded to either the House Resources and Conservation Committee or the Senate Resources and Environment Committee for a print hearing once the 2017 legislative session begins.

Commission consensus is to continue a 2017 legislative process similar to 2016 with January 19, 2017 being the first scheduled call.

REPORTS

Rain Check / Refund Report

Michael Pearson, Chief, Administration, reported 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 controlled hunt tags awarded via auction or lottery, 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.

Mr. Pearson provided statistics for those requests received during 2016 that fall within the Commission's delegated authority to the Director (Appendix 49, Exhibit 79).

YY Male Brook Trout Project – Program Update

Dan Schill, Fishery Research Manager provided a brief program overview.

IDFG fisheries researchers, hatchery staff, and managers have been collaborating on a new approach for eradicating undesirable fish populations that impact sport fishing. The method requires development a hatchery broodstock whose progeny are only capable of producing males. Stocking these hatchery fish into a wild population would, over time, skew the sex ratio to all males, ultimately eliminating the undesired species in select waters and allow for re-establishment of fisheries with a more desirable species. IDFG's development of a YY male broodstock was begun for the first test species (Brook Trout) in 2008 and successfully accomplished in 4.5 years. Field research was initiated in July 2014 with the first stocking of YY Males into 4 Idaho streams. Recent genetic results confirmed successful spawning of stocked YY Brook Trout males with wild females and, as predicted by genetic theory, all progeny were genetic males. The finding that YY Brook Trout males successfully reproduced in the wild, along with companion modeling studies, provides hope that the YY approach may be successful in eradicating undesired Brook Trout populations and other non-native species like common carp where they currently impact sport fishing in Idaho. This 8 year effort has taken a theoretical concept to development of an actual YY male broodstock to field stocking and evaluation of YY fish; IDFG being the first agency/entity worldwide to do so.

In recognition of this accomplishment, the Department has been awarded the 2016 Sport Fish Restoration Outstanding Project Award in the category of Research and Surveys.

Jim Fredericks, Chief, Fisheries, introduced the team members Jeff Heindel, Matt Campbell, Kevin Meyer, Greg Anderson and Pat Kennedy who was not in attendance.

Joe Larscheid, Chief of Fisheries, Iowa Department of Natural Resources, and incoming President of the Fisheries Administration Section of the American Fisheries Society presented the award to Director Virgil Moore.

Moose, Bighorn Sheep, Mountain Goat Draft Proposals 2017-2018

Hollie Miyasaki, Staff Biologist, provided a biennial report on status of moose, bighorn sheep, and mountain goats and a preliminary list of issues and proposals to be scoped during public

hearings (Appendix 49, Exhibit 80). In January 2017 the Fish and Game Commission will set seasons for moose, bighorn sheep, and mountain goats for the 2017 and 2018 hunting seasons.

Update About the August 22, 2016 License Vendor Breach

Background:

On August 22, 2016 the department became aware of a potential loss of *Personally Identifiable Information (PII)* of Idaho license holders who purchased an Idaho license, using any method, prior to 2008. This potential loss also is known to have similarly impacted Oregon and Washington, who utilize the same license system vendor and have internet sales sites hosted by the same license vendor. However, the PII items that were subject to possible release differ among each state.

On August 24th, the department confirmed with its vendor that the unauthorized release of sportsmen's full SSN was possible, and in response the entire sales website and telesales venues were taken off line. Telesales was restored on September 8th, 2016 after security measures were implemented, but the license sales website remains down.

Mr. Pearson updated the commission on steps taken since August by the department and its license vendor.

Since the incident occurred, the department has put out numerous press releases to inform the public, and provide them with information on what can be done for them to protect themselves. Further, the Administration bureau has briefed both the Idaho Technology Authority committee and the Idaho Cyber-Security subcommittee, which includes members of the Legislature and Executive branch.

Report on the Performance of the 2016 Discount of 2nd Nonresident Elk Tags

Mr. Pearson reported that in July 2016 the Commission voted to discount *second* nonresident elk tags to \$299 before the vendor issuance fee for the month of August only. Due to strong sales, there was not a discount for 2nd NR Deer tags offered for the current year, anticipating that these would sell out even without a price adjustment.

The Commission is authorized to discount license, tag, and permit fees to encourage the purchase of licenses in consecutive years and to encourage the purchase of multiple tags and permits in I.C. 36-415.

A report on nonresident deer and elk sales trend was provided (Appendix 49, Exhibit 81).

RULES

Pending Rules Ratification Continued

The Commission took action on this item in the July 2016 meeting and the rule has gone through the full public review process. There was one public comment received from IOGA opposing this rule.

Docket No. 13-0108-1603 Proposed Rule, Rules Governing the Taking of Big Game in the State of Idaho. Rule will increase the amount of time from one to two years that a hunter must wait after drawing an antlered-only deer or elk tag to be eligible to apply again for an antlered-only deer or elk controlled hunt.

16-104 Commissioner Jerry Meyers moved to accept pending rule Docket No. 13-0108-1603 as written. Motion dies for a lack of a second.

The Commission discussed the rule docket.

16-105 Commissioner Jerry Meyers moved and Commissioner Derick Attebury seconded a motion to accept pending rule Docket No. 13-0108-1603 as written. The motion failed with Commissioners Blake Fischer, Dan Blanco, Brad Corkill, Lane Clezie, and Greg Cameron voting Nay; and Commissioners Jerry Meyers and Derick Attebury voting Aye.

The controlled hunt rule regarding the amount of time that a hunter must wait after drawing an antlered-only deer or elk tag to be eligible to apply again for an antlered-only deer or elk controlled hunt stays the same a one year wait time.

Deputy Sharon will notify Department of Administration of the Commission request to withdraw Pending Rule Docket No. 13-0108-1603.

LANDS

Access Yes! Distribution of Funds

At the request of the Commission, Sal Palazzolo provided a report on the Access Yes Program (Appendix 49, Exhibit 82). *The Access Yes!* program improves sportsmen's access to private land or through private land to public land by compensating willing landowners who provide recreational access.

In 2016, the *Access Yes!* Program has 87 agreements opening 360,618 acres of private land and providing access through private land to 480,655 acres of public land.

Funding for the program comes from 2 major sources: 1) License (\$238,263), 2) PR (\$180,000). The majority of license funding is generated through the lottery of 40 Super Hunt Tags. The vast majority (>83%) of the annual budget is committed to leases with landowners, with the remaining budget (<17%) used for limited personnel time, advertising costs, signs, and printed guides.

Regional implementation of the *Access Yes!* Program is primarily through 7 regional Landowner/Sportsman Coordinators. Allocation of program funds among the regions is largely based on private land availability and demand by landowners and sportsmen.

Sportsmen review committees provide recommendations to the Regions on access needs, and individual landowner bids to secure the highest priority needs and greatest value for sportsmen.

REPORT

Grizzly Bear Delisting Update

Kathleen Trever, Deputy Attorney General provided the update.

On March 3, 2016, the U.S. Fish and Wildlife Service (USFWS) issued the proposed rule to identify the Greater Yellowstone Ecosystem (GYE) grizzly bear as a Distinct Population Segment and remove this population from the List of Threatened or Endangered Species. USFWS received peer review input on the draft rule.

Since publication of the proposed rule, the Idaho, Montana, and Wyoming Fish and Game Commissions/Departments have finalized a tri-state memorandum of understanding regarding the allocation of discretionary mortality for the GYE grizzly population after delisting. Each state has also adopted additional enforceable measures--through regulation, rule or proclamation--to limit the take of GYE grizzly bear.

The States, National Park Service, USGS, federal land management agencies, and USFWS are updating the 2007 Conservation Strategy for the Grizzly Bear in the Greater Yellowstone Area (CS). This interagency agreement describes the management and monitoring actions for the GYE grizzly bear population and its habitat that will apply after delisting.

It is the goal of the agencies implementing the CS to maintain a recovered GYE grizzly bear population within the area called the Demographic Monitoring Area (attached) in accordance with established population and habitat-based Recovery Criteria.

USFWS has stated it will not finalize a delisting rule until the CS is formally updated.

Next steps:

- The Yellowstone Ecosystem Subcommittee (YES) will meet early November to discuss and vote on the final CS update.
- Once approved by YES, the document is presented to 3 State Fish and Game Directors, 3 Regional Foresters, 3 State BLM Directors, NPS Director, Chief Biologist USGS, and 2 USFWS Regional Directors for signature. The parties hope to have the 2016 Conservation Strategy finalized and signed by November 17, 2016.
- USFWS prepares the final delisting rule with comments addressing public input received during the 2 comment periods.

RULES

Review Negotiated Rulemaking Proposal Restricting Use of Trail Camera during Hunting Season

Deputy Director Sharon Kiefer presented.

Background: The Commission expressed concerns that use of trail cameras during hunting may not be consistent with fair chase principles and requested information about restricting trail cameras as an aid to hunting. Staff provided an information briefing on July 7, 2016 that included information from the Western Association of Fish and Wildlife Agencies (WAFWA) states and provinces. Of respondents, 2 states (CO & MT) had restrictions, at least 3 states were discussing or in progress with restrictions (NV, NM, AZ) and 9 states and 2 Canadian Provinces had no restrictions.

Idaho Code 36-104(b) 2 provides Commission authority to make rules under what circumstances and by what means that wildlife can be taken. However, *stalking, attracting, searching for, or lying in wait for, any wildlife by an unarmed person solely for the purpose of watching wildlife or taking pictures thereof* is not considered a component of the definition of "Hunting" in Idaho Code (36-202).

The burden of proof for enforcing a rule restricting trail cameras would be demonstration that the camera/images were being used to take wildlife, i.e. an aid to hunting. Meeting this burden of proof would be a significant enforcement challenge.

There have not been significant concerns about trail cameras raised in previous public testimony to Idaho's Commission but the Commission desires proactive considerations regarding this rapidly evolving technology.

The Commission gave staff guidance to scope with the public both the Colorado and Montana models and bring the information back to the Commission before deciding which direction to take.

REPORTS

Wolf Plan Update and Timeline

Jim Hayden, Staff Biologist, provided an update (Appendix 49, Exhibit 83).

Wolves have been delisted for 5 ½ years, during which there have been both hunting and trapping seasons to stabilize and reduce wolf numbers in Idaho while providing hunting and trapping opportunities for those who wish to pursue them. Hunters are currently taking about 150 wolves statewide in Idaho, trappers a little less than that.

Current Status

- Federal oversight over wolf monitoring in Idaho under the ESA ended on May 5, 2016. Relisting of wolves would now require a new petition for listing.

- State management, hunting, and trapping has curbed wolf-related conflicts on livestock and ungulates.
- Mid-winter to spring survival of cow elk was good, averaging 96% within the 14 study areas in the state. Mid-winter to spring survival of calf elk was also good, averaging 74% within the 9 study areas in the state. The primary cause of elk mortalities was predation by mountain lions.
- State management has also curbed livestock depredations significantly. During the year prior to hunting and trapping (2010), there were 109 complaints of wolf damage by livestock producers. This has decreased steadily, with only 55 complaints in 2015.

Wolf Conservation and Management Plan

- The 10-year plan (2017 – 2026) will present current wolf population status, identify current and anticipated issues, and strategies, objectives, and actions necessary to address those issues.
- The Wolf Management Team was formed during May 2016 and has been doing background work and initial drafting of the plan.
- The draft plan will be presented for Commission review during April/May 2017.

A revised draft plan will be available for public review during June, with a final draft slated for Commission adoption during July.

Sawtooth Zone Elk Hunt Evaluation

Jon Rachael, State Wildlife Manager, provides a Sawtooth Elk Zone Overview (Appendix 49, Exhibit 84).

Background:

Historically, the Sawtooth Elk Zone was a popular area to hunt with hunter numbers ranging between 5,880-7,267 from 1992-2006. Because of declining elk numbers in the zone, including a long-term decline in the bull segment of the population, the Commission implemented a cap in 2009 reflecting a >50% reduction in hunter numbers. To lessen impacts to hunters, including those using the services of an outfitter, the Commission chose to implement the cap over a 3-year period. Following rules for capping a zone, the Commission established a final allocation of 1,786 resident tags, 210 non-outfitted nonresident tags, and 96 outfitted tags. See Appendix A for additional details on Sawtooth Zone tag allocation.

In recent years interest in hunting the Sawtooth Elk Zone has increased substantially, resulting in the resident “A” and “B” tags selling out in one day in 2015, and in less than an hour in 2016. Elk tags are normally sold at license vendors, Department offices, through the internet, and over the phone. Because of a quick sell-out in 2016, some hunters were frustrated by what they perceived as a lack of fairness based on whether they were at a vendor, using the telephone option, or attempting to purchase online.

Commensurate with increasing resident demand for tags, demand for nonresident and outfitted-nonresident tags has also increased. Some outfitters in the Sawtooth Zone have indicated they could provide service to more hunters if a portion of the tags allocated to non-outfitted nonresidents was reallocated as outfitted tags. The proposal would have no effect on tags allocated to residents.

The Commission-adopted elk population objectives for the Sawtooth Elk Zone are 3,000-4,500 cows and 630-945 bulls. Both the bull and cow segments of the elk population have been below objective in recent surveys. Since 2009, bull and cow numbers have been increasing. The Department has modeled the projected elk population trajectory since the last full helicopter survey in 2013 using information from radio-collared cows and calves. Preliminary model results suggest the elk population is increasing, particularly for bulls, but is likely still below objective. The Department will conduct a helicopter survey in the Sawtooth Zone in January 2017 to reassess status with respect to objectives.

The Department will address 3 primary issues affecting the Sawtooth Elk Management Zone over the next few months: a) distribution of tags and what hunters perceive as equitable access, b) elk population status and whether more opportunity can be provided (including potential changes in hunt format), and c) allocation of outfitted tags.

To accommodate potential changes in how Sawtooth Elk Zone tags are sold or potential changes to season structure, nonresident Sawtooth elk tags will not go on sale on December 1, 2016 with the other over-the-counter nonresident deer and elk tags. Sawtooth non-resident tags are expected to go on sale some point after the 2017-2018 big game season-setting process is completed.

Department staff will continue to work with stakeholders on potential options to address the 3 issues referenced above as part of the 2017-2018 Big Game Season setting process. The Department will present potential options related to method of tag allocation or hunt format for Commission consideration at the January meeting. Following public input on proposals, final recommendations will be presented at the March 2017 Commission meeting.

Report About License Vendor Requirements

At the request of the Commission, Michael Pearson provided a report on the requirements on selection and requirements of third party vendors.

The Commission has established rules for the selection of vendors (IDAPA 13.01.20) and also for vendor operating, discontinuing, and suspension (IDAPA 13.01.19). These rules were established in March of 1997 in response to the conversion to the computerized license system for the 1996 calendar year.

MISCELLANEOUS

Set the 2017 Commission Calendar

The Commission discussed and agreed upon the following calendar for 2017:

- January 25-26, Boise
- March 15-16, Boise
- May 17-18, Salmon
- July 26-27-28, Coeur d' Alene
- November 16-17, Twin Falls

REPORTS

Director's Report

Director Moore expressed his thanks to the Administration and Communications staff who were extremely busy during the breach answering and returning phone calls to questions related to the license vendor potential data breach in August. Director Moore appreciates the dedication of staff. See written Director's report for more items.

Commissioner Reports

Each Commissioner provided a brief report and referenced the written Commissioner Report's for a full report of each region (Appendix 49, Exhibit 85).

MISCELLANEOUS

Planning for Next Meeting

The first scheduled legislative conference call is scheduled on January 19, 2017 at 8:00 a.m. MST. The annual meeting will be held January 25-26, 2017 in Boise.

Executive Session

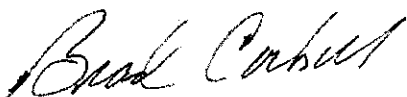
16-106 Commissioner Lane Clezie moved and Commissioner Dan Blanco seconded a motion to hold an executive session pursuant to subsections (1)(b)(c) and (f) to discuss to discuss land, litigation and personnel.

Roll Call Vote: Ayes: Brad Corkill, Dan Blanco, Blake Fischer, Greg Cameron, Lane Clezie, Derick Attebury and Jerry Meyers. Motion carries.

16-107 Commissioner Lane Clezie moved and Commissioner Derick Attebury seconded a motion to come out of executive session with no action taken. All Commissioners voted in favor.

Adjournment

The meeting adjourned at 5:30 p.m.



Brad Corkill
Chairman



Virgil Moore
Secretary