

**Idaho Fish and Game Commission  
Idaho Department of Fish and Game  
Lewiston Regional Office  
November 15-16, 2023  
Lewiston, Idaho**

**November 15**

**MISCELLANEOUS**

**Commission Field Tour Snake River, Hells Canyon**

Commissioners Dave Bobbitt, Don Ebert, Tim Murphy, Jordan Cheirrett, and Ron Davies participated on the tour.

**Public Meeting**

Chairman Don Ebert called the meeting to order at 7:00 p.m. PST and reviewed the rule of conduct for the hearing and reported that all public comments would be reviewed by the Commission at the Thursday business meeting.

Commissioners Bobbitt, Ebert, Murphy, Cheirrett, Attebury and Davies were present.

The following individuals provided in person testimony: Donald Sickels, Pete Ellsworth, Butch Suor, Chuck Thompson, Paul Hayduk, Mike Schlegal, Kurt Killgore, Dan Blanco, Dallas Gudgell, Rich Carignan, Kyle Maki, Kelly O'Neill, Larry Hatter, Sasha Truax, Ami Dammerman, Keith Havens, Justin Webb, Richard Scully, Matt Borg, Daniel Ekel, Julian Matthews, and Bob Hassoldt.

**November 16**

**MISCELLANEOUS**

**AGENDA CHANGES**

Chairman Ebert noted that an updated goldsheet for agenda item 5. I. was added to the agenda and posted. A motion is necessary for this additional item.

**23-69** Commissioner Bobbitt moved, and Commissioner Davies seconded a motion that the Commission amend the agenda as posted by staff prior to the start of the meeting. Motion carries.

**Review of Public Comment**

Director Fredericks provided a summary of the public comments. There were 25 members of the public in attendance who provided testimony with three written comments.

### **Consent Calendar**

**23-70** Commissioner Bobbitt moved, and Commissioner Attebury seconded a motion to accept the items listed in the consent calendar. Motion carries.

### **Administrative Rules: Adoption of Proposed and Temporary Rules**

Deputy Director, Amber Worthington presented Administrative Rules.

#### **Background:**

The Commission previously approved four Zero-Based Regulation (ZBR) chapters of IDAPA rules this year to move to proposed and are now reviewing those chapters to adopt as pending:

- **13.01.06** - Rules Governing Classification and Protection of Wildlife
- **13.01.11** - Rules Governing Fish
- **13.01.12** - Rules Governing Commercial Fishing
- **13.01.15** - Rules Governing the Use of Dogs

In addition to ZBR rulemaking, the Commission adopted two proposed rules that will also need to be reviewed to adopt as pending:

- **13.01.04.500** was brought by staff to address necessary changes to align with the Legislative Session 2023 adoption of chapter 13.01.04.506, Rules Governing Licensing - Deer and Elk Tag Allocation in General Hunts Limited for Nonresident Only. The rule change makes the set-aside align with the outfitter tag allocation and only requires one Commission action.
- **13.01.08, Section 406** - Rules Governing Taking of Big Game Animals: Special Weapons Season – Muzzleloader originated from Commission-directed rulemaking.

Public involvement for rulemaking occurs through Commission meetings, negotiated rulemaking and the publication of temporary/proposed rules in the Administrative Bulletin. Consistent with Executive Order 2020-01 for ZBR, at least two public meetings were held (including the opportunity for one negotiated rulemaking meeting) to take input on the ZBR Fish and Game chapters 6, 11, 12 and 15, in the Idaho Administrative Code (IDAPA 13), which were opened for review and modification in year three of the five-year ZBR effort. Rulemaking meetings were also held for the one proposed rule brought to the Department by Commission direction.

Staff received very little feedback or comments on the modified ZBR chapters until after the proposed rules were published in the Administrative Bulletin. Since the rules were published, staff logged several comments around confusion in the changes to chapter 13.01.15, Rules Governing the Use of Dogs, and has revised the rule language to clarify any misunderstandings.

No additional comments were received around chapter 13.01.04.500.

Staff received a multitude of comments during the public comment period around chapter 13.01.08.406, Rules Governing Taking of Big Game Animals: Special Weapons Season –

Muzzleloader. The Department held one additional public meeting so individuals could discuss their comments. Participants had different and strongly held opinions on the suitability of metals other than lead and use of items such as sabots in special muzzleloader seasons (with recognition of allowance for their use in any-weapon and short-range weapon hunts). Staff considered the divergent input in developing their rule language recommendation.

The revised rule language for the Commission's consideration for the four ZBR chapters and the two other rules is up for adoption for pending status and if approved will move to be heard and approved by the Legislature in session 2024.

**23-71** Commissioner Bobbitt moved, and Commissioner Murphy seconded a motion for the Commission to adopt pending rules as presented, 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.

Deputy Director Worthington reported that the 2024 Legislative session begins on January 8<sup>th</sup> and that the Department does not have any agency-sponsored legislation. Commission weekly legislative conference calls will begin on February 8, 2024.

## MANAGEMENT PLAN

### White Sturgeon Management Plan

Brett Bowersox, Fisheries Coordinator, presented the updated Snake River White Sturgeon Management Plan (Appendix 56, Exhibit 48). The plan was first presented during the July 2023 Commission meeting. The public comment process has been completed and as a result of the public comment, the following changes have been made to improve the draft plan since it was presented:

- Increased specificity regarding spawning flow triggers and duration of flows needed to promote sturgeon recruitment events in the C.J. Strike to Bliss reach.
- Updated the Upper Salmon Falls to Shoshone Falls reach report to include 2022 data collected by the Idaho Power Company
- Updated Hells Canyon reach sturgeon life stage survival estimates in Appendix A.
- Identified the potential for shorter timeframe (5 year) between population surveys in Hells Canyon reach if 2024-2025 survey documents decline in abundance.
- Added language documenting the presence of two genetic populations (lower Snake River and middle Snake River) within Idaho
- Added reference to IDFG survey in 2017 which did not detect sturgeon in main Salmon River and identified Future Work need to continue to monitor for sturgeon presence in main Salmon River above Vinegar Creek

**23-72** Commissioner Cheirrett moved, and Commissioner Attebury seconded a motion to approve the Snake River Sturgeon Management Plan as presented by Staff. Motion carries.

### Mountain Lion Plan

Katie Oelrich, Wildlife Staff Biologist presented the drafted revision to the *Idaho Mountain Lion Management Plan 2024-2029* (Appendix 56, Exhibit 49). An overview of the draft *Idaho*

*Mountain Lion Management Plan 2024-2029* was presented at the July 2023 Commission meeting. The intent of this update is to set direction for mountain lion management in Idaho and to function as the action plan for mountain lion management activities through 2029.

**23-73** Commission Attebury moved, and Commissioner Davies seconded a motion to adopt the Idaho Mountain Lion Plan 2024-2029 as presented. Motion carries.

## LANDS

### Scott II Land Acquisitions

Casey Pozzanghera, Natural Resource Program Coordinator-Lands and Mitigation presented a proposed fee-title acquisition of two parcels along the South Fork Clearwater River in Idaho County. These properties were previously presented to the Commission during Executive Session in January 2023. The Scott II parcels consist of a 21-acre parcel just North of Harpster, ID owned by Scott Properties LP and a 15-acre parcel just South of Harpster, ID owned by the Scott Revocable Living Trust. The two parcels are connected by a 10-acre parcel already under Department ownership that, when combined, would create a continuous 2.1-mile stretch of river front ownership.

**23-74** Commissioner Bobbitt moved, and Commissioner Cheirrett seconded a motion to acquire the 21-acre Scott Properties LP parcel and the 15-acre Scott Revocable Living Trust parcel. Motion carries.

### Mayfield-Camas Cattle Acquisition

Casey Pozzanghera, Natural Resource Program Coordinator-Lands and Mitigation presented a proposed fee-title acquisition of the Camas Cattle LLC property, a 5,533-acre livestock ranch containing high-quality wildlife habitat in Elmore County, approximately 20 miles southeast from the city of Boise. This property was previously presented to the Commission during Executive Session in May 2023.

**23-75** Commissioner Bobbitt made a motion to acquire the 5,533-acre Camas Cattle LLC property in Elmore County. Commissioner Murphy seconded the motion. Motion carries.

### Bighorn Sheep raincheck requests

Hollie Miyasaki, Wildlife Staff Biologist presented two requests from resident hunters for rainchecks on bighorn sheep tags because of medical conditions requiring surgery that precluded them from hunting during the 2023 season. Both hunters who are requesting rainchecks drew tags in the same hunt—Controlled Hunt No. 7003 (Unit 42, August 30 – Oct 8, 2023). Bighorn sheep tags are highly prized and drawing odds are very low. In 2023, 230 hunters applied for the 6 tags available in Controlled Hunt 7003, calculating to drawing odds of only 2.6%. Given the unlikely probability of ever drawing these tags again in their lifetimes, both hunters filed requests for rainchecks and surrendered their tags prior to the opening of the hunt.

As a result of these 2 hunters not participating this year, there were only 4 hunters in the hunt area this fall. At their January 2023 meeting, the Commission set seasons and tag numbers for bighorn sheep for both the 2023 and 2024 seasons. There are 6 tags approved for the 2024

season.

**23-76** Commissioner Murphy moved, and Commissioner Davies seconded a motion to honor both requests for rainchecks for bighorn sheep Controlled Hunt 7003 for the 2024 season and reduce the number of tags in the 2024 drawing from 6 tags to 4 tags. Motion carries.

### **Antler Pickup Seasons**

Toby Boudreau, Deer and Elk Program Coordinator, presented draft antler closure alternatives (Appendix 56, Exhibit 50).

23-77 Commissioner Cheirrett moved, and Commissioner Attebury seconded, that the Commission establish a closure on the possession, transportation, and collection (including searching for, locating, and gathering) of naturally shed antlers, and of antlers from animals that died from natural causes in the Southeast and Upper Snake Regions from January 1 - April 14, 2024. Motion carries.

### **Idaho Fish & Wildlife Foundation Report**

Hilarie Engle, Foundation Development Coordinator provided updates about the Idaho Fish & Wildlife Foundation activities to the Commission.

#### **1. 2023 IFWF Competitive Grants (\$71,501):**

- **Friends of the Teton River:** Piquet Ranch Riparian Restoration \$10,000
- **Henry's Fork Foundation:** Harriman Ranch Riparian Fencing \$3,000
- **American Bear Foundation:** 2023 Bear Spray Giveaway \$3,500
- **Idaho Wildlife Federation:** Warm Springs Creek/ Boise River Enhancement \$5,000
- **IDFG, Clearwater Region:** Take Me Fishing Trailer Replacement \$8,500
- **Sagebrush Steppe Regional Land Trust:** Enhancing & Maintaining Mule Deer Winter Range \$10,000
- **Trout Unlimited:** Phase 3, Red Ives Creek Wood Placement \$5,445
- **Boise State University:** Exploring DNA Metabarcoding, Columbian Sharp-Tailed Grouse \$10,000
- **IDFG:** Wildlife Viewing Guides \$10,000
- **The Nature Conservancy:** Conserving the Heart of Salmon Country \$6,056

#### **IDFG Only Grants- \$25,000**

Salmon Region: New Kids Fishing Pond Development

#### **2. Wildlife License Plate Sales**

The Wildlife Plates continued to have growth in 2021, a 30% increase over 2020.

New Sales 2021-2022

Bluebird-	4,741, 8.6% decrease from 2021
Elk-	7,733, .48% decrease from 2021
Trout-	4,778, 2.77% increase from 2021

#### Renewals 2021-2022

Bluebird-	17,163, 11.69%% increase over 2021
Elk-	27,602, 10.67% increase over 2021
Trout-	14,410, 15.53% increase over 2021

Total New Plate Sales- 17,252 (2022) vs. 17606 (2021)

Total Renewals- 59,175 (2022) vs. 52,779 (2021)

Bluebird- Non-game program:	\$1,472,091
Elk-Dept of Ag:	\$ 35,940
Trout-Parks & Rec:	\$ 25,117

Total Plate Sales: \$1,579,090

23-78 Commissioner Attebury moved, and Commissioner Bobbitt seconded the nomination for Commissioner Murphy serves as the 2024 Commission Liaison to the Idaho Fish & Wildlife Foundation. Motion carries.

#### **December 1 Nonresident Tag Sale**

Michael Pearson, Chief of Administration, Tara Reichert, Automated System Manager, and Brandt Information Systems representatives Michael May and Robert Campagna presented information on the December 1 Nonresident Tag Sales (Appendix 56, Exhibit 51). The Department has traditionally sold future license year items starting on December 1 of each year for both residents and nonresidents. This date is not mentioned in rule or statute but is advertised to the public in Commission proclamation.

#### **Sportfish Restoration Awards**

Matt Corsi, State Fishery Research Manager presented background information on the projects that were honored by receiving Sportfish Restoration Awards (Appendix 56, Exhibit 52).

Lynn Quattro, American Fisheries Society-FAS President presented the two awards.

#### **Update & After-Action report on Quagga Mussel detection in the Snake Rier by Twin Falls**

Eric Stark, Fishery Program Coordinator, gave an informational briefing on the Quagga Mussel finding in the Snake River, Idaho State Department of Agriculture's (ISDA) treatment, and the Departments monitoring and future considerations (Appendix 56, Exhibit 53).

### **REPORTS**

#### **CWD Update**

Tricia Hebdon, Assistant Wildlife Bureau Chief, provided an update on Chronic Wasting Disease (CWD) ( Appendix 56, Exhibit 54). In total to date, 49 animals have tested positive for CWD in

Idaho (40 white-tailed deer, 8 mule deer, and 1 elk), all from game management unit 14 in and around the Slate Creek drainage.

#### **Elk Management Plan Update**

Rick Ward, State Wildlife Manager, presented a status update on the draft *Idaho Elk Management Plan 2024-2029* (Appendix 56, Exhibit 55). The elk management plan provides needed updates to current information and will provide guidance for the Department and their partners to implement management actions that will aid in protection and management of elk in Idaho and guide harvest season recommendations.

#### **Measuring Habitat Carrying Capacity – Lolo Elk**

Deborah Monzingo, Regional Wildlife Biologist presented the Clearwater Region's strategy of utilizing Clearwater Basin Collaborative (CBC) elk nutrition data to develop Lolo Zone elk population objectives for the 2024–2029 Elk Management Plan (Appendix 56, Exhibit 56).

#### **Good Neighbor Authority Habitat Projects – Clearwater Region**

Tara Ball, Regional Habitat Biologist gave a presentation on the Good Neighbor Authority (GNA) (Appendix 56, Exhibit 57). This allows the U. S. Forest Service (USFS) to enter into agreements with state agencies to increase the pace and scale of restoration activities on federal forestlands. In 2020, the USFS and the Department entered into their first master agreement between the Clearwater Region and the Nez Perce-Clearwater National Forest. Since completion of the master agreement, two Supplemental Project Agreements have been completed.

#### **Statewide Deer Harvest Management**

Eric Freeman, Regional Wildlife Biologist presented on the Statewide deer management for both mule deer and white-tailed deer (Appendix 56, Exhibit 58). The Department collects and utilizes a variety of data to manage deer populations and harvest opportunities. Many biological and social factors are considered when developing management plans and season setting recommendations.

#### **Technical Assistance Program Update**

Tom Bassista, Technical Assistance Program Coordinator gave a presentation on the Technical Assistance Program (TAP) merged into the newly formed Technical Services Bureau in 2021 (Appendix 56, Exhibit 59).

#### **Grizzly Bear Update**

Kathleen Trever, Deputy Attorney General gave a Grizzly bear update. Grizzly bears in Idaho are protected under the federal Endangered Species Act, with grizzly bears in the “lower 48” states listed as a threatened species.

In 2022, Idaho petitioned the U.S. Fish and Wildlife Service to delist the “lower-48” on the basis this listing does not meet the ESA definition of a species. The Service denied Idaho's petition, and Idaho has challenged this decision in federal court.

The Department continues to work with our sister states and federal agencies to address and reduce bear-human conflicts and to monitor grizzly bear populations. Director Fredericks represents Idaho on the long-standing Interagency Grizzly Bear Committee.

There are several administrative processes underway related to grizzly bear management in recovery areas identified in the U.S. Fish and Wildlife Service's 1993 recovery plan. These include revision of the Tri-State (Idaho, Montana, and Wyoming) Memorandum of Agreement and Conservation Strategy for management of grizzly bears in the Greater Yellowstone Area following delisting. They also include development of a conservation strategy for grizzly bears in the Selkirk and Cabinet-Yaak ranges (Idaho, Montana, and Washington). The U.S. Fish and Wildlife Service is also preparing environmental impact statements related to currently unoccupied areas including the North Cascades (Washington) and Bitterroot (Idaho and Montana).

### **Set the 2024 Commission Calendar**

The Commission discussed and agreed upon the following calendar dates for 2024.

- January 24-25, Boise
- March 19-20, Boise
- May 15-16, Coeur d' Alene
- July 23-24, Pocatello
- November 6-7, Salmon

### **Appoint Commissioner Representative to WAFWA**

23-79 Commissioner Attebury moved, and Commissioner Davies seconded a motion to appoint Chairman Don Ebert as the Commission representative to WAFWA. Motion Carries.

### **Director's Report**

Director Fredericks highlighted items from each bureau in the Director's report.

### **Commissioner Reports**

Commissioner reports stand as written (Appendix 56, Exhibit 60).

## **MISCELLANEOUS**

### **Planning for Next Meeting**

The next meeting is January 24-25, 2024, in Boise.

### **Executive Session I. C. 74-206 (1) (c) (f)**

23-80 Commissioner Davies moved, and Commissioner Attebury seconded a motion that the Commission enter executive session under Idaho Code 74-206 subsections (1) (c) (f).

Roll Call Vote: Ayes: Dave Bobbitt, Done Ebert, Tim Murphy, Jordan Cheirrett, Derick Attebury, and Ron Davies.

The Commission discussed potential property acquisition and litigation matters.

23-81 Commissioner Davies moved, and Commissioner Attebury seconded a motion that the Commission come out of executive session with no action taken. Motion carries.

**Adjourn**

*Don Ebert*

Don Ebert  
Chairman

*Jim Fredericks*  
Jim Fredericks  
Secretary