

**Idaho Fish and Game Commission
Quarterly Meeting – May 18-20, 2011
Idaho Department of Fish and Game
Clearwater Regional Office
3316 16th Street
Lewiston, ID**

Note: Times on the agenda are approximate and subject to change.

May 18

- 7:30 am Commissioners will tour the Clearwater Hatchery and USFWS Dworshak National Fish Hatchery at Ahsahka
- 7:00 pm Public Hearing

May 19

- 8:00 am 1. Opening Comments
-- Wayne Wright, Commission Chairman
- 8:05 am 2. Agenda Changes
-- Chairman Wright
- 8:10 am 3. Review of Public Comment
-- Chairman Wright
- 8:25 am 4. Consent Calendar (**Action Requested by Department**)
a. Minutes
b. Financial Report
- 8:30 am 5. Season Setting: Chinook Salmon Fishery
-- Peter Hassemer, Anadromous Fish Manager
(Action Requested by Department)
- 8:50 am 6. Idaho Fish and Wildlife Foundation Report
-- Ann Dehner, Executive Director
- 9:05 am 7. 2011 Department Business Plan
-- Virgil Moore, Director
- 9:35 am 8. Wildlife Diversity Business Plan
--Rex Sallabanks, Program Manager
- 9:50 am BREAK
- 10:10 am 9. Nonbiological Rules Briefing For Game Animals
--Jeff Gould, Chief, Bureau of Wildlife
- 10:40 am 10. LAP Discussion/Direction
-- Jeff Gould
- 11:40 am 11. ISCAC Larry Barrett Award
--Director Moore
- 12:00 LUNCH Catered
- 1:00 pm 12. FY 2013 Budget
--Jim Lau, Chief, Bureau of Administration
- 1:20 pm 13. Nonbiological Rules Briefing For Fish
--Ed Schriever, Chief, Bureau of Fisheries

- 1:35 pm 14. Wolf Management Update
-- Jim Unsworth and Jeff Gould
(Potential Action by Commission)
- 2:35 pm 15. State Legislative Wrap Up
-- Sharon Kiefer, Deputy Director
- 3:05 BREAK
- 3:20 pm 16. Hunter Education Live Fire Exemption Rule
-- Lance Hebdon, Inter-Governmental Policy Coordinator
(Action Requested by Department)
- 3:30 pm 17. Deer Controlled Hunt Tag Number Adjustment
--Jon Rachael, State Wildlife Manager
(Action Requested by Department)
- 3:40 pm 18. Grover Land Acquisition
--Gregg Servheen, Wildlife Program Coordinator
(Action Requested by Department)
- 3:50 pm 19. Election of Commission Chairman, Vice Chairman
--Chairman Wright
(Action Requested by Department)
- 4:00 pm 20. Appointment of Commission IOGLB Liaison
--Chairman Wright
(Action Requested by Department)
- 4:10 pm 21. Director's Report
--Director Moore
- 4:30 pm 22. Commission Reports
--Commissioners
- 5:00 pm 23. Executive Session Executive Session to discuss land acquisitions and pending litigation I.C. 67-2345(1) (c) (f).
- May 20**
- 8:30 am 24. OHV Workshop
-- IDFG Staff
- 11:00 am Adjourn

Meeting Date: May 19, 2011

Agenda Item No. 4b

Agenda Item: Financial Report

Bureau Chief Approval: _____

Prepared by: Jim Lau, Chief, Bureau of Administration

Background:

Update the Commission on the Financial Status of the Department

Statutory Authority and/or Policy Issues:

None

Public Involvement Process:

None

Staff Recommendation:

None

Justification:

None

Meeting Date: May 19, 2011

Agenda Item No. 5

Agenda Item: Season Setting, Chinook Salmon Fishery

Bureau Chief Approval: _____

Prepared by: Pete Hassemer, Anadromous Fish Manager

Background:

The Commission approved, at its March meeting, Chinook salmon fisheries in the Clearwater River drainage and on portions of the Snake, Salmon and Little Salmon rivers. This agenda item concerns fisheries targeting hatchery-origin Chinook salmon on the South Fork Salmon River and the upper Salmon River. Chinook salmon fisheries were conducted on the South Fork Salmon River in 1997 and 2000 through 2010. The upper Salmon River fishery is proposed to occur on a section of that river from approximately the town of Salmon upstream to the mouth of the Pahsimeroi River and staff is analyzing the effects of extending the fishing area downstream to near North Fork, Idaho. Staff may propose opening the Salmon River between the towns of North Fork and Salmon to Chinook salmon fishing. Also under consideration is a fishery between the town of Stanley and the Sawtooth Fish Hatchery weir targeting fish returning to that hatchery. For all fishing areas, staff is forecasting the return of a sufficient number of hatchery salmon to allow sport fisheries that target the non-tribal harvestable share when hatchery production and brood stock targets are considered.

Statutory Authority and/or Policy issues:

Idaho Statute 36-104(b)2 gives the Commission the authority to set Fishing Rules. Fishing Rules are provided in IDAPA 13.01.11

Public Involvement Process:

Public meetings to obtain input on Chinook salmon fisheries were held in February and March. Findings from the Public Involvement Process will be reported to the Commission during their meeting.

Staff Recommendation:

Approve the proposed 2011 Chinook salmon fishing seasons for South Fork Salmon River and Upper Salmon River.

NOTE: At the time of preparation of this gold sheet, Regional and Bureau fisheries staffs were in the process of updating salmon return forecasts and scoping fishery options. The specific fishery proposals are not included here but will be delivered to the Commission during the week prior to the May Commission meeting.

Justification:

Title 36 of Idaho State Code gives the Commission the authority to set rules to preserve, protect, or manage fish and wildlife in Idaho. The proposed fisheries are to address biological issues, mitigation hatchery programs and angler desires.

Meeting Date: May 19, 2011

Agenda Item No. 6

Agenda Item: Idaho Fish and Wildlife Foundation Report

Bureau Chief Approval:

Prepared by: Ann Dehner

Background:

Commission has requested updates about the Idaho Fish and Wildlife Foundation activities.

Statutory Authority and/or Policy issues:

None

Public Involvement Process:

None

Staff Recommendation:

Present update as follows:

1. The Foundation's strategic planning process continues with a retreat for its Board of Directors and staff scheduled to follow its annual board meeting on April 29-30 in Coeur d'Alene. It is anticipated that the future direction for programs, projects, and operations of the Foundation will be identified and/or clarified through this process.
2. The Foundation has been in discussions and interviews with candidates to join the Foundation's Board of Directors. Candidates have been nominated to fill regional vacancies. The Foundation currently has 16 voting board members.
3. The Foundation continues to engage in inquiries regarding potential land acquisitions, conservation easements and partnership requests. Foundation staff continues to work in consultation with the Department regarding stewardship and management issues for such inquiries.
4. The Foundation is working with a team of partners to develop a management plan for research activities taking place at Redbird Canyon beach. Partners include IDFG, the State Historical Preservation office, the Nez Perce Tribal Historic Preservation Office, the University of Idaho, Central Washington University, and Washington State University.

Justification:

Requested by Commission.

Meeting Date: May 19, 2011

Agenda Item No. 8

Agenda Item: Wildlife Diversity Business Plan

Bureau Chief Approval: _____

Prepared by: Rex Sallabanks, Program Manager

Background:

At the request of the Governor's Office, Department staff have prepared a business plan for the recently merged Nongame and Conservation Data Center (CDC) programs. Initially named the Conservation Sciences Program, the Wildlife Bureau is using this opportunity to propose a name change to "Wildlife Diversity Program." Wildlife Diversity better describes the program's function and is aligned with the national model described by the Association of Fish and Wildlife Agencies (AFWA).

In its fullest capacity, a Wildlife Diversity Program embraces responsibilities for public trust "nongame" wildlife, urban wildlife, threatened and endangered wildlife, wildlife viewing (watchable wildlife), and native plants in the broad areas of conservation, education, and recreation. As in the case for Idaho, it can also incorporate the state's Natural Heritage Program (former CDC).

The business plan describes how the Idaho Wildlife Diversity Program serves the state by implementing those elements of the Department's mission, vision, and strategic plan (*The Compass*) that relate to species not hunted, fished, or trapped. The business plan also explains essential services provided by the program, how it is funded, summarizes core objectives, illustrates organizational structure, and lists statutory authorities.

The Department proposes to use the business plan as a marketing and outreach tool to staff, the public, legislators, partners, and granting institutions.

Statutory Authority and/or Policy issues:

Several statutes in Idaho Code include authority of relevance to the Wildlife Diversity Program – please see pages 5 and 6 of the attached draft business plan for more details.

Public Involvement Process:

None – information only.

Staff Recommendation:

None – information only.

Meeting Date: May 19, 2011

Agenda Item No. 9

Agenda Item: Nonbiological Rules Briefing for game animals

Bureau Chief Approval: _____

Prepared by: Jon Rachael for Jeff Gould

Background:

Annually or biennially, the Idaho Fish and Game Commission considers proposed changes for two types of hunting rules, biological and nonbiological. Biological rules are published annually (i.e. Big Game, Waterfowl) or biennially (e.g. Moose, Bighorn Sheep, and Mountain Goat; Upland Game) and include seasons, limits, size, sex, and harvestable species. Nonbiological rules include all other rules adopted by the Commission. Examples of nonbiological rules include methods of take, tagging requirements, evidence-of-sex requirements, and controlled hunt eligibility requirements. Nonbiological rules are officially published in the Idaho Administrative Code (<http://adm.idaho.gov/adminrules/agyindex.htm>) and included in hunting regulation brochures.

Historically, nonbiological rule changes were adopted by the Commission throughout the year. To accommodate requirements of the Idaho Administrative Procedures Act, the Commission now considers nonbiological rule changes during late spring through summer. The Department will be proposing a number of changes to big game and upland game nonbiological rules at the July 2011 Commission meeting.

Statutory Authority and/or Policy issues:

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

Public Involvement Process:

Proposed rules will be scoped with the public via regional meetings and through the Department web site during June.

Justification:

Staff will present a preliminary list of potential big game and upland game rule changes to be scoped with the public, and considered by the Commission in July. Items currently identified for consideration include:

- a. Establish rules regarding issuance and transfer of special tags (i.e., auction tags).
- b. Clarify Motor Vehicle Restriction rules applicability to trophy species hunts.
- c. Consider adding black bears to LAP for CHs in Units 22, 31, 32 and 32A.
- d. Consider refining trapping regulations related to snares and breakaway devices and trapping in proximity to campgrounds.
- e. Consider modifications to unit boundary descriptions to clarify and improve hunter understanding.
- f. Correct the language that refers to use of spring general and controlled turkey tags. Controlled turkey tags no longer exist; only controlled hunt permits.
- g. Eliminate rule for Early September Canada Goose hunts; specifically, the language that refers to controlled hunts.
- h. Consolidate upland game bird seasons, bag and possession limits rather than having separate sections for each species. This change would eliminate all area and zone descriptions that appear in rule.
- i. Consolidate migratory game bird seasons, bag and possession limits rather than having separate sections for each species in rule. The change would

eliminate all area and zone descriptions and references to controlled hunts that appear in rule.

Action Requested:

This item is for information only, no action is required.

Staff Recommendation:

Potential rule changes are provided for informational purposes, and to solicit Commission direction.

Meeting Date: May 19, 2011

Agenda Item No. 10

Agenda Item: Rules: LAP Discussion/Direction

Bureau Chief Approval: _____

Prepared by: Brad Compton for Jeff Gould

Background:

The Landowner Appreciation Program (LAP) was established by the Idaho legislature in 1986 with original eligibility requirements adopted by the IDFG commission in 1987. The program has evolved over the last 15 years, in some cases creating more opportunity for qualifying landowners which has precipitated criticism of the program from some sportsmen. In addition, the program significantly favored landowners with large acreage allowing them to receive a disproportionate share of the LAP tags.

In 2010, the Commission adopted rule changes to address both sportsmen and landowner concerns. The Commission clarified the existing prohibition against selling LAP tags by adopting plainer and broader language. Additionally, the Commission adopted rule changes that were designed to better distribute available LAP tags among eligible landowners, including: 1) modifying the drawing to ensure all eligible landowners receive a chance at 1 tag before any landowner is eligible for a 2nd tag; 2) redefining landowner to include subsidiaries, LLCs, etc., controlled by the same individual or company, and 3) providing opportunity for landowners with 320 to 640 acres of valuable deer, elk, or pronghorn habitat to be eligible for leftover LAP tags. The 2011 Legislature approved the new rules making them effective in 2011.

The Commission recognizes the newly adopted rules did not completely address all the unresolved issues with LAP and that additional staff work was required. Unresolved issues include sportsmen not believing they receive benefits from LAP tags, especially in units with a 25% allocation; and landowners believing LAP tags are not adequate reimbursement for the true cost of supporting wildlife.

Statutory Authority and/or Policy Issues:

Idaho Code 36-104(b)(5)(b) grants authority to the Commission to provide additional deer, elk, or pronghorn controlled hunt tags to landowners providing valuable habitat in areas where tags are limited (enclosed).

IDAPA 13.01.04.400 establishes rules regarding LAP requirements, landowner eligibility, and application processes (enclosed).

Public Involvement Process:

Not applicable - informational purposes only.

Staff Recommendation:

Review history and current status of the Landowner Appreciation Program. Solicit direction from the Commission to address unresolved issues.

Justification:

Commission has requested an update on LAP and options for program improvement.

*Statutory and Administrative Rules
Landowner Appreciation Program*

Idaho Code 36-104(b)(5)(B):

The commission may, under rules or proclamations as it may prescribe, authorize the director to issue additional controlled hunt permits and collect fees therefore authorizing landowners of property valuable for habitat or propagation purposes of deer, elk or antelope, or the landowner's designated agent(s) to hunt deer, elk or antelope in controlled hunts containing the eligible property owned by those landowners in units where any permits for deer, elk or antelope are limited.

IDAPA 13.01.04.400:

01. Eligible Applicants. Eligible applicants must be registered with the Department and are limited to landowners. Landowners not complying with prohibitions listed in Subsection 400.08, of these rules, shall not be eligible to participate in the landowner appreciation program for three (3) years. (4-7-11)

02. Hunt Units. Landowner Appreciation Program controlled hunt tags shall be issued only for those controlled hunt units designated by the Director as eligible for such permits. (4-7-11)

03. Qualifying Property. Only property that is used by and provides significant habitat values for deer, elk or pronghorn qualifies for the Landowner Appreciation controlled hunt tag program. Landowners may receive Landowner Appreciation controlled hunt tags only for the species and sex that use the property. (4-7-11)

04. Applications for Landowner Appreciation Controlled Hunt Tags. Applications for landowner appreciation controlled hunt tag(s) shall be on a form prescribed by the Department. Applicants must be registered with the Department and shall sign the application. (4-7-11)

a. Applications from landowners with six hundred forty (640) acres or more will be accepted on or after June 15 of each year. Applications received at the Headquarters Office of the Idaho Department of Fish and Game or postmarked not later than July 15 of each year will be entered in the random drawing for tags. Each application will be entered in the random drawing one (1) time based upon each six hundred and forty (640) acres of eligible property registered by the landowner that are within the hunt area. For example, if a landowner has six thousand four hundred (6,400) eligible acres, the application will be entered into the random drawing ten (10) times. (4-7-11)

b. One (1) application may be submitted by a landowner with eligible property consisting of six hundred forty (640) acres to four thousand nine hundred ninety-nine (4,999) acres. A second application may be submitted for eligible property consisting of five thousand (5,000) acres or more. (4-7-11)

05. Left Over Tags. Landowners with three hundred twenty (320) acres or more may apply for left-over tags following the random draw. Written applications will be accepted after August 15 of each year on a first-come, first-served basis. Applications must be accompanied by the appropriate application fee as specified in Section 36-416, Idaho Code. (4-7-11)

06. Property and Applicant Registration. (5-15-95)

a. Prior to any eligible applicant applying for a Landowner Appreciation Program controlled hunt, the qualifying property and eligible applicant must be registered with the Department. Registering landowners must notify the Department of any changes in property or applicant eligibility. (4-7-11)

b. Registration of property and eligible applicant must be on a form prescribed by the Department. The landowner must submit the registration form and a copy of the deed(s), and the most recent tax assessment(s), describing the eligible property showing the name(s) of the owner(s), and a map of eligible property to the Department regional

office. Department personnel will certify the registration and land description and return a copy to the landowner. (4-5-00)

c. If the person registering is an authorized corporate or partnership representative, he shall submit with his registration written verification from the board of directors, partnership, or an officer of the corporation, other than himself, verifying that he is authorized to register the property and eligible applicants. (4-5-00)

07. Issuance of Controlled Hunt Tag(s). (4-7-11)

a. Once the Department has determined the number of controlled hunt tags to be issued in any controlled hunt unit, an additional ten percent (10%) of the number of controlled hunt tags MAY be issued as Landowner Appreciation Program tags. In subsequent years up to twenty-five percent (25%) of the number of controlled hunt tags MAY be issued only if the hunt is over subscribed by eligible Landowner Appreciation Program applicants. (4-7-11)

b. Where the number of landowner appreciation applicants exceeds the number of landowner appreciation controlled hunt tags available in a unit, successful applicants will be determined by drawing. All eligible landowners in the drawing will be considered for one (1) tag before any landowner is eligible for a second tag. (4-7-11)

c. No more than two (2) Landowner Appreciation Program controlled hunt tags may be issued to any eligible landowner. (4-7-11)

d. Only one (1) leftover Landowner Appreciation Program controlled hunt tag may be issued for eligible property consisting of between three hundred twenty (320) and six hundred thirty nine (639) acres within the hunt area designated by the Director with Landowner Appreciation Program controlled hunt tags. Only one (1) landowner appreciation program controlled hunt tag may be issued for eligible property consisting of between six hundred forty (640) and four thousand nine hundred ninety-nine (4,999) acres within the hunt area designated by the Director with Landowner Appreciation Program controlled hunt tags. One (1) additional controlled hunt tag may be issued to a landowner or designated agent(s) for eligible property in excess of five thousand (5,000) acres within the hunt area designated by the Director with Landowner Appreciation Program controlled hunt tags. No landowner or designated agent(s) is eligible to receive more than one (1) controlled hunt tag for one (1) species in a calendar year. (4-7-11)

e. A successful landowner, corporate or partnership representative drawing a landowner appreciation program controlled hunt tag may designate to whom the controlled hunt tag will be issued pursuant to Subsection 400.08 of this rule. (4-7-11)

08. Prohibitions. Landowner Appreciation Program controlled hunt tags shall not be sold or marketed. (4-7-11)

09. Application of Controlled Hunt Restrictions. (7-1-93)

a. The restriction that applying for a moose, bighorn sheep, or mountain goat controlled hunt makes the applicant ineligible to apply for any other controlled hunt shall not apply to persons who are otherwise eligible to apply for a landowner appreciation program controlled hunt tag. (4-7-11)

b. Landowner appreciation program controlled hunt tags issued to non-residents shall not be considered as part of the non-resident quota. (4-7-11)

c. Landowner appreciation program controlled hunt tags are exempt from the one (1) year waiting periods applicable for certain deer, elk and pronghorn permits. (4-7-11)

10. Special Restrictions. Any person hunting with a Landowner appreciation program controlled hunt tag shall hunt only within the boundaries described in the hunt area designated by the Director. Only valid, current-year controlled hunt deer, elk, or pronghorn tags may be used in conjunction with a landowner appreciation program. No person shall kill more than one (1) deer, elk or pronghorn during a calendar year EXCEPT: (4-7-11)

a. Depredation Hunts. In depredation hunts, one (1) additional deer, elk or pronghorn may be taken by persons holding tags for those hunts; EXCEPT: those depredation hunters who were selected for depredation hunts prior to the controlled hunt season for

the unit(s) in which they hold a controlled hunt tag must include any animal they harvest within the restrictions imposed by the controlled hunt tag. (4-7-11)

b. Extra Tag Hunts. In extra tag hunts, one (1) additional deer, elk or pronghorn may be taken by persons holding tags for those hunts. (4-7-11)

c. Limits on Take - Deer, Elk, Pronghorn. In no event shall any person take more deer, elk or pronghorn in a calendar year than the number of tags the person legally possesses for each species. (4-7-11)

401. DEER LANDOWNER APPRECIATION SEASONS.

Pursuant to Section 36-105(3), Idaho Code, the Commission now sets seasons by proclamation. The proclamation is published in a brochure available at Department offices and license vendors. (3-30-01)

402. ELK LANDOWNER APPRECIATION SEASONS.

Pursuant to Section 36-105(3), Idaho Code, the Commission now sets seasons by proclamation. The proclamation is published in a brochure available at Department offices and license vendors. (3-30-01)

403. PRONGHORN LANDOWNER APPRECIATION SEASONS.

Pursuant to Section 36-105(3), Idaho Code, the Commission now sets seasons by proclamation. The proclamation is published in a brochure available at Department offices and license vendors. (3-30-01)

Meeting Date: May 19, 2011

Agenda Item No. 12

Agenda Item: FY 2013 Budget

Bureau Chief Approval: _____

Prepared by: Jim Lau

Background:

The Department has begun the planning process for preparation of the fiscal year 2013 budget request to be submitted to the Governor's Office by September 1. This presentation will update the Commission on the current financial status of the Department and discuss revenue and expense expectations.

Statutory Authority and/or Policy Issues:

All agencies must annually request spending authority.

Public Involvement Process:

N/A

Staff Recommendation:

Prepare FY 2013 budget based on Maintenance of Current Operations (MCO) but develop contingency plans in parallel with formal budget proposal.

Justification:

Required annual appropriation request to be submitted by the Commission.

Meeting Date: May 19, 2011

Agenda Item No. 13

Agenda Item: Nonbiological Fish Rules

Bureau Chief Approval: _____

Prepared by: Fisheries Bureau Chief, Ed Schriever

Background: Every two years, the Fisheries Bureau updates nonbiological fish rules to correspond with changes in the published rule book or to update rules in IDAPA.

Statutory Authority and/or Policy Issues: Idaho Code §36-104

Public Involvement Process: Solicitation of potential changes or additions to nonbiological fish rules was conducted from February 17 through April 18, 2011. Outreach included: one statewide press release, three local press releases, two radio announcements, one television interview, two sportsmen's breakfasts, two fishing events, and 10 open house meetings. Most of the open house meetings were associated with anadromous fish rule scoping. A total of 85 people attended or contacted staff because of these events. Most people supported the informational ideas generated for the scoping meetings. Additionally, six e-mails were received (and responded to) from IDFGINFO. One telephone call was also received by the Fisheries Bureau on the topic of nonbiological rules.

Staff Recommendation: Approve the list of nonbiological rule changes/additions generated by staff and the public to be scoped as the Department's recommendation. Final rules will be adopted at the July 2011 Commission Meeting and ratified by the 2012 legislature.

Justification: To simplify and keep current fish related rules found in IDAPA. Most changes are to add definitions used in the 2011 – 2012 fish rules booklet and to respond to requested rule changes by the public.

Meeting Date: May 19, 2011

Agenda Item No. 14

Agenda Item: Wolf Management Update

Bureau Chief Approval: _____

Prepared by: Jim Unsworth and Jeff Gould

Background:

Wolves were delisted from the Endangered Species Act (ESA) in Idaho and Montana in May 2009. Idaho held a successful hunting season for wolves in fall and winter 2009-2010, but following a Federal District Court decision, wolves were relisted under ESA. On August 5, 2010, Judge Molloy vacated the rule that delisted wolves in Montana and Idaho and returned them to protections of the ESA, effectively restricting state management and eliminating the possibility of a state-regulated wolf hunt. Governor Otter informed the Secretary of Interior on October 18, 2010 that Idaho would no longer manage wolves as the designated agent of the federal government until wolves were again delisted.

Since that time, IDFG staff has ceased involvement in wolf monitoring, and stopped responding to wolf depredations on livestock, or investigation of violations of the ESA. IDFG has focused efforts on our research project and assessing impacts of wolves on ungulates in the Lolo and Sawtooth study areas.

On April 9, 2011, the Montana Federal District Court rejected a settlement requested by 10 of the 14 Plaintiffs and the Service involved in ongoing litigation over a Federal District Court's 2010 decision to reinstate Endangered Species Act protections for gray wolves in the northern Rocky Mountains. The settlement would have revised the court's previous remedy and removed ESA protections in Montana and Idaho.

On April 15, 2011, President Obama signed the 2011 federal Budget Bill that included the following language:

"Before the end of the 60-day period beginning on the date of enactment of this division, the Secretary of the Interior shall reissue the final rule published on April 2, 2009 (74 Fed. Reg. 15123 et seq.) without regard to any other provision of statute or regulation that applies to issuance of such rule. Such reissuance (including this section) shall not be subject to judicial review and shall not abrogate or otherwise have any effect on the Order and Judgment issued by the United States District Court for the District of Wyoming in Case Numbers 09-CV-118J and 09-CV-138J on November 18, 2010."

This legislation means that the USFWS's 2009 science-based and peer reviewed delisting rule will be re-published within 60 days and will be immune from legal challenge. This will again return wolf management to the States in Montana, Idaho, eastern Oregon, eastern Washington, and north-central Utah. The USFWS will continue to manage wolves in Wyoming until the state has a USFWS-approved regulatory framework for wolf management.

The 2009 rule determined that the NRM wolf population was biologically recovered and that management by the states, except for Wyoming, would ensure it remained recovered. The 2009 rule contains mandatory post-delisting monitoring and public reporting requirements, and triggers/safeguards that would cause wolves to be considered for relisting under the Endangered Species Act.

It is unknown when the delisting rule will be posted in the Federal Register (not later than June 15), but IDFG staff is preparing to assume management responsibilities upon publication.

Staff will outline management activities that are underway to prepare to resume state management of wolves, including preparation for a fall hunting season, preparing to resume wolf monitoring responsibilities and take responsibility for responding to livestock depredations, and authorizing control actions. IDFG staff continues to focus on research on the impacts of wolf predation on ungulates and is updating and developing predation management plans and preparing for implementation to reduce wolf predation where impacts on elk have been the greatest.

Staff will address options for addressing updates to the 2008-2012 Idaho Wolf Population Management Plan.

Statutory Authority and/or Policy Issues:
Information only.

Public Involvement Process:
Information only.

Action Requested:
None. This item is provided for Commissioner information only.

Justification:
Information will aid Commissioners as they respond to requests, clarifications, or recommendations from the public.

Meeting Date: May 19, 2011

Agenda Item No. 15

Agenda Item: Legislative Update and Review

Bureau Chief Approval: _____

Prepared by: Sharon W Kiefer

Background:

Staff will review actions required by the Commission and the Department to implement new laws enacted by the 2011 Legislature as signed by the Governor.

Statutory Authority and/or Policy issues:

The Commission has both statutory and policy authorities to implement new laws resulting from the 2011 legislative session.

Public Involvement Process:

None.

Staff Recommendation:

Proceed with measures to implement new laws as appropriate.

Justification:

Implementation of bills approved during the 2011 legislative session must proceed.

Meeting Date: May 19, 2011

Agenda Item No. 16

Agenda Item: 16

Bureau Chief Approval: _____

Prepared by: Lance Hebdon

Background:

In 2010, the Department received a legislative request to consider an exemption from the Hunter Education live-fire exercise (*Segment A-2 of the December 2009 Hunter and Bowhunter Education Independent Study Course Field Day Core Curriculum*) for military personnel and peace officers to achieve hunter education certification. The rationale for the request is the weapons training these individuals have received would be at least equivalent to and possibly better training in the practical handling and shooting of firearms required for Hunter Education certification and this training should be recognized as fulfilling this requirement. The exemption would not affect any of the other requirements for obtaining a certificate of completion for Idaho Hunter Education.

As a result of their review at the January 2011 meeting, the Commission recognized that military papers do not document weapons training and suggested consideration of an affidavit to address two elements – military or peace officer service and acknowledgement of practical firearms handling and shooting training.

Staff prepared the attached draft rule language to be used in conjunction with an Affidavit allowing an individual to self-certify that they meet one of the qualifications for the exemption. Staff will review public input to date and the rule proposal with the Commission.

Statutory Authority and/or Policy issues:

The Commission is authorized under Section 36-412, Idaho Code, to adopt rules concerning education programs in hunting and archery. The Hunter Education Program Rules are contained in IDAPA 13.01.02.100 Rules Governing Public Safety. The rules prescribe specific topics of instruction which includes the practical experience in the handling and shooting of firearms.

Public Involvement Process:

The item was publicly noticed before the Commission in November 2010 and January 2011. Continued public involvement will be provided through the May public meeting and legislative rule review process. Staff solicited comments from selected hunter education instructors.

Staff Recommendation:

Take action on the proposed rule.

Justification:

Commission action required to amend administrative rules.

Meeting Date: May 19, 2011

Agenda Item No. 17

Agenda Item: Deer controlled hunt tag adjustments
(Action)

Bureau Chief Approval: _____

Prepared by: Jon Rachael

Background:

The Department intensified monitoring of mule deer populations beginning in 1996, to better estimate over-winter survival using a variety of methods including aerial surveys, radio telemetry, and field observations. This information is critical for quickly responding to fluctuating populations caused by varying winter conditions.

The Commission established 2011 Big Game hunting rules during the March 29 meeting. At that time, preliminary information on over-winter survival of mule deer fawns and adult does and mule deer population status was used to establish antlerless harvest opportunities.

Current information on population status and over-winter survival indicates high fawn mortality in some areas of southern Idaho. Overall, over-winter fawn survival among 15 study areas is among the lowest since we began monitoring, and was only 40% by mid-April. Fawn survival varied across the state with some areas showing moderate to high mortality. Additionally, a few areas of the state experienced below average survival among adult mule deer does.

Statutory Authority and/or Policy Issues:

Idaho Code 36-104(b)3 provides full Commission authority to impose restrictions on hunting opportunity to protect wildlife resources.

Changes to hunting season rules following publication of the Rules Brochure can be problematic; however, the Commission has authority to make such changes, and has the opportunity to reduce the number of tags issued for controlled hunts before the drawing is held.

Public Involvement Process:

None. The Department will notify any affected public of actions taken by the Commission.

Staff Recommendation:

Because of below normal over-winter survival of mule deer in some areas of Idaho, staff recommends the following changes to tag numbers set in the 2011 Big Game hunting seasons and rules booklet and the 2011 Landowner Appreciation Program brochure:

Hunt Type	Hunt Number	Hunt Area	Unit(s)	Proposed change
Controlled	1047	22	22	Reduce tags from 350 to 150 (antlerless hunt).
Controlled	1049	31	31	Reduce tags from 350 to 150 (antlerless hunt).
Controlled	1050	32	32	Reduce tags from 450 to 225 (antlerless hunt).
Controlled	1051	32A	32A	Reduce tags from 450 to 225 (antlerless hunt).
Controlled	1062	60-1	60, 60A, 62	Reduce tags from 50 to 0 (antlerless hunt).
Controlled	1063	60-2	60, 61, 62A	Reduce tags from 400 to 40 (either-sex hunt).
Controlled	1064	62	62	Reduce tags from 100 to 10 (either-sex hunt).
LAP	TBD	22	22	Reduce tags from 35 to 15 (antlerless hunt).
LAP	TBD	31	31	Reduce tags from 35 to 15 (antlerless hunt).
LAP	TBD	32	32	Reduce tags from 45 to 23 (antlerless hunt).
LAP	TBD	32A	32A	Reduce tags from 45 to 23 (antlerless hunt).
LAP	TBD	60-1	60, 60A, 62	Reduce tags from 5 to 0 (antlerless hunt).
LAP	TBD	60-2	60, 61, 62A	Reduce tags from 40 to 4 (either-sex hunt).
LAP	TBD	62	62	Reduce tags from 10 to 1 (either-sex hunt).

Justification:

Staff recommends Commission adoption of the proposed changes to assist in maintaining mule deer population objectives by reducing antlerless harvest following high over-winter mortality in some areas.

Meeting Date: May 19, 2011

Agenda Item No. 18

Agenda Item: Region 6 - Grover land acquisition

Bureau Chief Approval: _____

Prepared by: Gregg Servheen and Steve Elam

Background:

The 120 acre Grover property lies within the Tex Creek WMA in the Upper Snake Region and will be an addition to the Tex Creek WMA. The property supports wintering big game animals including mule deer, elk, moose, and white-tailed deer. It is year-long habitat for greater sage-grouse and Columbian sharp-tailed grouse. It supports a variety of sagebrush dependent species. The property borders Meadow Creek and provides habitat for Yellowstone Cutthroat trout and other fish species that migrate from Ririe Reservoir.

We will acquire the property through one of two strategies, both centered on the Department not opposing Bonneville County granting a waiver to a county noise ordinance related to construction and operation of 4 wind turbines along the Tex Creek WMA border by Utah Associated Municipal Power Systems. An MOA between the Department and Utah Associated Municipal Power Systems will establish the following options for acquisition of the property by the Department and protection of Tex Creek WMA habitats.

- a) Accept fee-title donation of Grover from Utah Associated Municipal Power Systems after they have purchased it from the landowner.
- b) Purchase of fee-title by the Department using funding deposited into escrow by Utah Associated Municipal Power Systems.

The Grover Property, with an estimated appraised value of \$125,000, will be purchased in fee title with one of the above options and will be owned in fee title by the Department upon approval by the Commission.

This property was previously presented to the Commission during Executive Session in May of 2009 and was proposed for fee title acquisition using Department monies. PILT is estimated at \$50/year. O&M costs are estimated at \$500 annually.

Statutory Authority and/or Policy Issues:

Land acquisition in accordance with Commission land acquisition policy.

Public Involvement Process:

County commissioners will be notified and asked for their input and approval. The public will be informed and contacted for their input regarding management of the property.

Staff Recommendation:

The Lands Committee recommends proceeding with the acquisition.

Meeting Date: May 20, 2011

Agenda Item No. 22

Agenda Item: OHV Workshop

Bureau Chief Approval: _____

Prepared by: Sharon W. Kiefer

Background: During the 2011 legislative session, there was considerable legislative activity directed at the Commission motorized vehicle rule for hunters and the IDFG MOU with the USFS regarding travel plan enforcement that culminated in Senate Bills 1015, 1016, and 1159, which did not pass. The 2011 actions followed a joint resource committee hearing about travel planning and off-road vehicle travel during the 2010 legislative session so legislative and stakeholder interest in off-road vehicle management by IDFG and other agencies has been a continuing issue.

The 2011 Senate Resources and Environment Committee indicated their intent to ask the legislative Interim Natural Resources Committee to convene off-road vehicle travel stakeholders and affected agencies to investigate issues that prompted legislative interest seeking collaboration and solutions.

The Commission requested a staff workshop to understand and help frame issues that are expected to be considered by the Interim Natural Resources Committee so that the Commission is prepared for participation with the Committee.

Statutory Authority and/or Policy issues: The Commission has the authority as the Fish and Game policy body to participate with the legislative committee and other stakeholders regarding Commission rules, Title 36 statutes, and Department agreements in regarding to off-road vehicle travel.

Public Involvement Process: The Commission rules and public meeting process and the 2010 and 2011 legislative sessions have provided for public involvement. There is expectation of additional public involvement through the interim committee legislative process.

Staff Recommendation: Use the workshop to determine what further agency or public information would be helpful for Commissioners so that they may inform and participate with the upcoming legislative process and to assess whether modification of the motor vehicle rule will address legislative and stakeholder concerns.

Justification: Commission rules, Title 36 statutes, and Department agreements are a component of the upcoming legislative process.