

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

May 18

MISCELLANEOUS

Commissioners toured the Clearwater hatchery and USFWS Dworshak National Fish Hatchery at Ahsahka.

Executive Session

11-45 Commissioner Barowsky moved and Commissioner Power seconded a motion to go into executive session pursuant to Idaho Code 67-2345(1)(f) to discuss pending litigation.

Roll Call Vote: **McDermott: aye; Trevey: aye; Barowsky: aye; Wheeler: aye; Wright: aye; Power: aye. Vote tally: 6 ayes**

The executive session ended at 5:05 p.m. with no action taken.

Public Meeting

Chairman Wright called the meeting to order at 7:00 p.m. He introduced Commissioners Tony McDermott, Robert Barowsky, Cameron Wheeler, Gary Power and Commission Secretary Virgil Moore. Staff introductions followed. Chairman Wright introduced Representative Jeff Nasset.

Chairman Wright stated that the Department staff is available after the meeting to answer questions.

The following individuals testified at the public meeting regarding wolves in Elk City, public safety, HB 343, wolf management, Hydatid disease, trapping season and how the wolf population is affecting the big game herds: Jim Chmelik, Gary Macfarlane, Brett Haverstick, Daniel Baldwin, Ron Lyons, Don Hanson, Stan Celmer, Stan Denham, John Walters, Mike Popp, Gary Potter, Jerry Cloninger, Butch Sour, John Largent, Mike Edmondson, Milt Turley and Karen Bulch.

Derrick Reeves representing the Idaho Backcountry Hunters & Anglers stated that they support IDFG ability to regulate motor vehicle use.

Erik Berger would like the Commission to consider a change for license sales to reflect a 365 calendar day license.

Brad Johnson spoke regarding spring Chinook and the Lower River Salmon season.

Craig Lannigan reported that steelhead are very important to him and he is concerned over the proposed regulation changes. Mr. Lannigan supports the catch and release season on the Clearwater dates of July 1- October 15. Mr. Lannigan loves to fish and states it is not about the numbers but is the quality of the experience.

Jason Schultz spoke regarding chukar hunting in Hells Canyon. Mr. Schultz is a professional powerboat outfitter providing chukar hunting trips. Mr. Schultz stated that the recent changes for chukar hunting season will affect his business.

James Hagedorn spoke regarding legislation for a governors/auction tag and states that the sportsmen were not aware of this piece of legislation. The public and sportsmen do not want to sell their wildlife at public auction.

Ed Lindahl submitted written comments regarding spending of sportsmen's dollars for non-hunting, non-fishing and non-trapping programs.

The public hearing adjourned at 8:30 p.m.

May 19

MISCELLANEOUS

Opening Comments

Chairman Wright thanked Regional Supervisor Dave Cadwallader and staff for hosting the Commission meeting and providing a great opportunity to visit the Clearwater Hatchery. The hatchery is an outstanding program and makes all of us proud. Chairman Wright reported that Commissioner Budge is recovering from surgery and will be participating via phone conference.

2010 Idaho Hunter Education Instructor of the Year

Mike Demick and Chairman Wright presented the 2010 Idaho Hunter Education Instructor of the Year Award to Phil Schultz. Mr. Schultz is one of Idaho's original instructors who stepped up to the plate when the hunter education program was mandated in 1979. Mr. Schultz has taught a total of 41 courses since 1979, certifying 1441 students and donating over 873 hours of classroom/ range instruction. Mr. Schultz is more than just a volunteer hunter education instructor. He is an ambassador of the conservation education message with a legacy of demonstrated leadership and long-term dedication.

Review of Public Comment

Discussion addressed comments relating to the wolf problem in Elk City. Regional Supervisor Dave Cadwallader and staff are working with the residents of Elk City on solutions. Other topics

discussed were the auction tag, a request to reverse the changes for the chukar season and an option for a calendar year license.

Consent Calendar

The consent calendar included the following items:

Minutes, January 26-27, February 3, 10, 17, 24, and March 3, 10, 17, 24, 2011.
Financial Report ending March 31, 2011.

11-46 Commissioner Barowsky moved and Commissioner Power seconded a motion to accept the items in the consent calendar as presented. The motion carried in a unanimous vote.

RULES

Season Setting: Chinook Salmon Fishery

Peter Hassemer, Anadromous Fish Manager, reported that 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 proposed 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. Mr. Hassemer presented the recommendations to the Commission (Appendix 44, Exhibit 44).

Amend the bag and possession limits for the 2011 spring Chinook salmon fisheries in the Clearwater, lower Salmon, and Snake rivers.

The daily bag limits on the Clearwater will be six Chinook, only one of which may be an adult; the possession limit will be 18 Chinook only three of which may be adults.

The possession limit on the lower Salmon, Little Salmon and Snake rivers will be 18 Chinook, only six of which may be adults. Effective date is May 20.

11-47 Commissioner Power moved and Commissioner Trevey seconded a motion to accept the staff recommendation to approve the proposed 2011 chinook salmon fishing seasons for South Fork Salmon River and Upper Salmon River and amend the bag and possession limits for the

2011 spring Chinook salmon fisheries in the Clearwater, Salmon, Little Salmon and Snake Rivers. The motion carried in a unanimous vote.

REPORTS

Idaho Fish and Wildlife Foundation Report

Sharon Kiefer, Deputy Director, presented the Idaho Fish and Wildlife Foundation Report to the Commission.

- 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.
- 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.
- 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.
- 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.

Chairman Wright reported the IFWF has a new board member, former Commissioner Nancy Hadley.

Draft 2011 Draft Business Plan Review

Director Moore presented the draft 2011 Department Business Plan to the Commission (Appendix 44, Exhibit 45). Director Moore stated that one of his tasks assigned by the Commission was to put together a business plan. The plan has short-term, mid-term, and long term objectives. The business plan does not require Commission approval; it is a product of the director's office and is being offered to the Commission for their input and discussion.

Wildlife Diversity Business Plan

Rex Sallabanks, Program Manager (Appendix 44, Exhibit 46) reviewed the plan. Mr. Sallabanks reported that 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, 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.

Chairman Wright stated that he appreciates the name change and Rex’s efforts on this program. Chairman Wright is hopeful that the Department will be able to find funding for this program in the future.

RULES

Nonbiological Rules Briefing for Game Animals

Jeff Gould, Chief, Bureau of Wildlife (Appendix 44, Exhibit 47) presented a briefing on the nonbiological rules for game animals. 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.

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:

- Establish rules regarding issuance and transfer of special tags (i.e., auction tags).
- Clarify Motor Vehicle Restriction rule's applicability to trophy species hunts.
- Consider adding black bears to LAP for CHs in Units 22, 31, 32 and 32A.
- Consider refining trapping regulations related to snares and breakaway devices and trapping in proximity to campgrounds.
- Consider modifications to unit boundary descriptions to clarify and improve hunter understanding.
- Correct the language that refers to use of spring general and controlled turkey tags. Controlled turkey tags no longer exist; only controlled hunt permits.
- Eliminate rule for Early September Canada Goose hunts; specifically, the language that refers to controlled hunts.
- 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.
- 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.

Chairman Wright suggested that the Department look at rules regarding increasing nonresident hound hunter permits and the potential of addressing opportunity versus quality issue. Mr. Gould stated that he would get the information out to the regions and would report back at the July meeting.

MISCELLANEOUS

Introduction of Director Nancy Merrill, Idaho Department of Parks and Recreation and Scott Carlton, representing Congressman Raul Labrador's office.

REPORT

LAP Discussion/Direction

Jeff Gould, distributed a copy of Landowner Appreciation Program (LAP) covering the history and current status (Appendix 44, Exhibit 48).

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.

Mr. Gould noted that the Commission directed the Department to begin developing potential solutions for consideration during Phase 2 of the LAP review process.

Listed below are the potential solutions:

Issue: lack of tangible benefits to sportsmen in GMUs with 25 % LAP allocation.

Potential Solutions:

- Set LAP at 10% for all hunt areas
- Establish an Access Yes! Or habitat improvement agreement for any LAP allocation above 10%
- Establish depredation release agreements in exchange for exceeding the 10% LAP allocation
- Use LAP allocation in excess of 10% for special hunting opportunities (youth, veteran, disabled, etc)

Issue: New LAP rules may not fully address inequitable distribution of LAP tags among eligible landowners.

Potential Solutions:

- Monitor the effectiveness of the new LAP rules to better distribute tags among eligible landowners; make adjustments (e.g. 1-year waiting period) if necessary

Chairman Wright stated that the Commission has dealt with the LAP for some time and made some positive changes to the program last year. The problems that Jeff Gould outlined remain and the 10% issue is really important. The real question is timing; Chairman Wright would like to see this addressed sooner rather than later.

Mr. Gould indicated that should the Commission select the 10% option it is ready to go out for public scoping.

Commissioner Power stated that he agrees with Chairman Wright and feels the Commission should proceed. Commissioner Trevey suggests the Department proceed with the scoping process.

MISCELLANEOUS

Idaho Sportsmen's Caucus Advisory Council (ISCAC) Lloyd Oldenberg Lifetime Achievement Award

Director Moore stated that this award is ISCAC's most prestigious award and represents an affirmation of ISCAC's adherence and support of the principles of conservation and fish and wildlife management. ISCAC is represented by 28 sporting groups in the state of Idaho.

ISCAC gave the Oldenberg award posthumously to IDFG biologist Larry Barrett. Larry's wife Cindy accepted the award as presented by Director Virgil Moore and Regional Supervisor Dave Cadwallader.

FISCAL

FY2013 Budget

Jim Lau, Chief, Bureau of Administration presented a budget report for FY2013 (Appendix 44, Exhibit 49). Mr. Lau reported that nonresident deer and elk tag sales are still continuing on the down trend. Fuel costs and health care costs are increasing. The budget is stable today but revenues are still on a downtrend and expenses will go up. The Department may need to dip in to the stabilization fund in the future. Mr. Lau reported that the Department will not ask for a fee increase in FY13. If the trend continues the Department may need to look at other options.

REPORT

Foundation of IDFG Motorized Travel Recommendations

Jim Mende, Environmental Staff Biologist, provided a report (Appendix 44, Exhibit 50) regarding the Department advisory role in travel management. The presentation covered the history of travel management and considerations when commenting. The Department prepares responses to proposals that may affect fish, wildlife or habitat in keeping with the mission to preserve, protect and perpetuate a huntable population of fish and wildlife found on public lands.

Considerations when commenting:

- We strive to make recommendations that would balance recreational use with protections for fish and wildlife and the habitat upon which they depend.
- We recognize motorized recreation as a legitimate use of public lands.
- A significant portion of Idaho hunters report using OHV's to gain access to hunting and fishing areas.
- Motorized recreation does not inherently conflict with the Department's mission.

Ray Hennekey, Environmental Staff Biologist, presented the biological basis for Fish and Game recommendations. Mr. Hennekey stated that comments are based on science. The Department will continue to learn more about wildlife impacts of various kinds of recreation to better manage both and will take a conservative approach until we know more.

Commissioner Wheeler stated the Commission struggles with whether or not the individual is an advocate for the particular position.

Mr. Hennekey reported that when making comments the Department has the science to support our positions and when we advocate science-based resource recommendations we also need to be pragmatic about it.

RULES

Nonbiological Rules Briefing For Fish

Ed Schriever, Chief, Bureau of Fisheries gave a briefing on the nonbiological rules (Appendix 44, Exhibit 51). Mr. Schriever stated that 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.

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.

Commission consensus is for the fisheries staff to proceed with scoping.

REPORT

Wolf Management Update

Mr. Gould covered operational issues that have occurred since May 5th when the Department took over state management and what is in the future for the next six months that the Department will need to work through to be fully engaged for wolf management. The immediate issues were

to address livestock depredation and working with the FWS converting all four of the existing shoot on site authorizations for livestock owners. Mr. Gould noted that the Department updated the wolf control criteria to be sure the kill permit authorization documentation by regional supervisors was consistent. The Department website was updated to keep the public informed and understood what statutory authority they had for lawful take without a license or other information reflecting the recent transition to state management. The Department implemented initial wolf control actions in the Lolo Zone with the assistance of Wildlife Services as well as licensed outfitters operating in the Lolo Zone. Wildlife Services removed 5 wolves and this operation has been suspended until next fall. Outfitters will continue their efforts until June 30.

Over the next six months the Department will work on the following:

- Commission direction
- Federal funding / recovery program
- Research ungulate program in the Lolo Zone
- Monthly management updates resumed on a two- month basis
- The Lolo Zone control action is predicated on the predation policy for the state. A similar plan is in the works for the Sawtooth Zone.
- With the approval for a trapping season coming up the Department must develop a web-based certification program for trappers
- Additional species management planning

Mr. Gould stated that to date 1,500 wolf tags have been sold and that the method of take for wolves will be addressed at the July Commission meeting.

Kathleen Trever, Deputy Attorney General provided an update on the legal perspective for wolf management. On April 15th Congress passed a provision as part of the federal budget process that directed FWS to reenact the 2009 Rule that delisted wolves in Idaho and as part of this Congress also eliminated judicial review after its reenactment. On May 5th the FWS republished the rule returning wolves to state management subject to federal monitoring for five years following delisting.

Ms. Trever reviewed what the reinstatement of the 2009 Rule means. There will be a five-year post delisting monitoring period. The Rule confirms that the official state management plan for Idaho is the Idaho Wolf Conservation and Management Plan that was approved by the Idaho Legislature in 2002 and approved by the FWS. This plan gives management direction that if there are more than 15 packs of wolves in the state wolves will be managed under Commission regulation similar to black bears and mountain lions, using the same species management process for all other species management plans.

The 2009 rule also states that if any of three conditions occur the federal government, FWS, would conduct a review of the status of the species under the Endangered Species Act. The three conditions are: (1) the wolf population in Idaho, Montana or Wyoming drops below the recovery goal of 100 wolves or 10 breeding pairs at the end of any year; (2) the populations drops below 150 wolves or 15 breeding pairs for three consecutive years in any of these three states; (3) there is a change in state law or management objectives that would significantly increase the threat to the population.

Ms. Trever reported that two lawsuits have been filed and scheduled for briefing with Judge Molloy in the U.S. District court in Montana. It would be helpful for the Commission to share its thoughts as to whether the Commission supports the state's participation in those lawsuits to uphold that congressional action. The lawsuits are based on an argument that Congress unduly interfered with the judicial branches actions and violate the constitutional separations of powers. Ms. Trever would like direction and guidance on how the Commission would like the Attorney General's office to participate in any such lawsuits.

11- 48 Commissioner Wheeler moved and Commissioner Barowsky seconded a motion stating that with the delisting of wolves in Idaho, the Commission direct the Department to:

1. Manage wolves in a manner that will ensure wolves remain under responsible state management in conjunction with the rest of Idaho's wildlife.
2. Manage wolves as big game animals consistent with the goals and objectives of the 2002 Idaho Wolf Conservation and Management Plan approved by the Idaho Legislature and the U. S. Fish and Wildlife Service to keep wolves off the Endangered Species List.
3. Control wolves where they depredate on livestock and other domestic animals or threaten human safety.
4. Control the population of wolves and other predators as needed to address areas where elk or other prey populations are below management objectives.
5. Develop wolf hunting season recommendations for consideration at the Commission's July 2011 meeting and develop trapping recommendations.
6. Conduct additional species management planning as appropriate.

The motion carried in a unanimous vote.

11-49 Commissioner Wheeler moved and Commissioner Barowsky seconded a motion that the Commission support the state of Idaho's legal defense of challenges to state management, such as those lawsuits challenging the 2011 congressional action for wolf delisting, and urge Congress to continue to provide funding for monitoring, control and depredation compensation related to the wolf population introduced by the federal government into Idaho. The motion carried in a unanimous vote.

Commissioner Trevey stated that this motion clearly points the way forward and expresses the Commission intent as we move forward in the management of wolves. Commissioner Trevey suggests that the Department publish the motion on the website as soon as practical and to advise the Governor's office of the motion today.

LEGISLATION

State Legislative Wrap Up

Ms. Keifer reported that during the 2011 legislative session there were 620 various bills and resolutions. Of that number 335 of those introduced bills became law.

The due date for the 2012 Legislative proposals is August 1. Legislative ideas will be presented at the July Commission meeting.

Ms. Kiefer provided a report on actions required by the Commission and the Department to implement new laws enacted by the 2011 Legislature as signed by the Governor. Ms. Kiefer distributed a copy of (Appendix 44, Exhibit 52) bills that had a potential implication for the Department if they had passed.

The following bills will require new Department rule or policy to implement:

HB 085 – Authorize Commission to implement a Mentored Hunt Program

HB 143 – Provides certain reduced license and tag fees for disabled nonresident American Veterans participating in a hunt in association with a qualified organization

HB 328 – Public Records

Ms. Kiefer noted that Senate Bills 1015, 1016 and 1159 dealing with Commission authority to both regulate motorized hunting as well as the Commission authority to enter into cooperative enforcement agreements for travel planning will likely show up in the 2012 legislative session. Ms. Kiefer stated that these three bills have been assigned to the Interim Natural Resource Committee who will meet later this summer to address.

REPORT

Foundation of Idaho Parks and Recreation Motorized Travel Recommendations

Director Nancy Merrill, Idaho Parks and Recreation (IDPR), presented a power point presentation (Appendix 44, Exhibit 53) covering an overview of what IDPR does and sometimes why there is conflict with IDFG, and how we can move forward together as agencies in a positive manner, especially when it comes to land management.

LEGISLATION

Hunter Education Live Fire Exemption Rule

Lance Hebdon, Inter-Governmental Policy Coordinator, presented the proposed rule to the Commission. Mr. Hebdon reported that 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.

The draft rule language will 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.

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.

11-50 Commissioner Barowsky moved and Commissioner McDermott seconded a motion that pursuant to Department recommendations that we exempt active, retired, or former persons serving in the armed forces or law enforcement officers from the live fire exercise. The motion carried in a unanimous vote.

RULES

Deer Controlled Hunt Tag Number Adjustment

Jeff Gould presented the deer controlled hunt tag number adjustment (Appendix 44, Exhibit 54). Mr. Gould reported that 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.

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

11-51 Commissioner Barowsky moved and Commissioner Wheeler seconded a motion to accept the department recommendations on the deer controlled hunt tag adjustments as presented. The motion carried in a unanimous vote.

LANDS

Grover Land Acquisition

Gregg Servheen, Wildlife Program Coordinator, presented the Grover land acquisitions proposal to the Commission for approval. 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's 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 Commission 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 Commission 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 Commission 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.

11-52 Commissioner Wheeler moved and Commissioner Barowsky seconded a motion to proceed with the Grover Land Acquisition. The motion carried in a unanimous vote.

MISCELLANEOUS

Election of Commission Chairman, Vice Chairman

11-53 Commissioner Trevey moved and Commissioner Wheeler seconded a motion to appoint Commissioner Tony McDermott as Chair and Commissioner Randy Budge as Vice Chair. The motion carried unanimously.

Appointment of Commission IOGLB Liaison

Director Moore reported that Alex Irby is willing accept another term on behalf of the Commission if that is their desire.

11-54 Commissioner Wheeler moved and Commissioner McDermott seconded a motion to appoint Alex Irby as the Commission liaison to the IOGLB. The motion carried in a unanimous vote.

Director's Report

Director Moore referenced the Director's report in the Commission agenda book. Director Moore reported that the Director's office staff has been busy in the last six weeks since the last Commission Meeting. Director Moore has visited four regional offices and met with staff, and met with various sportsmen groups and individuals around the state.

Commission Reports

Each Commissioner provided their Regional report in written format (Appendix 44, Exhibit 55).

Commissioner Wheeler asked Regional Supervisor Steve Schimdt to give the report. The Region hosted its annual Youth Outdoor Skills day with 208 children participating. The Wildlife and Fisheries annual newsletters are finished for 2011 and are being distributed. The Region is doubling rewards through June 3rd for any rainbow caught on the South Fork which contains a pit tag. It has been a tough winter in the Upper Snake Region but the deer herds are very productive and we are expecting the herds to bounce back. Enforcement personnel are preparing to assist with flooding emergencies. Commissioner Wheeler stated that Steve has done a great job in managing the Region and keeping him informed as a Commissioner.

Commissioner Trevey reported that the Clearwater Region is meeting with city council members from Orofino and Riggins to discuss proposed management strategies for managing deer within the city limits. The intent of the summer Chinook program is to potentially have back-to-back runs of spring and summer run Chinook providing an opportunity for folks to enjoy and also a economic benefit.

Commissioner Power reported that the Salmon Region staff are working with the city officials in Salmon and Challis dealing with the in-town deer issues. Commissioner Power reported an extended steelhead season in the Region because of the fish coming in late.

Commissioner Barowsky reported that the Southwest Region is working on cleaning up Payette Lake. The Heroes Park Pond in Meridian was opened to public fishing in April. Two new ponds at Mary Anne Williams Park in east Boise will be open to public fishing this fall. The Indian Creek Reservoir has been dry for over 10 years; due to the excellent snow pack and high spring flows this reservoir will have water and the Region will restock. The McCall Zone is at 6% survival rate for fawns. Sage grouse lek routes were up 20% in Owyhee County over last year.

Commissioner McDermott reports very little winter kill this year. Local rivers are close to flood stage which may affect the fish in Lake Pend Oreille. The Lake Pend Oreille recovery effort is going strong as ever and are right on target with Dr. Mike Hansen's advice. Reports the shooting of a young male grizzly bear in the Kootenai Valley near the Canadian border. Vaughn Paragamian retired after 21 years with the Department.

Commissioner Wright states that the Magic Valley Region is doing well under the leadership of Regional Supervisor Jerome Hansen. The Region was able to enroll over 27,000 acres in the Access Yes program. The sage grouse lek counts are up 32 % from last year. Thirty one sharp-tailed grouse were trapped for translocation to the State of Washington. Over 700 local students have dissected fish in class and over 1200 have gone fishing as part of this spring's Trout in the Classroom program. Enforcement and wildlife personnel met with BLM to discuss on-going disturbance of wintering mule deer in the Bennett Hill's from over-zealous antler hunters. On June 9th the Region will be hosting the second Magic Valley Sportsman's Fish Fry.

Enforcement Chief Jon Heggen briefed the Commission on the heroic efforts of Officer Paul Alexander on April 15, 2011. Officer Alexander observed an individual in serious need of assistance and undoubtedly saved his life. The full report is in the Commission agenda book.

Executive Session

11-55 Commissioner Barowsky moved and Commissioner Power seconded a motion to hold an executive session pursuant to Idaho Code 67-2345 (1) (c) to discuss land acquisitions.

Roll Call Vote: **McDermott: aye; Trevey: aye; Barowsky: aye; Wheeler: aye; Wright: aye; Power: aye. Vote tally: 6 ayes.**

The executive session ended with no official action taken.

May 20

WORKSHOP

Motorized Vehicle Rule for Hunters and Travel Plan Enforcement

Director Moore reported the purpose of the workshop is in preparation for the Interim ATV Task Force Committee assigned to review Senate Bills 1015, 1016 and 1159.

Sharon Kiefer stated that the workshop will provide the Commission with the history and rationale of the current rule, ideas about alternative renditions of the rule and what the consequences would be. Idaho Department of Fish and Game wants to help clarify and add consistency for user understanding and enforcement and also to address issues of concern. As of the result of the workshop and outcomes, there will be some common understanding about the issues relative to the rule and help the Department firm up some specific recommendations that might go forward to the Interim Legislative Committee. Ms. Kiefer distributed a brief reference sheet regarding the current Motorized Vehicle Rule for Hunters (Appendix 44, Exhibit 56).

MVR History, Biological and Social Rational

Randy Smith provided a report to the Commission on the history and implementation of the motorized vehicle rule (Appendix 44, Exhibit 57). In the early 1970s and 1980s the national forest road construction for timber harvest sparked an increase in research regarding the effects of human activity (roads) on big game distribution, behavior, and vulnerability to hunters. Concurrent increase in OHV technology, 4WDs, ATVs and motorbikes giving hunters access to areas that were once remote caused unrest among hunters about the increasing use of OHVs. The primary tool available to address these issues was seasonal road closures.

Summary:

- OHVs have become an important component of hunting in Idaho.
- The MVR is a tool that addresses both biological and sociological goals.
- There is hunter support for improved management of motorized vehicle use and the MVR especially.
- The rule is an essential management tool for implementing the core objectives of the Mule Deer Management Plan, the MDI Action Plan, and Elk Management Plan.
- Helps provide quality hunting opportunities while maintain hunter expectations for reliable, annual hunting opportunities.

MVR, Review, Options/Recommendations

Sharon Kiefer's presentation (Appendix 44, Exhibit 58) provided alternative approaches on how IDFG can make the motorized vehicle rule for hunters better. The outcome is to provide more clarity, consistency, understanding, acceptance, and awareness from hunters and other off-road motorized users. The rule is foremost about harvest vulnerability.

Commission discussion followed on the alternative approaches.

IDFG involvement in Federal Travel Plan Enforcement

Jon Heggen provided a report on federal travel plan enforcement by IDFG employees (Appendix 44, Exhibit 59). Mr. Heggen reported that the following elements are required for IDFG employees to enforce travel plan restrictions:

- The landowner/manager must have a travel plan restricting motor propelled vehicles
- The Commission must enter into an agreement to enforce those restrictions
- The travel restrictions must be to protect wildlife or wildlife habitat
- The land must be within or adjacent to the proclaimed boundaries of a National Forest
- There must be notice of restriction posted on main traveled roads entering affected areas

How does IDFG implement Travel Plan Enforcement?

Limited, by code, for the protection of wildlife or wildlife habitat:

- During hunting seasons to address vulnerability

- During calving season to protect from disturbance
- Protect from habitat destruction (resource damage)

The main focus has been on Forest Service travel plans, although there have been some agreements with private timber companies and IDL properties lying within or adjacent to national forest boundaries. Most IDFG staff emphasizes travel plan enforcement during fall big game season, targeting areas of historic violations.

USFS Update status of travel planning

Doug Gober provided an update on the USFS status of travel planning in Idaho (Appendix 44, Exhibit 60). Mr. Gober reported that as of May 2011, five of eight forests have substantially completed travel planning and the remaining three forests are expected to complete travel plans in 2011. The Forest Supervisor is ultimately responsible for deciding the scale of the travel planning effort.

The key objectives of USFS travel planning are:

- To provide for a safe and cost-effective transportation system
- To provide for orderly improvement and management of the forest transportation system and documentation of decisions affecting the system
- To determine the minimum road system needed for sustainable public and agency access to achieve the desired conditions in the applicable land management plan; to promote ecosystem health; and to address public safety and efficiency of operations in an environmentally sensitive manner within current and anticipated funding levels.
- To determine appropriate motor vehicle uses of National Forest System (NFS) roads, NFS trails, and areas on NFS lands.
- To designate NFS roads, NFS trails, and areas on NFS lands for motor vehicle use.
- To provide for and manage an appropriate range of motorized and non-motorized recreational experiences (Forest Service Manual 2350), while minimizing conflicts among uses.
- To provide access for the use and enjoyment of NFS lands.

Mr. Gober stated the USFS values the support and assistance of IDFG Enforcement officers in enforcing regulations related to travel and wildlife. The USFS is a partner in this effort and wants to help where they can.

Bureau of Land Management (BLM) Update Status of Travel Planning

Terry Heslin, BLM gave an update on the BLM status of travel planning to date and a broad overview for public involvement (Appendix 44, Exhibit 61). Mr. Heslin provided a flow chart showing land use planning process and how the travel management process fits in.

Next Steps

Sharon Kiefer stated that the information from the workshop has provided good feedback on the elements relative to the motorized vehicle rule. Most of the discussion was focused on the regulatory process. The Department will look at outreach strategies on and off the ground and consistency across the state.

Commissioner Budge stated that there is not real certainty where the Interim ATV Task Force is going to start or end and suggests that the Department move forward to fix problems that we know exist from our legislative experience. Commissioner Budge suggests that the Department rewrite the existing rule with a clear, simple description of what the rule should be and then add some definitions that are missing: 1) aid to hunting, 2) what is and what is not an established roadway, 3) revisit the exceptions. This would allow the Department to show the committee that we have moved forward in fixing these problems. Commissioner Budge suggests that if we come up with a new rule, we need to be prepared to scope the rule to the public if the Legislative Committee does not address it.

Chairman Wright stated that there is great contingent of support from sportsmen and landowners, and we need to utilize that support.

Commissioner Trevey states that this information needs to be presented to the average guy not just the organized groups.

MISCELLANEOUS

Adjournment

The meeting adjourned at 11:40 a.m.

Wayne Wright
Chairman

Virgil Moore
Secretary