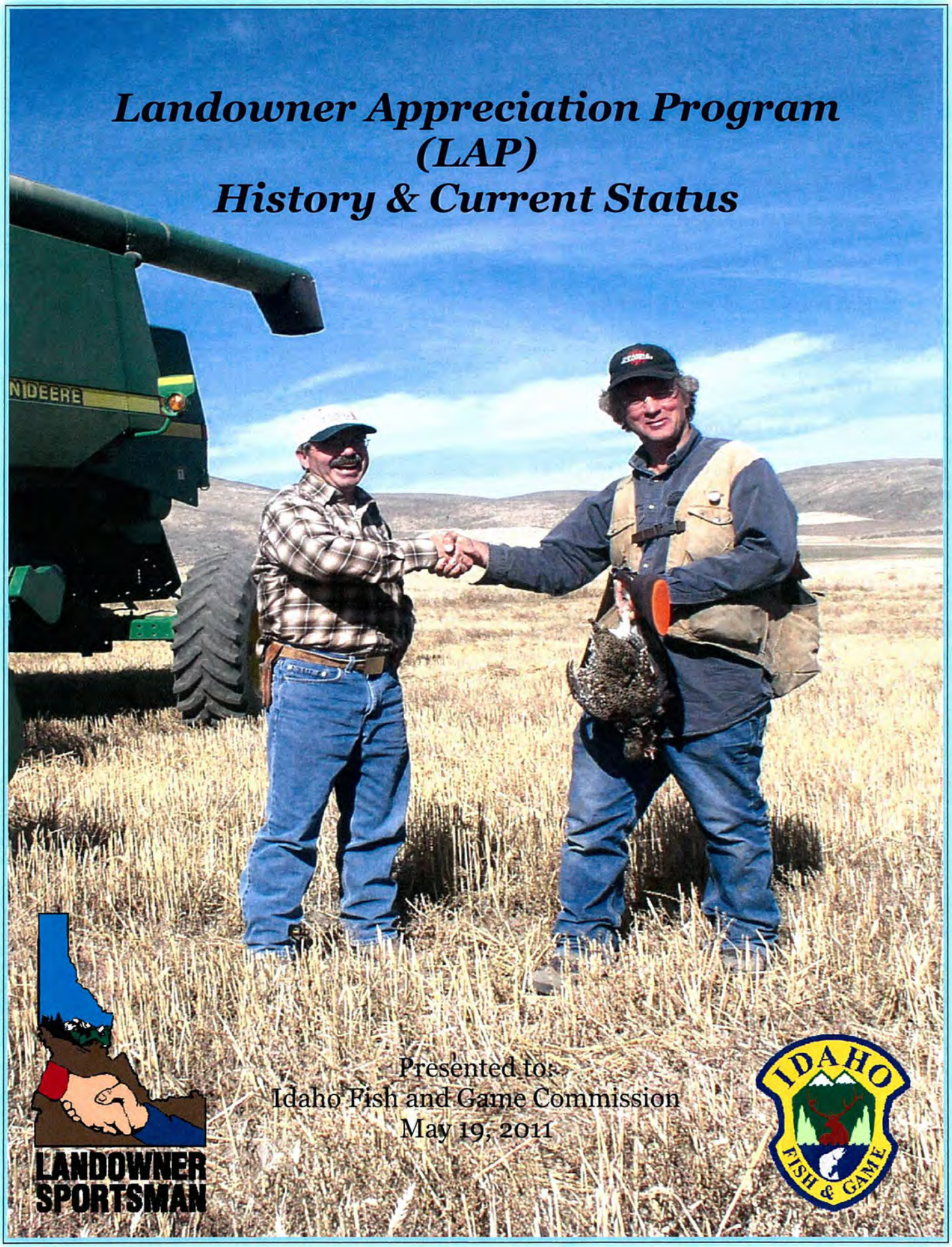
Landowner Appreciation Program (LAP) History & Current Status



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LANDOWNER SPORTSMAN

IDAHO FISH & GAME

Table of Contents

Preamble....2

History....3

Access Yes! Pilot Project....4

Recent LAP Changes....5

Fish and Game Advisory Committee....7

2010 LAP Statistics....9

Phase 2 Issues and Potential Solutions....10

Appendix A - Private and Public Land Percentages By GMU....12

Appendix B - Idaho Code 36-104(b)(5)(B)....13

Appendix C - Existing Commission Lap Rules (IDAPA - 13.01.04.400)....14

Appendix D - Commission Rules for Landowner *Access Yes!* Permits (IDAPA - 13.01.04.404)..16

Appendix E - IDFG Internal LAP Committee Report....18

Appendix F - ISCAC Response to IDFG Internal LAP Report....23

Appendix G - FGAC Response to IDFG Internal LAP Report....30

Appendix H - Proposed Changes to LAP for Public Scoping....33

Appendix I - Public Scoping Results for Proposed LAP Changes....38

Appendix J - Final LAP Rules Adopted by Idaho Fish and Game Commission, July 2010....44

Appendix K - Idaho Code 36-122....45

Appendix L - Current Membership of the Fish and Game Advisory Committee....46

Appendix M - Current Charge Provided by Directors Groen and Gould for the FGAC....47

Appendix N - Number of Deer, Elk, and Pronghorn Habitat Acres Registered in LAP by GMU, 2010....50

Preamble

Private lands comprise 36% of Idaho, totaling over 16 million acres. Of this total, nearly 11.5 million acres are classified as farmland. Individual farm ownership in Idaho is relatively small, with the average size being approximately 450 acres. Of the total 25,000 farms in the state, only 1,400 have 1,000 or more acres.

Private land is not equitably distributed throughout Idaho. Percentage of private land by Game Management Unit (GMU) ranges from 0% in GMU 16 to 95% in GMU 8 (Appendix A). Percentage private land by Fish and Game Administrative Region varies from 6% in the Salmon Region to 46% in the Southeast Region (Table 1).

Table 1. Private and public land ownership by Fish and Game administrative region.

Region	Private Acres	Public Acres	Percent Private	Percent Public
Panhandle	2,016,035	2,961,460	40.5%	59.5%
Clearwater	2,471,565	5,206,056	32.2%	67.8%
Southwest	3,137,947	9,502,652	24.8%	75.2%
Magic Valley	3,158,685	6,424,920	33.0%	67.0%
Southeast	2,508,339	2,930,505	46.1%	53.9%
Upper Snake	2,564,212	5,079,588	33.6%	66.4%
Salmon	336,253	5,066,105	6.2%	93.8%

Depending on land use practices, private farmlands can and do provide significant wildlife habitat in Idaho. For example, pheasants are primarily associated with agricultural lands, dependent on grain products as an important food source. Additionally, a significant amount of lower elevation big game winter range is provided by private land in southern Idaho. For example, 48% of elk winter range in GMU 76 is under private ownership.

"The Future of Idaho's Wildlife and Hunting Heritage Is Dependent Upon Its Landowners"

History

In 1986 the Idaho Legislature passed statute allowing the director to issue additional controlled hunt permits to landowners in areas where permits for deer, elk, or antelope were limited. To conform with the new state law, the Idaho Fish and Game Commission (Commission) adopted rules creating the ***Landowner Preference Permit*** (LPP) program in 1987. The program was established largely to provide hunting opportunity for landowners in controlled hunt GMUs that provided important big game habitat.

Rules for the new landowner program were:

- Eligible property defined as 640 or more contiguous acres that provided valuable habitat or propagation purposes for deer, elk, or pronghorn.
- LPP eligibility was not species specific. For example, a landowner providing valuable elk habitat was eligible for deer, elk, or pronghorn LPP hunts.
- LPP hunts only existed where there was no general rifle hunt.
- LPP tags could be issued to landowners, immediate family members, lessees, or authorized corporate representatives.
- Permit levels set at an additional 10% of regular controlled hunt levels, with the exception of "*controlled hunts 245-1, 245-2, 245-3 and 245-4*" which were set at an additional 25%.
- Landowners with 640 - 4,999 acres were eligible for 1 tag per species, while landowners with 5,000 or more acres were eligible for 2 tags per species.
- Landowners were not subject to the trophy species application restriction.
- LPP tags were valid for the entire hunt area.
- Drawing results were strictly random, and not based on acreage.

In 1998, the Commission adopted the new Elk Management Plan. Central to the new plan was the creation of general spike-only or antlerless-only hunts in GMUs that historically only had controlled elk hunting. Because of the prohibition for LPP hunts in GMUs where general hunting was available, several existing LPP hunts would be eliminated upon implementation of the new elk plan. In anticipation of the adverse effect of the new elk plan on existing LPP hunts, legislation was introduced in 1997 to modify the statute allowing LPP tags in GMUs with general hunts. The 1998 legislature rejected the proposal.

Adoption of the 1998 Elk Management Plan resulted in eliminating 65 of 75 LPP elk hunts. Additionally, several mule deer LPP hunts were eliminated due to an Attorney General interpretation of existing statute. Landowners registered in LPP declined from 625 in 1998 to 230 in 1999. The elimination of several LPP hunts created an outcry from landowners threatening to prohibit sportsmen's access to private land.

The Fish and Game Advisory Committee (FGAC) was charged with recommending changes to LPP that would address 3 primary issues: 1) improve hunter access to private land, 2) allow LPP hunts in any controlled deer, elk, or pronghorn hunt, and 3) provide enhanced hunting opportunity for landowners that substantially support wildlife.

The FGAC recommended a new program entitled "***Landowner Appreciation Program***" (LAP). The Idaho Legislature adopted new statute (Appendix B) allowing the Commission to establish landowner hunts in any controlled deer, elk, or pronghorn controlled hunt area.

In 1999, the Commission established rules for LAP, including:

- Eligible property defined as 640 or more contiguous acres that provided significant values for deer, elk, or pronghorn.
- LAP eligibility is species specific. For example, a landowner only providing valuable elk habitat is ineligible for deer or pronghorn LAP hunts.
- LAP hunts can be established in any controlled hunt area designated by the Director.
- LAP tags can be designated to any person eligible for a hunting license.
- For the first year (1999), permit levels were set at an additional 10% of regular controlled hunt levels. In subsequent years up to 25% of the permits may be issued but only if the hunt was over-subscribed.
- Landowners with 640 - 4,999 acres are eligible for 1 tag per species, while landowners with 5,000 or more acres are eligible for 2 tags per species.
- Landowners are not subject to the trophy species application or antlered-only 1-year wait restrictions.
- LAP tags are valid for the entire hunt area.
- Drawing results are based on weighting factors for every 640 acres. For example, a landowner with 640 acres has 1 chance in the drawing while a landowner with 6,400 acres has 10 chances.
- Landowners were required to allow "reasonable" sportsmen access without a fee. And, landowners were required to demonstrate they provided reasonable access.

In response to concern expressed by landowners and the FGAC about the reasonable access requirement, the Commission eliminated the requirement in 2001. A central theme among landowners was that access management was a property right issue, and should be separate from tags issued as recognition for supporting wildlife on private land. However, sportsmen criticized, and continue to, the program ever since the reasonable access requirement was eliminated. Reasonable access was never defined, and likely would have been a difficult rule to enforce.

Access Yes! Pilot Project

In 2003, the Commission adopted the *Access Yes!* program which compensates landowners willing to provide access to or through private land to hunters, anglers, and/or trappers. This private lands access program remains very popular among sportsmen and landowners alike. Having adequate funding to compensate all landowners interested in participating in the program has been the primary limiting factor.

To address the issue of limited funding and unmet demand for private property access, the Commission adopted a pilot project in the Magic Valley Region in January 2007. The project was developed following extensive public involvement including surveys of sportsmen and landowners, and focus groups in the Magic Valley Region. One component of the pilot project involved using big game tags as compensation for landowners willing to provide access to sportsmen. Tags allocated (an additional 15%) for the project were provided by setting LAP allocation at 10% for all LAP hunts in the Magic Valley Region. The remaining 15% LAP tags available under existing Commission authority were allocated to the pilot project.

Important aspects of the pilot project that both landowners and sportsmen could generally agree on were established in rule (Appendix D), including:

- Tags were only transferable to immediate family members
- Landowners would bid for compensation (e.g. money, tags, habitat improvement projects, enforcement patrols).

- Sportsmen review committee would evaluate bids and make recommendations to the Department.
- No minimum acreage was required.
- Landowners providing access to other important recreational opportunities (e.g. waterfowl) were eligible for the program. Currently, only landowners providing deer, elk, or pronghorn habitat are eligible for LAP tags.

During 2007, 9 landowners providing 36,200 acres of private land access signed up for the pilot project; receiving a total of 9 deer and 7 elk tags.

In July 2007, the Commission unanimously voted to discontinue the pilot project; citing limited interest from landowners. Some sportsmen accused the Department and Commission of creating additional landowner tags without resolving their concerns with the overall LAP program; primarily the requirement for reasonable access. Additionally, some landowners in GMU 45 who had benefitted from a 25% LAP allocation expressed concern that the pilot project reduced tags available to them by 60% when the LAP allocation was reset at 10% for the GMU.

It is unknown whether landowner interest would have increased had the pilot project proceeded another year or 2. Nonetheless, many aspects of the project were based on "common ground" between landowners and sportsmen.

Recent LAP Rule Changes

In 2009, Director Groen established an internal Department Committee (Committee) to review the LAP program and make recommendations for consideration by stakeholders and the Commission. The Committee identified 8 issues, each with potential solutions (Appendix E).

The internal report was provided to the Idaho Sportsmen's Caucus Advisory Council (ISCAC), representing 31 sportsmen's organizations that provided comment (Appendix F), generally supporting sportsmen-centric solutions.

In summary, ISCAC members generally supported the following:

- Family members can hunt unit wide, non-family designees on landowner property only.
- Include reasonable public access in the program.
- Concern about "selling" Idaho's wildlife, while respecting private property rights.
- Move away from the breaking large land holdings into smaller LLC's.
- Concern about participation in both Depredation and LAP programs.
- Require one-year waiting period on successful antlered-only hunts.
- Make smaller landowners more competitive.
- Do a better job of informing sportsmen about LAP.

The report was provided to FGAC that also provided comment (Appendix G). The committee reached unanimous consensus on the following recommendations:

- Clarify existing Commission rule by adopting new language that prohibits the "selling, trading, bartering, or marketing" of LAP tags.
- Conduct the drawing to ensure all enrolled landowners are eligible for 1 LAP tag before any landowner receives a 2nd tag.
- Adopt rules that limit "owner(s)" of multiple Limited Liability Corporations from being eligible for no more than 2 LAP tags.
- Allow landowners with 320 - 639 acres of important wildlife habitat to be eligible for leftover LAP tags.

- Increase transparency and outreach about LAP.

FGAC discussed, but could not reach consensus on:
- Requiring reasonable access as a condition of LAP eligibility.
- Limiting who LAP tags could be transferred to.
- Limiting landowners from participating in both LAP and Depredation programs.

Based on the original internal Committee report, and input received from ISCAC and FGAC, Department staff drafted proposed rule changes for additional public scoping (Appendix H).

The Department posted an online survey and received 1,408 responses. Of the online respondents, 89% indicated they were "hunters" while 10% indicated they were landowners. Additionally, the same survey was mailed to 981 landowners registered in LAP of which 426 (43%) responded. Results of the surveys are provided in Appendix I.

Based on simple majority responses, respondents from both surveys agreed on the following proposals:
- Prohibiting the use of LAP tags for any commercial activities.
- Ensuring all enrolled landowners are eligible for 1 LAP tag before any receives a 2nd tag.
- Establishing a 1-year waiting period for antlered deer and elk hunts.
- Limiting LLC's from receiving more than 2 tags.
- Allowing landowners with 320 - 639 acres of important habitat to be eligible for leftover tags.

Respondents to the online and mailed surveys differed in their support/opposition to the following proposals:
- Prohibiting the 'selling, trading, bartering, or marketing' of LAP tags.
- Restricting landowners who charge a trespass fee from participating in LAP.

A total of 310 written comments were submitted with the online survey. Most commonly mentioned issues/comments were:
- Hunters recognize the importance of private land for wildlife and habitat.
- Do not allow LAP tags to be sold.
- LAP tags should be used to facilitate/require private land access.
- LAP tags should be available only to immediate family members.
- Limit LAP tags to landowner's property.
- Do/Do Not allow Idaho to become like Colorado, Utah, New Mexico, Texas, Arizona, Nevada.

A total of 169 written comments were submitted with returned landowner mail surveys. Most commonly mentioned issues/comments were:
- Landowners appreciate the opportunity to receive a LAP tag.
- Tags are a form of compensation to offset forage use, damage caused by wildlife, and enduring hunting season.
- Make more LAP tags available.
- Do/Do Not allow sale of LAP tags.
- More equitable distribution of existing LAP tags among landowners.
- Further restrictions on LAP will result in loss of access and increased depredation claims.

Additionally, the Department received letters from the Idaho Farm Bureau (IFB), Idaho Cattle Association (ICA), Idaho Outfitters & Guides Association (IOGA), and Simplot Land and Livestock (Simplot). Both IFB and ICA letters recommended no action be taken relative to the sale of tags, use of tags for commercial activities, and landowners that charge a trespass fee until proposals were fully discussed with the agricultural community. IOGA recommended evaluating changes that result in win-win situations for sportsmen and landowners, including private land access and landowner incentives. The Simplot letter expressed a desire to retain the number of LAP tags they had historically been eligible for.

Ultimately, the Commission adopted 4 rule changes to LAP at the July 2010 meeting (Appendix J). The changes are designed to address 3 primary, long-standing issues: 1) clarify existing language prohibiting the sale of LAP tags, 2) inequitable distribution of tags among eligible landowners, and 3) provide recognition for small landowners that provide important deer, elk, or pronghorn habitat. The Commission adopted rule changes were approved by the 2011 Idaho Legislature and become effective in 2011.

Fish and Game Advisory Committee

In 1989, the Idaho Legislature (HCR 31) created a negotiation committee made up of a 12 member Legislative Oversight Team and a 12 member Negotiating Team. Sportsmen outcry over the appropriation of $500,000 of Department funds to compensate for wildlife damage to crops in 1988 and the first half of 1989 prompted the HCR. The negotiating team held meetings throughout the state during 1989 and ultimately developed proposed legislation creating a systematic approach to handling big game depredations. Initial attempts to enact the program failed due to an inadequate funding mechanism in the 1990 legislation. By 1991, the funding mechanism for the new depredation program had been resolved and the legislation was adopted. The newly adopted legislation included a section (Idaho Code 36-122, Appendix K) formally codifying the Negotiating Team now referred to as the Fish and Game Advisory Committee.

Original members of the Negotiating Team, later renamed the Fish and Game Advisory Committee were:

- Dave Bivens, Meridian, Agricultural Representative
- Stan Boyd, Eagle, Agricultural Representative
- Don Clower, Meridian, Sportsmen Representative
- Kent Henderson, Lewiston, Sportsmen Representative
- Frank Higgins, Kamiah, Agricultural Representative
- Vangie Ingram, Challis, Agricultural Representative
- William Jungert, Cottonwood, Agricultural Representative
- Eric Krasa, Pocatello, Sportsmen Representative
- J. Kent Marlor, Rexburg, Sportsmen Representative
- Steve McGrath, Idaho Falls, Sportsmen Representative
- Ed Mitchell, Rupert, Sportsmen Representative
- Dave Nelson, Mackay, Agricultural Representative

FGAC is composed of 6 agricultural representatives and 6 sportsmen representatives appointed by the Directors of the Idaho State Department of Agriculture and the Idaho Department of Fish and Game (Appendix L). Their statutory role is to:

- Act as a liaison between the Idaho Fish and Game Commission, private landowners, the Department of Agriculture, the Department of Fish and Game, and agricultural and sportsmen organizations, and

- Act as an independent resource to give advice and recommendations on administration of livestock and crop depredation programs.

Committee charges are provided by the directors of the Department and Idaho State Department of Agriculture. FGAC's current focus is on continuing to find solutions to unresolved issues, and identify opportunities where LAP could be used to develop broader youth and veteran hunting opportunities (Appendix M).

The Department administers two Special Big Game Tag programs, the Disabled Veterans Special Big Game Tag and the Children with Special Needs Big Game Tag. The Programs were established through Idaho Code 36-401 (a)(6&7) License Requirements and Exceptions, and 36-408 (6&7) Commission's Authority covering Tags and Permits. The statute gives the Commission authorization to implement the programs through rule. Rules for the programs are in IDAPA 13.01.04.900 and .901 Rules Governing Licensing sections. The statute defines the participation criteria for the individual and the sponsoring organization.

Requirements for eligibility for a 'Children with Special Needs Big Game Tag':

- Must be a minor.
- Have a life-threatening medical condition certified by a qualified organization.
- Qualified organization defined as a 501(c)(3) nonprofit that affords opportunities and experiences to children with life threatening medical conditions.
- Must be accompanied by an adult with an Idaho big game hunting license.

Requirements for eligibility for a 'Disabled Veterans Special Big Game Tag':

- Must be a disabled veteran certified by Department of Veterans Affairs.
- Certified eligible by sponsoring organization.
- Qualified organization defined as a governmental agency that assists veterans, or a 501(c)(3) nonprofit that affords opportunities, experiences and assistance to disabled veterans.

Requirements common to both programs:

- Require sponsoring organization to submit application on behalf of applicant.
- Waive hunter education, license, and fee requirements.
- Are limited by rule to five tags.
- Leftover tags from the Children's program may be issued to Disabled Veterans after July 15.
- Tags available for, deer, elk, moose, pronghorn, black bear, or mountain lion.
- Valid in any open general or controlled hunt with unit specified on application.
- Limited to once in a lifetime

Elk are the most commonly requested species, followed by deer, then moose. Annually 2-3 tags are issued through the Children with Special Needs Program, with the remainder of those issued to the Disabled Veterans (DAV) program. Participating organizations have included National Wild Turkey Federation's Wheelin' Sportsmen, Idaho Division of Veterans Services, Hunt of a Lifetime Foundation, Outdoor Dream Foundation, Valley Veterans Service Center, US Department of Veterans Affairs, and Perry County Veterans Officer. Applications are reviewed and tags are issued manually (not through the electronic license system) by Director's Office Staff.

House Bill 143 passed during the 2011 legislative session, becoming effective July 1, 2011. This legislation allows Nonresident DAVs to purchase license/tags at resident prices for Veterans

participating in a hunt with a qualified organization. The legislation used the definition of "qualified organization from 36-408(7). Discounted tags are available for black bear, deer, elk, or turkey tag. Participation is subject to the existing nonresident limits associated with nonresident controlled hunts and limited quotas established by the Commission. The law did not exempt the participants from the statutory requirements to purchase a license (such as hunter education if applicable). ***Implementation of this program may require rule adoption by the Commission.***

FGAC recommendations are based on consensus, defined as all members support the motion. Consensus derived recommendations tend to take time, but generally result in broad support beyond that of the committee.

Since creation, the FGAC has provided recommendations, proposed legislation/rule, and offered testimony on a number of issues, including:

- Development of the original depredation prevention/compensation program.
- Statutory amendments to the prevention/compensation program (e.g. 1994, 2002, 2003, 2005, 2008, 2009).
- Recommended that compensation for wolf depredation on livestock should be federally funded.
- Development of the original *Access Yes!* program (2003).
- Transition from the Landowner Preference Permit to Landowner Appreciation Program (1999).
- Recent changes to the Landowner Appreciation Program.

Ultimately, the role of the FGAC is to foster improved relations among sportsmen and landowners.

2010 LAP Statistics

In 2010, 1,017 landowners were registered in LAP; a 5-fold increase from the 230 landowners registered when the program began in 1999. Landowners registered 2,446,703 deer habitat acres, 2,535,813 elk habitat acres, and 1,278,036 pronghorn habitat acres. Landowner participation and registered habitat varies by region, with Magic Valley having the greatest number of landowners and acreage registered (Table 2). Amount of deer, elk, and pronghorn habitat registered by GMU in 2010 is shown in Appendix N.

Table 2. Number of landowners and amount of habitat registered in LAP in 2010.

Region	Registered Landowners	Deer Habitat Acres	Elk Habitat Acres	Pronghorn Habitat Acres
Panhandle	1	662	662	0
Clearwater	139	404,056	392,681	0
Southwest	160	488,719	476,285	254,873
Magic Valley	306	826,994	842,268	650,245
Southeast	199	382,575	393,733	56,299
Upper Snake	137	307,970	316,615	220,549
Salmon	75	35,727	113,569	96,070
Totals	**1,017**	**2,446,703**	**2,535,813**	**1,278,036**

In 2010, 1,006 registered landowners applied for 2,921 deer, elk, and pronghorn tags in 209 different LAP hunts (Table 3). Average 1st choice drawing success rates for LAP hunt in 2010 were:

- Antlered deer = 89%.
- Antlerless deer = 100%.
- Antlered elk = 60%.
- Antlerless elk = 100%.
- Pronghorn = 37%.

Note - average drawing odds do not reflect an individual landowner's chance of drawing. Individual landowner drawing odds vary based on acreage registered (weighting factor) and the number of eligible landowners within the controlled hunt area.

Table 3. Number of LAP hunts, tag allocations, applicants, and leftover tags in 2010.

Hunt Type	# Hunts	Tags	1st Choice Applicants	2nd Choice Applicants	Leftover Tags
Antlered Deer	27	400	449	45	127
Antlerless Deer	30	955	101	69	798
Antlered Elk	43	414	693	185	103
Antlerless Elk	78	1004	106	300	698
Pronghorn	31	148	396	61	27
Totals	**209**	**2,921**	**1,745**	**660**	**1,753**

Of the total 209 LAP hunts in 2010, 10 (5%) were allocated an additional 25% of regular controlled hunt tag levels. The remaining 199 (95%) LAP hunts were allocated at an additional 10% of regular controlled hunt tag levels. The hunts that were allocated above 10% included:

- Hunt Area 45, antlered deer, Oct 15 - Oct 31
- Hunt Area 45, antlerless deer, Nov 15 - Nov 30
- Hunt Area 45, antlered deer, muzzleloader only, Oct 1 - Oct 14
- Hunt Area 40* (GMUs 40, 42), antlered elk, Oct 15 - Nov 24
- Hunt Area 41, antlered elk, Nov 1 - Nov 24
- Hunt Area 45*, (GMUs 45, 52), antlered elk, Oct 1 - Oct 31
- Hunt Area 40* (GMUs 40, 42), antlerless elk, Oct 15 - Nov 24
- Hunt Area 45* (GMUs 45, 52), either sex elk, archery only, Sep 15 - Sep 30
- Hunt Area 45* (GMUs 45, 52), antlerless elk, Oct 15 - Nov 30
- Hunt Area 45-1 (portion of GMU 45), either sex pronghorn, Sep 25 - Oct 24

Phase 2 Issues and Potential Solutions

Commission LAP rule changes adopted in July 2010, and approved by the Legislature in 2011, should substantively address 3 long-standing issues associated with the program, including: 1) active marketing/selling of LAP tags, 2) inequitable distribution of LAP tags among eligible landowners, and 3) lack of recognition for small landowners that provide valuable big game habitat.

However, the Commission recognized that additional work was needed to address remaining issues with LAP. Remaining issues include:

- Many sportsmen support some level of recognition for landowners supporting wildlife and the hunting heritage. However, most sportsmen also believe that any LAP allocation in excess of 10% should generate some tangible benefits to sportsmen.
- Depending on effectiveness of the new Commission LAP rules, there could be additional work to resolve inequitable distribution of LAP tags among landowners.

The Commission directed the Department to begin developing potential solutions for consideration during Phase 2 of the LAP review process.

Listed below are potential solutions:

Issue - Lack of tangible benefits to sportsmen in GMUs with 25% LAP allocation.

Potential Solutions - a) set LAP at 10% for all hunt areas
b) establish an *Access Yes!* or habitat improvement agreement for any LAP allocation above 10%
c) establish depredation release agreements in exchange for exceeding the 10% LAP allocation
d) 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 - a) 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

Commission direction and stakeholder involvement will be valuable to further flesh-out and develop sound, acceptable solutions. Additionally, the FGAC can play an important role when developing statewide programmatic recommendations that are supported by both agricultural and sportsmen interests. Smaller scale issues, such as addressing the few hunt areas with 25% LAP allocation, could probably be adequately addressed through normal Commission rule making procedures.

Appendix A - Private and Public Land Percentages By GMU

GMU	Private Acres	Public Acres	% Private	% Public
1	495,931	1,088,306	31.30%	68.70%
2	363,662	80,915	81.80%	18.20%
3	161,511	192,844	45.60%	54.40%
4	159,121	628,603	20.20%	79.80%
4A	95,239	91,420	51.00%	49.00%
5	369,071	88,133	80.70%	19.30%
6	300,596	373,230	44.60%	55.40%
7	43,239	316,399	12.00%	88.00%
8	466,523	23,751	95.20%	4.80%
8A	265,498	202,524	56.70%	43.30%
9	27,664	101,610	21.40%	78.60%
10	2,878	755,274	0.40%	99.60%
10A	479,596	515,894	48.20%	51.80%
11	335,141	148,809	69.30%	30.70%
11A	464,226	64,250	87.80%	12.20%
12	41,257	718,972	5.40%	94.60%
13	159,141	60,704	72.40%	27.60%
14	122,554	244,681	33.40%	66.60%
15	40,754	519,072	7.30%	92.70%
16	47,872	201,490	19.20%	80.80%
16A	0	178,774	0.00%	100.00%
17	117	969,414	0.00%	100.00%
18	42,547	137,679	23.60%	76.40%
19	2,190	163,071	1.30%	98.70%
19A	3,214	292,201	1.10%	98.90%
20	1,270	301,699	0.40%	99.60%
20A	1,326	481,715	0.30%	99.70%
21	4,186	321,369	1.30%	98.70%
21A	17,514	141,407	11.00%	89.00%
22	144,707	402,698	26.40%	73.60%
23	116,197	360,361	24.40%	75.60%
24	228,047	333,789	40.60%	59.40%
25	3,164	572,628	0.50%	99.50%
26	1,945	379,111	0.50%	99.50%
27	2,082	980,145	0.20%	99.80%
28	28,942	808,152	3.50%	96.50%
29	89,814	362,520	19.90%	80.10%
30	53,232	203,272	20.80%	79.20%
30A	20,796	155,091	11.80%	88.20%
31	194,700	184,302	51.40%	48.60%
32	653,760	267,252	71.00%	29.00%
32A	111,234	270,699	29.10%	70.90%
33	28,306	400,505	6.60%	93.40%
34	508	283,908	0.20%	99.80%
35	1,207	239,641	0.50%	99.50%
36	21,998	649,970	3.30%	96.70%
36A	14,168	479,733	2.90%	97.10%
36B	26,701	348,334	7.10%	92.90%
37	43,582	406,075	9.70%	90.30%
37A	13,239	210,036	5.90%	94.10%
38	761,042	509,703	59.90%	40.10%
39	369,110	1,195,016	23.60%	76.40%

GMU	Private Acres	Public Acres	% Private	% Public
40	348,433	1,099,091	24.10%	75.90%
41	134,317	1,407,236	8.70%	91.30%
42	36,730	822,796	4.30%	95.70%
43	14,879	433,173	3.30%	96.70%
44	170,823	182,574	48.30%	51.70%
45	300,120	531,716	36.10%	63.90%
46	312,583	1,387,120	18.40%	81.60%
47	56,999	164,059	25.80%	74.20%
48	65,082	324,709	16.70%	83.30%
49	173,116	326,051	34.70%	65.30%
50	183,100	873,074	17.30%	82.70%
51	49,380	555,085	8.20%	91.80%
52	165,957	359,319	31.60%	68.40%
52A	97,149	1,013,301	8.70%	91.30%
53	769,441	406,994	65.40%	34.60%
54	355,889	517,446	40.80%	59.20%
55	311,602	337,043	48.00%	52.00%
56	295,825	282,582	51.10%	48.90%
57	69,220	158,833	30.40%	69.60%
58	14,210	365,680	3.70%	96.30%
59	69,452	163,019	29.90%	70.10%
59A	38,591	219,179	15.00%	85.00%
60	91,214	191,623	32.20%	67.80%
60A	255,526	331,081	43.60%	56.40%
61	93,475	401,411	18.90%	81.10%
62	239,918	74,899	76.20%	23.80%
62A	15,217	140,561	9.80%	90.20%
63	470,583	814,909	36.60%	63.40%
63A	171,252	35,875	82.70%	17.30%
64	161,340	67,953	70.40%	29.60%
65	102,787	39,928	72.00%	28.00%
66	19,330	204,940	8.60%	91.40%
66A	30,216	141,355	17.60%	82.40%
67	42,778	221,113	16.20%	83.80%
68	350,564	812,829	30.10%	69.90%
68A	161,100	125,542	56.20%	43.80%
69	546,061	379,260	59.00%	41.00%
70	97,565	145,219	40.20%	59.80%
71	118,408	220,246	35.00%	65.00%
72	153,816	114,861	57.20%	42.80%
73	508,340	283,460	64.20%	35.80%
73A	174,229	187,872	48.10%	51.90%
74	290,710	100,397	74.30%	25.70%
75	140,719	101,657	58.10%	41.90%
76	350,981	503,662	41.10%	58.90%
77	88,393	79,905	52.50%	47.50%
78	43,297	113,500	27.60%	72.40%

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

(B) The commission may, under rules or proclamations as it may prescribe, authorize the director to issue additional controlled hunt permits and collect fees therefor 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.

Appendix C - Current Commission LAP Rules (IDAPA - 13.01.04.400)

400.LANDOWNER APPRECIATION PROGRAM.

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)

Appendix D - Commission Rules for Landowner *Access Yes!* Permits (IDAPA - 13.01.04.404)

404. LANDOWNER *ACCESS YES!* PERMITS.

01. Eligible Applicants. A landowner or authorized corporate or partnership representative that has property providing significant wildlife habitat and desirable hunting, fishing, or trapping opportunity.

02. Hunt Units. Landowner *Access Yes!* permits shall be issued only for those controlled hunt units designated by the Director as eligible for such permits.

03. Eligible Property. Private property must be located in the Magic Valley Region (Units 43, 44, 45, 46, 47, 48, 49, 52, 52A, 53, 54, 55, 56, and 57) and is not restricted by acreage size. The property must be registered in *Access Yes!* and provide access for hunting or fishing.

04. Immediate Family Member. "Immediate family member" is exclusively defined as the parents, spouse, children, and in-laws of a landowner or authorized corporate or partnership representative.

05. Property and Applicant Registration.

a. Prior to any eligible applicant applying for landowner *Access Yes!* permits, the eligible property, applicant, and immediate family members must be registered with the Department. Registered landowners must notify the Department of any changes in property or applicant eligibility.

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.

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.

06. Applications for Landowner *Access Yes!* Permits. The *Access Yes!* bid form prescribed by the Department and signed by the applicant shall serve as the application for landowner *Access Yes!* permits.

a. Written *Access Yes!* bids will be accepted on or before Feb 15 of each year. Written bids must be received at a Regional Office of the Idaho Department of Fish and Game or postmarked not later than February 15 of each year.

b. Written *Access Yes!* bids will be evaluated and scored by the Sportsmen Review Committee using the *Access Yes!* bid selection criteria. Scored bid proposals will be ranked in order of priority by the Department.

c. Successful applicants receiving landowner *Access Yes!* permits must submit a six dollar and fifty cent ($6.50) application fee.

07. Issuance of Permits.

a. Landowners may bid for landowner tag(s) offered in the Magic Valley Region regardless of eligible property location. Once the Department has determined the number of controlled hunt permits to be issued in any controlled hunt unit, an additional fifteen percent (15%) MAY be issued as landowner *Access Yes!* permits.

b. Where the number of landowner *Access Yes!* permit applicants exceeds the number of permit available in a unit, successful applicants will be determined by drawing.

c. Landowner *Access Yes!* permit applications will be entered into a first-come first-served drawing whereby the applications are processed in ranking order established by the review process.

d. Landowner *Access Yes!* permits will be issued to landowners who have signed *Access Yes!* contracts with the Department to provide hunting or fishing access.

e. No landowner or designated agent(s) or family member is eligible to receive more than one (1) permit for one (1) species in a calendar year.

f. Landowner *Access Yes!* permits are transferable to immediate family members only.

08. Application of Controlled Hunt Restrictions.

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 landowner *Access Yes!* permits.

b. Landowner *Access Yes!* permits issued to non-residents shall not be considered as part of the non-resident quota.

c. Landowner *Access Yes!* permits are exempt from the one (1) year waiting periods applicable for certain deer, elk and antelope permits.

09. Special Restrictions. Any person hunting with landowner *Access Yes!* permits shall hunt only within the boundaries described in the hunt area designated by the Director. Only valid, current-year deer, elk, or antelope tags may be used in conjunction with a landowner Access Yes! permit. No person shall kill more than one (1) deer, elk or antelope during a calendar year EXCEPT:

a. In designated controlled depredation hunts, one (1) additional deer, elk or antelope may be taken by persons holding permit/tags for those hunts; or

b. In extra tag hunts, one (1) additional deer, elk or antelope may be taken by persons holding tags for those hunts.

405. DEER LANDONWER *Access Yes!* 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.

406. ELK LANDOWNER *Access Yes!* 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.

407. ANTELOPE LANDOWNER *Access Yes!* 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.

Appendix E - IDFG Internal LAP Committee Report

Directors Report, July 2009 (updated Jan 05, 2010)

Landowner Appreciation Permit (LAP) Program:

The LAP Program was established by the Idaho legislature in 1986 and original eligibility requirements adopted by the IDFG commission in 1987. In 1989, through legislative proceedings, the IDFG Advisory Committee was created and the committee was tasked with improving the LAP program.

Over the last 15 years the Fish and Game Advisory Committee (FGAC) has recommended several changes to the program, in general, creating more opportunity for qualifying landowners. But with these changes, criticism of the program from some sportsmen, some landowners and Department staff lead the Director's office to form an **internal LAP committee**, to review the current program, identify issues, and develop some potential solutions to these issues.

The committee has assimilated information identifying the origin and evolution of the program through time. The committee has identified current issues and has worked together to try and identify some options for modifying the program in order to resolve these issues. The attached packet contains information outlining the evolution of the LAP program and identifies current issues followed by some potential solutions. These solutions do not however come without consequences and therefore the committee will be requesting direction on the next step.

The committee proposes we engage the FGAC with this information and work with them to refine the issues and potential options for solving these issues. This step might include some combination of focus group discussions, and landowner and/or sportsmen surveys. The next step then would be to share this information with the general public via the public scoping process. It is the committee's intent then to review comments and refine options with the FGAC and then present recommendations to the Directors office and then the Commission.

LAP ISSUES AND POTENTIAL SOLUTIONS

Issue 1: **Selling LAP "Rights"**
IDAPA rule 13.01.04.400.07(e) which states that "a successful landowner, corporate or partnership representative drawing a landowner appreciation permit may, **without additional fees**, designate to whom the permit will be issued.". Some Landowners profit on LAP permits by selling "Trespass Rights" with the assignment of the permit. Licensed outfitters and guides are also purchasing "Trespass Rights" and receive LAP permits assignments for their client.
Solution 1: Strengthen the language of the rules prohibiting sale to include the application or letter designating to whom the tags are transferred.
Solution 2: Require the designated hunter be entered on the application prior to the LAP drawing and require that any landowner or designee applying for an LAP hunt not be allowed to apply for a regular controlled hunt for the same species.

Solution 3: Restrict LAP permits to the Landowner or immediate family member.
Solution 4: Restrict LAP permits to the landowner's private property.
Solution 5: Combination of 3 and 4. If permits go to immediate family members, they may hunt Unit wide. If permits go to designates outside of family, designate may only hunt on landowner's private property and must abide by the waiting period established for all hunters by the Commission.

Issue 2: **Smaller Landowners Not Competitive – There are units that are currently oversubscribed (e.g. Unit 45, 40, 31, 42) and large acreages landowners obtain multiple permits for multiple species annually whereas smaller landowners have smaller odds of drawing annually:**

Unit 45 Landowners – Substantial LAP tag recipients

One large landowner broken into various LLC's

	Deer	Elk	Pronghorn	Total
2008	9	8	5	22
2007	11	8	0	19
2004	6	6	3	15

Another large landowner broken into separate LLC's

	Deer	Elk	Pronghorn	Total
2008	6	6	0	12
2007	5	7	1	13
2004	3	5	1	9

One landowner broken into separate LLC's

	Deer	Elk	Pronghorn	Total
2008	4	4	2	10
2007	2	4	1	7
2004	2	2	1	5

Solution 1: Require that all LAP applicants receive one permit before any landowner receives a second permit.
Solution 2: Require LAP successful recipients sit out a year (at least for that species) if they draw an LAP tag in an antlered.
Solution 3: Move unsuccessful LAP applicants to the front of the line the following year.

Issue 3: **Loss Of Public Access – Because landowners are able to make a profit on LAP tags, some are only allowing those individuals who paid their "Trespass Right" to hunt the property and in some cases has resulted in closures of private land accessing public land.**
Solution 1: See solutions to Issue 1 and requiring "reasonable" public access again may help.
Solution 2: Make all LAP permits transferable to family members only. However, if the landowner is willing to allow public access, the LAP permit will be transferable to anyone.
Solution 3: Reinstate portions of the Access Yes Pilot Program. The program brought all LAP hunts to 10% of regular controlled hunts with an additional 15% of tags made available for use as compensation in the Access Yes program.
Solution 4: Eliminate the LAP program and place all tags under the Access Yes program.

Issue 4: **Depredation Program Overlap –Landowners in the LAP program are eligible to apply for Depredation payments from the Department. Since 2000, a total of 18 LAP participants have received payments for elk damage, 8 have received payments for deer damage, and 2 for pronghorn damage. A question has been raised if participation in both programs is appropriate.**

Solution 1: Reword LAP registration applications to include language that removes the Department from liability associated with wildlife damage. Currently registered landowners would receive a letter informing them of the changes and would be required to sign and return a letter agreeing to these terms.
Solution 2: Continue to allow landowners who receive LAP permits to be eligible for: (a) Department assistance to help alleviate damage caused by big game, and (b) compensation when damage could not be prevented, provided that the landowner has taken all reasonable steps to prevent property loss, including access for hunting.

Issue 5: **LAP tag recipients can hunt every year and by-pass rules that the restrict regular successful permit holder from applying in consecutive years.**
Solution 1: Make successful LAP recipients subscribe to the same 1 year waiting period that successful antlered only controlled hunt applicants do.

Issue 6: **Small Landowners Who Have Less Than 640 Acres are ineligible for LAP tag.**
Solution 1: Eliminate the 640 acre minimum requirement and rely more heavily on the quality of the habitat benefits being provided. Note – this option requires a more rigorous definition of significant habitat that may not be obtainable. Ideally, the measurement would be animal use days. However, measuring use on a particular property may require a level of monitoring that the Department cannot currently afford.
Solution 2: 2005 FGAC report recommends the creation of "Small-acreage Landowner ` Program"

Issue 7: **Lack of Transparency – LAP tags represent an important part of our landowner relations but do reduce opportunities for the hunting public, it seems necessary to be upfront and transparent about the LAP program to ensure compliance with the desires of the hunting public.**
Solution 1: Publish the LAP controlled hunts in the same publication as the regular controlled hunts.
Solution 2: Make the LAP controlled hunt brochure available at every location that other IDFG brochures are provided.
Solution 3: Provide statewide press releases about the availability of LAP brochures similar to press releases made about the availability of Big Game Seasons and Rules brochures.
Solution 4: Place electronic copies of the LAP brochure in the same location as the Big Game Seasons and Rules brochure on the IDFG website

Issue 8: **In some cases, smaller yet eligible landowners who provide limited habitat for wildlife draw tags over larger landowners who provide optimum habitat.**
Solution 1: Develop minimum habitat requirements, measured in animal days, for eligibility in the LAP program.
Solution 2: Increase the number of LAP tags in each unit in order to ensure that each eligible landowner receives a tag.

LAP Historical Background

1986 – Idaho Legislature adopted statutory language to create Landowner Preference Permit System.
1987 – Landowner Preference Permit eligibility requirements adopted by IDFG Commission Individuals owning more than 640 acres were eligible for a permit in big game management units that did not have a general hunt available. Landowners were allowed one permit for acreages from 640 to 4,999 acres; two permits if over 5,000 acres. Acreage must be contiguous and be land that is valuable for habitat or propagation purposes for deer, elk, or antelope.
1989 – Idaho Legislature adopts new Landowner Wildlife Depredation Compensation legislation. Statute creates IDFG Advisory Committee consisting of 12 members; 6 members appointed by the Idaho Dept. of Agriculture and 6 members appointed by the director of IDFG. 7 LSC positions created. Committee was tasked with improving the LPP program.
1997 – Legislature fails to pass legislation that would have expanded the program to include providing permits for general hunt units.
1998 – IDFG Commission rejected IDFG Advisory Committee suggestion for expanding LPP to include general hunts.
1998 – IDFG Commission adopted the use of general elk zones with A/B tags which eliminated 65 of 75 controlled hunts. Also eliminated several controlled deer hunts in politically sensitive areas.
1998 – IDFG Advisory Committee proposes new Landowner Appreciation Permit program. Authorizes providing landowners with permits for any controlled hunt. The program was also intended to improve public access to private lands, and enhance opportunities for landowners that substantially support wildlife to obtain permits.
1999 – Idaho Legislature adopts statutory language to create the "new" Landowner Appreciation Permit" program; allowing landowners to designate tags. IDFG Commission adopts "new" Landowner Appreciation Permit" program. New program requires that landowners provide "reasonable" access without fee, keep a written record of those hunters accessing the property, and provide significant habitat to deer, elk, and/or pronghorn.
2001 – "Reasonable" access requirement removed.
2005 - Fish and Game Advisory Committee (FGAC) issues July 28, 2005 report on LAP recommendations, finalizing three years of deliberation. Final recommendations included:

(1) adoption of an LAP mission statement "*To recognize Idaho's private landowners for supporting wildlife, maintaining wildlife habitat, contributing to Idaho's hunting heritage, and to encourage positive landowner-sportsmen relations*" and

(2) LAP to be left fundamentally unchanged

(3) Providing authorization for landowners to sell tags is unnecessary

(4) Develop Legacy Lands Program for large corporate and industrial lands

(5) Create Large-acreage Landowner Access Exchange Program

(6) Create Small-acreage Landowner Program

LAP PARTICIPANTS

	# Landowners (currently active)	#Landowners with Deer Acres	#Landowners with Elk Acres	#Landowners with Antelope Acres	Landowners <5000 ac	Landowners >5000 ac
Region 1	1	1	1	0	1	0
Region 2	122	110	108	0	114	8
Region 3	127	122	111	81	103	24
Region 4	276	258	246	183	234	42
Region 5	161	148	152	5	143	18
Region 6	123	111	115	79	108	15
Region 7	73	18	73	56	68	5

Appendix F - ISCAC Response to IDFG Internal LAP Report

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Idaho Sportsmen's Caucus Advisory Council

Purpose

To protect and improve Idaho's wildlife heritage of hunting, fishing, and trapping, for present and future generations by:

Providing an organization where Idaho's sportsmen's organizations can come together to seek consensus on issues important to sportsmen.

Providing education to the Idaho sportsmen's organizations, the Idaho Legislature and other governmental entities on sportsmen's issues.

Being an information resource to the Legislature and other governmental entities on issues, legislation and rules affecting Idaho's wildlife heritage of hunting, fishing and trapping.

Member Organizations

Ada Co. Fish & Game League
Backcountry Horsemen of Idaho
Backcountry Hunters & Anglers
Blackfoot River Bowmen
Bonner County Sportsmen
Citizens Against Poaching (CAP)
Deer Hunters of Idaho
Idaho Chapters Safari Club Int.
Idaho Conservation Officers Ass.
Idaho Falconers Association
Idaho Houndsmen Association
Idaho Hunters Education Ass.
Idaho Poachers Club
Idaho Rifle & Pistol Association
Idaho Rivers United
Idaho State Bowhunters
Idaho Steelhead & Salmon Unl.
Idaho Traditional Bowhunters
Idaho Trappers Ass.
Idaho Trout Unlimited
Idaho Walleye Unlimited
Idaho Wildlife Federation
Landowners & Sportsmen United
National Wild Turkey Federation
North Idaho Tree Hound Ass.
Pheasants Forever
Pope and Young Club
Rocky Mountain Elk Foundation
Snake River Cutthroats
The Idaho Bass Federation
Wild Sheep Foundation

February 8, 2010

Idaho Department of Fish and Game
Attention: Director Cal Groen
P.O. Box 25
Boise, Idaho 83707

Dear Director Groen:

The Idaho Sportsmen's Caucus Advisory Council (ISCAC) appreciates the opportunity to comment on the Director's report on the Landowner Appreciation Permit program. ISCAC is comprised of 31 member organizations that have the best interests of Idaho's wildlife and Idaho's hunters, fishermen, and trappers in mind. In 2005, ISCAC developed a position paper on the LAP program. This paper is attached. ISCAC reaffirms its position on the LAP program, as described in the position paper. The comments outlined below are an expansion of that position and reflect comments received by member organizations regarding the issues outlined in the Director's report. Several separate member comment letters have already been submitted to your department.

Overall, you should note that sportsmen, more and more, view the LAP program in conjunction with the depredation payment program, and the Access Yes program. There are elements of each that likely can no longer be addressed or considered separately. In fact, there are some who believe that the programs should be combined and implemented together.

ISCAC respectfully submits the specific comments outlined below in bold italic text. The issues and solutions listed come from your report. ISCAC and its members will remain involved in this issue with the hope it can be resolved equitably. Again, thank you for this opportunity.

LAP ISSUES AND POTENTIAL SOLUTIONS

Issue 1: Selling LAP "Rights"

IDAPA rule 13.01.04.400.07(e) which states that "a successful landowner, corporate or partnership representative drawing a landowner appreciation permit may, **without additional fees**, designate to whom the permit will be issued.". Some Landowners profit on LAP permits by selling "Trespass Rights" with the assignment of the permit. Licensed outfitters and guides are also purchasing "Trespass Rights" and receive LAP permits assignments for their client.

02-09-10;10:25AM; # 2/ 7

Solution 1: Strengthen the language of the rules prohibiting sale to include the application or letter designating to whom the tags are transferred.

Solution 2: Require the designated hunter be entered on the application prior to the LAP drawing and require that any landowner or designee applying for an LAP hunt not be allowed to apply for a regular controlled hunt for the same species.

Solution 3: Restrict LAP permits to the Landowner or immediate family member.

Solution 4: Restrict LAP permits to the landowner's private property.

Solution 5: Combination of 3 and 4. If permits go to immediate family members, they may hunt Unit wide. If permits go to designates outside of family, designate may only hunt on landowner's private property

ISCAC Response (Issue 1): There seems to be relatively strong sportsman support for a combination of the proposed solutions. There is a recognition that damage and depredation problems may not occur only from animals actually remaining on the landowner's property, but from those only feeding on the property at times outside of hunting seasons or from those migrating through or traversing the property. Therefore, it seems that if LAP permits go to immediate family members (blood or marriage relatives), they may hunt unit wide. However, any permit designate outside the family must be limited to hunting on the LAP property. There is strong support requiring that the tag designee must be entered on the application.

As both a general theme and in specific comments, there is also support for tying reasonable public access to the LAP property as all as tying both depredation payments and participation in the Access Yes program to eligibility for LAP tags. For example, if a property owner does not allow reasonable public access to or through his lands (to access otherwise blocked public lands), then LAP tags should be restricted solely to the LAP property, regardless of who the tag holder or designee is.

Additionally, there is a significant concern about those landowners who split large blocks of land into a number of 640 acre parcels owned by various different, but associated or affiliated legal entities and, therefore, obtain multiple LAP permits. There seems to be strong support for the idea that there should be only one tag per landowner per year. "Landowner" could be redefined to include affiliates, management companies, associated entities, wholly owned subsidiaries or affiliates, and controlling interests to combat the ever-increasing issue of multiple permits going to the "same" person. At least one commenter suggested a limit of two tags per landowner per year in any given hunt unit and that they be antlerless tags.

Further, limiting the types of tags available could impact the practice of selling access fees (when, practically speaking, the landowner is selling the tag). For example, if depredation is truly one of the reasons for issuing the LAP tags, then issuing antlerless tags would do more to combat that problem than issuing antlered tags in popular areas.

02-09-10;10:25AM; # 3/ 7

Issue 2: **Smaller Landowners Not Competitive** – There are units that are currently oversubscribed (e.g. Unit 45, 40, 31, 42) and large acreages landowners obtain multiple permits for multiple species annually whereas smaller landowners have smaller odds of drawing annually:

Unit 45 Landowners – Substantial LAP tag recipients (examples below)

One large landowner broken into various LLC's

	Deer	Elk	Pronghorn	Total
2008	9	8	5	22
2007	11	8	0	19
2004	6	6	3	15

Another large landowner broken into separate LLC's

	Deer	Elk	Pronghorn	Total
2008	6	6	0	12
2007	5	7	1	13
2004	3	5	1	9

One landowner broken into separate LLC's

	Deer	Elk	Pronghorn	Total
2008	4	4	2	10
2007	2	4	1	7
2004	2	2	1	5

Solution 1: Require that all LAP applicants receive one permit before any landowner receives a second permit.

Solution 2: Require LAP successful recipients sit out a year (at least for that species) if they draw an LAP tag in an antlered.

ISCAC Response (Issue 2): There is support for both of these solutions. However, the strongest support is for Solution 1: requiring all LAP applicants to receive one permit before any landowner receives a second permit. Again, the definition of "landowner" must be well defined to prevent any "gaming" of the system through the use of multiple legal entities, controlled by the same person or entity.

Issue 3: **Loss Of Public Access** – Because landowners are able to make a profit on LAP tags, they only allowing those individuals who paid their "Trespass Right" to hunt the property and in some cases has resulted in closures of private land accessing public land.

Solution 1: See solutions to Issue 1 and requiring "reasonable" public access again may help.

Solution 2: Make all LAP permits transferable to family members only. However, if the landowner is willing to allow public access, the LAP permit will be transferable to anyone.

02-09-10;10:25AM; # 4/ 7

Solution 3: Reinstate portions of the Access Yes Pilot Program. The program brought all LAP hunts to 10% of regular controlled hunts with an additional 15% of tags made available for use as compensation in the Access Yes program.

Solution 4: Eliminate the LAP program and place all tags under the Access Yes program.

ISCAC Response (Issue 3): There is very strong support for the idea that a landowner should not receive LAP tags if he or she does not allow reasonable public access to the LAP property and access across the LAP property to access otherwise blocked public property. The essence is that a landowner should not gain from the state's wildlife while blocking the public from utilizing that same resource.

The bottom line should require landowners to allow public access on their lands, plus across their lands to public lands, in order to qualify for any compensation orientated program. Of course, there is a fine line involved here regarding private property rights and sportsmen recognize that. However, there is also a very strong feeling that people should not profit from "selling" Idaho's wildlife. The rule should point out that the LAP program and issuing tags is not a "right" but is a recognition program by the state for landowners that are providing forage for wild ungulates. As such, a LAP tag or participation in the program should not be considered a property right.

Additionally, sportsmen believe there must be an enforcement mechanism to ensure access is not unreasonably denied. The rule also needs to specifically state what the penalties are for violating the LAP program's rules. The enforcement provisions should include prosecution for violations of the program, just as a hunter could be prosecuted for violations of tags rules. Civil penalties should also include removal from eligibility for LAP programs for a period of time.

Issue 4: **Depredation Program Overlap** – Landowners in the LAP program are eligible to apply for Depredation payments from the Department. Since 2000, a total of 18 LAP participants have received payments for elk damage, 8 have received payments for deer damage, and 2 for pronghorn damage. A question has been raised if participation in both programs is appropriate.

Solution 1: Reword LAP registration applications to include language that removes the Department from liability associated with wildlife damage. Currently registered landowners would receive a letter informing them of the changes and would be required to sign and return a letter agreeing to these terms.

ISCAC Response (Issue 4): Again, there is strong sportsmen support for the idea that landowners should not be able to obtain both depredation payments and LAP permits, especially if those same landowners do not provide or allow public access to the property.

Issue 5: LAP tag recipients can hunt every year and by-pass rules that restrict regular successful permit holder from applying in consecutive years.

02-09-10;10:25AM; # 5/ 7

Solution 1: Make successful LAP recipients subscribe to the same 1 year waiting period that successful antlered only controlled hunt applicants do.

ISCAC Response (Issue 5): There is support for making successful LAP recipients subscribe to the same one (1) year waiting period imposed on successful antlered-only controlled hunt applicants. This would help spread the LAP tags out to smaller landowners as intended under regular controlled hunts. Alternatively, we encourage the Commission to consider requiring all LAP tag applicants to receive on permit before a second permit is issued for that property, so long as "landowner" is realistically defined to reflect how these tags are being handled and used now.

Issue 6: **Small Landowners** Who Have Less Than 640 Acres are ineligible for LAP tag.

Solution 1: Eliminate the 640 acre minimum requirement and rely more heavily on the quality of the habitat benefits being provided. Note – this option requires a more rigorous definition of significant habitat that may not be obtainable. Ideally, the measurement would be animal use days. However, measuring use on a particular property may require a level of monitoring that the Department cannot currently afford.

Solution 2: 2005 FGAC report recommends the creation of "Small-acreage Landowner Program"

ISCAC Response (Issue 6): One of the basic tenets of a landowner appreciation permit program is a "payment" or "reward" for the landowner "supporting" or "feeding" the state's wildlife. If that is still a valid premise, then the habitat provided by the landowner is a very important, if not critical, element of the program. If the habitat is not there, why would the state "reward" a landowner for supporting the designated wildlife on the property? Certainly, the 2005 FGAC report should be reviewed once again and the possibility of creating a "small acreage landowner" program examined.

Again, however, it also seems that if the program is expanded to small acreage landowners, perhaps to make the program more equitable to all landowners, the tags involved should be for antlerless animals. The issuance of antlered tags should not be expanded. Additionally, the same issues regarding who may use the tags (family members only), where they may be used (unit wide or only on the landowner's property), and public access issues must be addressed. We encourage the Commission not to expand this program without accounting for the current menu of problems and issues in the program. Also, please be mindful that large landowners could once again take advantage of such an expansion and split their properties even further. Therefore, the definition of "landowner" would be critical to a "small acreage landowner" program element.

Issue 7: **Lack of Transparency** – LAP tags represent an important part of our landowner relations but do reduce opportunities for the hunting public, it seems necessary to be upfront and transparent about the LAP program to ensure compliance with the desires of the hunting public.

Idaho Sportsmen's Caucus Advisory Council

Solution 1: Publish the LAP controlled hunts in the same publication as the regular controlled hunts.

Solution 2: Make the LAP controlled hunt brochure available at every location that other IDFG brochures are provided.

Solution 3: Provide statewide press releases about the availability of LAP brochures similar to press releases made about the availability of Big Game Seasons and Rules brochures.

Solution 4: Place electronic copies of the LAP brochure in the same location as the Big Game Seasons and Rules brochure on the IDFG website

ISCAC Response (Issue 7): The basic premise is that the LAP program should be transparent and be readily visible to the hunting public. If hunters are aware of and understand the program, it will remove many of the rumors surrounding the program. In fact, a well-designed program that is fair to both the hunting public and landowners that is well publicized would most likely be supported by both landowners and the hunting public. Cries of unfairness, selling the state's wildlife, and hunters losing not only access, but also hunting opportunities would likely decrease.

It also seems that the proposed solutions are focused on print media when the publicity for the program should be multi-faceted. For example, the various regular IDF&G public forums held with sportsmen in the regions would be a prime opportunity to discuss the program and provide sportsmen with more information about the program. And, of course, guest appearances on talk radio and the ubiquitous "30 second" television interview are great opportunities to communicate information quickly to a broad range of people.

As such, all of the solutions listed have merit. The one caution is not to make the current controlled hunt brochures more complex and confusing than they already are. Hence, it seems that a separate LAP program brochure, or a supplement to the current brochure (not incorporated into the regular controlled hunt descriptions and tables), would be acceptable. Publicity is important to making this program fair and equitable.

Again, thank you for allowing ISCAC to comment on your report. If you have any questions please do not hesitate to contact us.

Sincerely,

Mark Bell
For ISCAC Member Organizations

Enclosure: ISCAC LAP Position Paper

Appendix G - FGAC Response to IDFG Internal LAP Report

Cal Groen, Director
State of Idaho
Department of Fish & Game
600 S Walnut
Boise, Idaho 83707

Celia R. Gould, Director
State of Idaho
Department of Agriculture
2270 Old Penitentiary Road
Boise, ID 83712

Working Together

March 24, 2010

To: Director Cal Groen, Idaho Department of Fish and Game
Director Celia Gould, Idaho State Department of Agriculture

Fr: Greg Bourdon, Chairman, Fish and Game Advisory Committee

Cc: FGAC members

Re: Update for Fish and Game Advisory Committee Meetings

Dear Directors Groen and Gould,

In January 2010, you charged the Fish and Game Advisory Committee (FGAC) with 2 primary tasks: 1) review and provide input on an internal Fish and Game white paper on the Landowner Appreciation Permit (LAP) program, and 2) review and provide input on administration of the *Access Yes!* program to better enable the program to compete for potential federal funding. We provide this letter as our response to these charges.

As you are aware, the Advisory Committee had a meeting at the Department of Agriculture in Boise on February 24, 2010. This meeting was followed with a video conference on March 8, 2010. Attached are minutes from these two meetings. Minutes from the March 8 meeting have yet to be approved by the committee.

I would like to say in advance, congratulations for picking a fine group to represent your respective stakeholders. These folks worked very well together and were certainly able to find many common areas to agree on regarding your charges.

Provided below are brief descriptions of the major issues surrounding LAP and *Access Yes!* along with our committee's recommendations.

LAP Issue 1: Selling LAP rights.

FGAC Recommendations: The committee recognizes that while there are some landowners and sportsman that abuse the privilege of transferable tags, overall it's not felt to be a significant problem throughout the state, just in several key areas. The committee unanimously passed a motion to ask the Commission to adopt new language to the existing rules to strengthen the language: "it shall be unlawful to sell, trade, barter, market, or otherwise advertise for compensation." With this change, we recommended that an affidavit be signed by the landowner that they will abide by the Commission rule. If the landowner is then caught selling, trading, bartering, or marketing tags, this would be a misdemeanor by Idaho law and punishable as such. On top of this, we motioned that language be built in that violation of this rule would result in the landowner not being eligible for the LAP program for 1-3 years. Please see Motion 2 in the March 8 minutes.

LAP Issue 2: Smaller landowners not competitive.

FGAC Recommendations: Solutions and recommendations for this issue are related to Issue 1 and the perceived practice of dividing properties to increase access to LAP tags. The committee unanimously endorsed the solution that all LAP applicants receive one permit before any landowner receives a second permit (Motion 8 of the February 24 minutes). In addition, we strongly encourage IDFG and ISDA consult legal counsel to develop language to redefine ownership to prevent a landowner from breaking up their property into smaller parcels for the purposes of obtaining additional LAP permits (Motion 9 of the February 24 minutes). If the Commission can implement these three changes, we expect that there will be a more equitable distribution of LAP permits among eligible landowners, and that larger landowners who are dividing up their property to obtain LAP tags and sell them will effectively be eliminated.

LAP Issue 3: Loss of public access.

FGAC Recommendations: Requiring access as a condition of receiving LAP tags is a divisive issue, with the majority of landowners believing LAP permits are in return for wildlife using and feeding upon private land. Conversely, the majority of sportsmen believe access should be provided because wildlife is publicly owned and management is sportsmen-funded. Ultimately the committee could not reach consensus. However, at least one member of the committee believed the Commission's Magic Valley Pilot Project had merit and should be revisited.

LAP Issue 6: Small landowners who have less than 640 acres are ineligible for LAP tags.

FGAC Recommendations: In 2005, the Advisory Committee recommended in our white paper to develop a small landowner appreciation program. We unanimously endorsed retaining the 640-acre limit; however, we also recommend that landowners with 320-639 acres of important wildlife habitat be eligible to apply for leftover LAP permits. We feel this recommendation will help to achieve one of our recommendations from 2005.

Access Yes!

FGAC Recommendations: Because federal rules determining eligibility and competitiveness for federal funding have yet to be published, the committee could not reach consensus on changes necessary to *Access Yes!* without specific knowledge of the rules. However, the committee did unanimously endorse allowing the Department to negotiate with potential *Access Yes!* participants prior to submitting a final bid. We also agreed to revisit the issue when the federal rules are published, with a commitment to make recommendations that ensure Idaho's private land access program is efficient and competitive.

On behalf of the committee, I thank you for the opportunity to review and provide input on issues critically important to both sportsmen and landowners. We also thank you for considering our recommendations, which were reached through consensus and represent collective support from our committee. We await your recommendations for future charges the committee can assist with that ultimately work toward an improved relationship between sportsmen and landowners.

Respectfully submitted,

Greg Bourdon, Chairman

Appendix H - Proposed Changes to LAP for Public Scoping

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Proposed Changes to the Landowner Appreciation Program

The Idaho Department of Fish and Game is seeking public review on proposed changes in the Landowner Appreciation Program.

Background

The Landowner Appreciation Program is a separate controlled hunt drawing for qualifying landowners who provide important deer, elk or pronghorn habitat. Landowners must own at least 640 acres of big game habitat to qualify. Tags allocated for LAP are in addition to tags available through normal controlled hunts. The program was adopted in part to recognize private landowners for providing valuable wildlife habitat.

Over the past 15 years, several changes to the program have occurred, in general creating more opportunity for qualifying landowners. But with these changes, criticism of the program from some sportsmen and landowners prompted a review by Idaho Fish and Game.

Please read the proposed changes listed below and select your preferences. You may enter additional written comments on any of the proposals in the box at the bottom of the page.

Your comments will be used by the Idaho Fish and Game Commissioners as they deliberate the proposals during their July 7-8 meeting in Kellogg.

Please Return Comments by June 28.

If you wish to submit written comments by mail, please send to:

LAP Comments
Idaho Department of Fish and Game
PO Box 25
Boise ID 83707

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1. Before 1999, LAP tags were restricted to the landowner or immediate family member. Since 1999, landowners have been able to transfer LAP tags to any person. Some landowners are marketing and selling LAP tags or selling trespass rights to obtain LAP tags. Licensed outfitters and guides are also obtaining and marketing LAP tags. The marketing and sale of LAP tags is a form of wildlife commercialization, which many hunters oppose. Many landowners say tags are compensation that offsets the cost of supporting wildlife on private land.

Proposal 1: Prohibit selling, trading, bartering or marketing LAP tags. Noncompliance would result in a landowner being ineligible for the program for three years.

- **Please check one:**

  ○ Strongly Support ○ Somewhat Support ○ No Opinion ○ Somewhat Oppose ○ Strongly Oppose

Proposal 2: Prohibit the use of LAP tags for any commercial activities.

- **Please check one:**

  ○ Strongly Support ○ Somewhat Support ○ No Opinion ○ Somewhat Oppose ○ Strongly Oppose

Proposal 3: Restrict landowners who charge a trespass fee from being eligible in LAP.

- **Please check one:**

  ○ Strongly Support ○ Somewhat Support ○ No Opinion ○ Somewhat Oppose ○ Strongly Oppose

---

2. In some game management units, more landowners apply than there are LAP tags available (e.g., units 31, 40, 42, 45). Large acreage landowners (more than 5,000 acres) sometimes obtain more than one permit in the same year while smaller landowners (640 to 5,000 acres) do not draw. Some landowners are concerned the current system creates an unequal distribution of tags among qualifying landowners.

Additionally, some landowners have established multiple Limited Liability Corporations, each one eligible for LAP tags. These corporations have dominated LAP tag drawings at the expense of other landowners.

Proposal 4: Change the drawing rules so that all eligible landowners have a chance at one tag before any landowner becomes eligible for a second tag.

- **Please check one:**

  ○ Strongly Support ○ Somewhat Support ○ No Opinion ○ Somewhat Oppose ○ Strongly Oppose

Proposal 5: Establish a one-year waiting period in those LAP hunts that are oversubscribed by more than 2 to 1.

- **Please check one:**

  ○ Strongly Support ○ Somewhat Support ○ No Opinion ○ Somewhat Oppose ○ Strongly Oppose

Proposal 6: Redefine eligibility requirements to exclude "affiliates, management companies, associated entities, wholly-owned subsidiaries, and controlling interests" from being eligible for more than a maximum of two tags per species.

- **Please check one:**

  ○ Strongly Support ○ Somewhat Support ○ No Opinion ○ Somewhat Oppose ○ Strongly Oppose

---

3. Landowners with less than 640 acres, but who provide significant habitat for deer, elk, or pronghorn, are not currently eligible to apply for LAP tags.

Proposal 7: Allow landowners with 320 to 639 acres of valuable wildlife habitat to be eligible to apply for leftover LAP tags.

- **Please check one:**

  ○ Strongly Support ○ Somewhat Support ○ No Opinion ○ Somewhat Oppose ○ Strongly Oppose

---

4. To help us understand your responses better, please indicate which of the selections below best describes you.

- **Please check one:**

  ○ Hunter

  ○ Landowner registered with the Landowner Appreciation Program

  ○ Landowner NOT registered with the Landowner Appreciation Program

  ○ None of the above

If you have any further comments regarding the proposals, please enter them in the box below.

Thank You for Your Comments

Appendix I - Public Scoping Results for Proposed LAP Changes

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ATTACHMENT 4

Summary of Online & Mailed LAP Survey Results

Final Download 7/1/2010

ONLINE SURVEY (respondents were 89% hunters)
N=1,408 responses received

SURVEY MAILED TO LANDOWNERS ENROLLED IN LAP PROGRAM
N=981 mailed, 426 responses received (44% returned)

1. Proposal: Prohibit the selling, trading, bartering, or marketing of LAP tags. Noncompliance would result in a landowner not being eligible for the program for three years.

ONLINE SURVEY

Proposal 1	Code	Count	%
Left Blank		11	---
Strongly Oppose:	1	178	13%
Somewhat Oppose:	2	79	6%
No Opinion:	3	26	2%
Somewhat Support:	4	142	10%
Strongly Support:	5	972	70%
	Total	1,408	100%

SURVEY MAILED TO LANDOWNERS

Proposal 1	Code	Count	%
Left Blank	6	1	---
Strongly Oppose:	1	183	43%
Somewhat Oppose:	2	37	9%
No Opinion:	3	15	4%
Somewhat Support:	4	37	9%
Strongly Support:	5	153	36%
	Total	426	100%

1 = Strongly Oppose
2 = Somewhat Oppose
3 = No Opinion
4 = Somewhat Support
5 = Strongly Support

ONLINE SURVEY

Proposal 1	Hunter	Landowner /Registered	Landowner /Not Registered	None of above	Blank	Total
Left Blank	7		1		3	11
Strongly Oppose:	147	11	13	5	2	178
Somewhat Oppose:	71	1	4	1	2	79
No Opinion:	24		2			26
Somewhat Support:	134	2	5	1		142
Strongly Support:	865	23	68	12	4	972
Total	1,248	37	93	19	11	1,408

2. Proposal: Prohibit the use of LAP tags for any commercial activities.

ONLINE SURVEY

Proposal 2	Code	Count	%
Left Blank		9	1%
Strongly Oppose:	1	147	10%
Somewhat Oppose:	2	70	5%
No Opinion:	3	25	2%
Somewhat Support:	4	90	6%
Strongly Support:	5	1,067	76%
	Total	1,408	100%

SURVEY MAILED TO LANDOWNERS

Proposal 2	Code	Count	%
Left Blank	6	2	---
Strongly Oppose:	1	139	33%
Somewhat Oppose:	2	39	9%
No Opinion:	3	16	4%
Somewhat Support:	4	36	8%
Strongly Support:	5	194	46%
	Total	426	100%

ONLINE SURVEY

Proposal 2	Hunter	Landowner /Registered	Landowner /Not Registered	None of above	Blank	Total
Left Blank	5				4	9
Strongly Oppose:	116	11	15	5		147
Somewhat Oppose:	66		1	1	2	70
No Opinion:	23		2			25
Somewhat Support:	85	2	1	1	1	90
Strongly Support:	953	24	74	12	4	1,067
Total	1,248	37	93	19	11	1,408

3. Proposal: Restrict landowners who charge a trespass fee from being eligible in LAF

ONLINE SURVEY

Proposal 3	Code	Count	%
Left Blank		9	---
Strongly Oppose:	1	146	10%
Somewhat Oppose:	2	72	5%
No Opinion:	3	34	2%
Somewhat Support:	4	128	9%
Strongly Support:	5	1,019	73%
	Total	1,408	100%

SURVEY MAILED TO LANDOWNERS

Proposal 3	Code	Count	%
Left Blank	6	3	---
Strongly Oppose:	1	187	44%
Somewhat Oppose:	2	31	7%
No Opinion:	3	30	7%
Somewhat Support:	4	40	9%
Strongly Support:	5	135	32%
	Total	426	100%

ONLINE SURVEY

Proposal 3	Hunter	Landowner /Registered	Landowner /Not Registered	None of above	Blank	Total
Left Blank	6				3	9
Strongly Oppose:	114	11	14	6	1	146
Somewhat Oppose:	64	3	3		2	72
No Opinion:	31	1	1	1		34
Somewhat Support:	117	4	5	1	1	128
Strongly Support:	916	18	70	11	4	1,019
Total	1,248	37	93	19	11	1,408

4. Proposal: Change the drawing rules so that all eligible landowners have a chance a one tag, before any landowner becomes eligible for a second tag.

ONLINE SURVEY

Proposal 4	Code	Count	%
Left Blank		12	---
Strongly Oppose:	1	59	4%
Somewhat Oppose:	2	22	2%
No Opinion:	3	65	5%
Somewhat Support:	4	124	9%
Strongly Support:	5	1,126	81%
	Total	1,408	100%

SURVEY MAILED TO LANDOWNERS

Proposal 4	Code	Count	%
Left Blank	6	0	---
Strongly Oppose:	1	71	17%
Somewhat Oppose:	2	22	5%
No Opinion:	3	20	5%
Somewhat Support:	4	49	12%
Strongly Support:	5	264	62%
	Total	426	100%

ONLINE SURVEY

Proposal 4	Hunter	Landowner /Registered	Landowner /Not Registered	None of above	Blank	Total
Left Blank	6		1		5	12
Strongly Oppose:	45	4	6	3	1	59
Somewhat Oppose:	20		1		1	22
No Opinion:	60	2	3			65
Somewhat Support:	112	4	5	3		124
Strongly Support:	1,005	27	77	13	4	1,126
Total	1,248	37	93	19	11	1,408

5. Proposal: Establish a one-year waiting period in those LAP hunts that are oversubscribed by more than 2 to 1.

ONLINE SURVEY

Proposal 5	Code	Count	%
Left Blank		17	---
Strongly Oppose:	1	67	5%
Somewhat Oppose:	2	31	2%
No Opinion:	3	178	13%
Somewhat Support:	4	206	15%
Strongly Support:	5	909	65%
	Total	1,408	100%

SURVEY MAILED TO LANDOWNERS

Proposal 5	Code	Count	%
Left Blank	6	5	---
Strongly Oppose:	1	99	24%
Somewhat Oppose:	2	45	11%
No Opinion:	3	98	23%
Somewhat Support:	4	83	20%
Strongly Support:	5	96	23%
	Total	426	100%

ONLINE SURVEY

Proposal 5	Hunter	Landowner /Registered	Landowner /Not Registered	None of above	Blank	Total
Left Blank	11	1	1		4	17
Strongly Oppose:	49	9	4	3	2	67
Somewhat Oppose:	27		3	1		31
No Opinion:	162	3	11	1	1	178
Somewhat Support:	193	4	8	1		206
Strongly Support:	806	20	66	13	4	909
Total	1,248	37	93	19	11	1,408

6. Proposal: Redefine eligibility requirements to exclude "affiliates, management companies, associated entities, wholly owned subsidiaries, and controlling interests" from being eligible for more than

ONLINE SURVEY

Proposal 6	Code	Count	%
Left Blank		32	---
Strongly Oppose:	1	58	4%
Somewhat Oppose:	2	21	2%
No Opinion:	3	101	7%
Somewhat Support:	4	126	9%
Strongly Support:	5	1,070	78%
	Total	1,408	100%

SURVEY MAILED TO LANDOWNERS

Proposal 6	Code	Count	%
Left Blank	6	3	---
Strongly Oppose:	1	38	9%
Somewhat Oppose:	2	14	3%
No Opinion:	3	25	6%
Somewhat Support:	4	52	12%
Strongly Support:	5	294	70%
	Total	426	100%

ONLINE SURVEY

Proposal 6	Hunter	Landowner /Registered	Landowner /Not Registered	None of above	Blank	Total
Left Blank	22	1	2	1	6	32
Strongly Oppose:	50	3	1	3	1	58
Somewhat Oppose:	19	1	1			21
No Opinion:	92	3	4	2		101
Somewhat Support:	116	3	5	1	1	126
Strongly Support:	949	26	80	12	3	1,070
Total	1,248	37	93	19	11	1,408

7. Proposal: Allow landowners with 320 to 639 acres of valuable wildlife habitat to be eligible to apply for leftover LAP tags

ONLINE SURVEY

Proposal 7	Code	Count	%
Left Blank		16	---
Strongly Oppose:	1	160	11%
Somewhat Oppose:	2	47	3%
No Opinion:	3	78	6%
Somewhat Support:	4	300	22%
Strongly Support:	5	807	58%
	Total	1,408	100%

SURVEY MAILED TO LANDOWNERS

Proposal 7	Code	Count	%
Left Blank	6	1	---
Strongly Oppose:	1	78	18%
Somewhat Oppose:	2	26	6%
No Opinion:	3	37	9%
Somewhat Support:	4	117	28%
Strongly Support:	5	167	39%
	Total	426	100%

ONLINE SURVEY

Proposal 7	Hunter	Landowner /Registered	Landowner /Not Registered	None of above	Blank	Total
Left Blank	10	1			5	16
Strongly Oppose:	132	6	18	3	1	160
Somewhat Oppose:	40	2	3	1	1	47
No Opinion:	71	2	5			78
Somewhat Support:	274	8	16	2		300
Strongly Support:	721	18	51	13	4	807
Total	1,248	37	93	19	11	1,408

8. To help us understand your responses better, please indicate which of the selections below best describes you.

espondent Categorie	Count	%	
Landowner / Registered	37	3%	Enrolled in LAP program
Landowner / Not Registered	93	7%	Not Enrolled in LAP program
Hunter	1,248	89%	
None of the above	19	1%	
Left Blank	11	---	
Total	1,408	100%	

Appendix J - Final LAP Rules Adopted by Idaho Fish and Game Commission, July 2010

Issue #1. Before 1999, LAP tags were restricted to the landowner or immediate family member. Since 1999, landowners have been able to transfer LAP tags to any person. Some landowners are marketing and selling LAP tags or selling trespass rights to obtain LAP tags. Licensed outfitters and guides are also obtaining and marketing LAP tags. The marketing and sale of LAP tags is a form of wildlife commercialization, which many hunters oppose. Many landowners say tags are compensation that offsets the cost of supporting wildlife on private land.

Adopted Rule: Prohibit selling or marketing of LAP tags. Noncompliance would result in a landowner being ineligible for the program for three years.

Issue #2. In some game management units, more landowners apply than there are LAP tags available (e.g., units 31, 40, 42, 45). Large acreage landowners (more than 5,000 acres) sometimes obtain more than one permit in the same year while smaller landowners (640 to 5,000 acres) do not draw. Some landowners are concerned the current system creates an unequal distribution of tags among qualifying landowners.
Additionally, some landowners have established multiple Limited Liability Corporations, each one eligible for LAP tags. These corporations have dominated LAP tag drawings at the expense of other landowners.

Adopted Rule: Conduct the drawing so that all eligible landowners have a chance at one tag before any landowner becomes eligible for a second tag.

Adopted Rule: Redefine eligibility requirements to exclude "affiliates, management companies, associated entities, wholly-owned subsidiaries, and controlling interests" from being eligible for more than a maximum of two tags per species.

Issue #3. Landowners with less than 640 acres, but who provide significant habitat for deer, elk, or pronghorn, are not currently eligible to apply for LAP tags.

Adopted Rule: Allow landowners with 320 to 639 acres of valuable wildlife habitat to be eligible to apply for leftover LAP tags.

Appendix K - Idaho Code 36-122

36-122.ADVISORY COMMITTEE. (a) There is hereby created the fish and game advisory committee. The committee shall consist of twelve (12) members. Six (6) members of the committee shall be appointed by the director of the department of fish and game to generally represent wildlife interests. Six (6) members of the committee shall be appointed by the director of the department of agriculture to generally represent agricultural interests. At the beginning of each odd-numbered year, the director of the department of agriculture shall appoint a chairman from among his appointees, and the director of the department of fish and game shall appoint a vice-chairman from among his appointees. At the beginning of each even-numbered year, the director of the department of fish and game shall appoint a chairman from among his appointees, and the director of the department of agriculture shall appoint a vice-chairman from among his appointees. The committee shall meet at such times as appropriate, but not less frequently than annually.

(b) All members shall be appointed to serve three (3) year terms. Appointments to fill vacancies shall be for the balance of the unexpired term. All members shall be appointed by and serve at the pleasure of the respective directors of the department of agriculture or the department of fish and game. Members shall be compensated as provided in section 59-509(b), Idaho Code, and such expenses shall be paid from the expendable big game depredation fund.

(c) The department of fish and game shall provide staff assistance and support for the committee.

(d) The committee shall have the authority to:

1. Act as a liaison between the commission, landowners, the department of agriculture, the department of fish and game, and wildlife, outdoor recreation and sportsmen's organizations;
2. Act as an independent resource to give advice and recommendations on administration of the programs authorized in sections 36-1108 and 36-1109, Idaho Code.

Appendix L - Current Membership of the Fish and Game Advisory Committee

Name/address	Phone/Fax/Email	Representing	Term expires
Leroy Atwood 2663 NW 4th Fruitland, Idaho 83619	Work 459-6348, Cell 941-5019 Fax 452-6200 wdei@mindspring.com	Sportsmen Region 3	June 30, 2012
Leon Bleggi 565 Angel Drive Rexburg, Idaho 83440	356-3897 ljbleggi@cableone.net	Sportsmen Region 6	June 30, 2012
Greg Bourdon, Vice-chair 59 Savage Ranch Rd Salmon, Idaho 83467	Home 756-8315, Cell 303-0884 gbourdon@CenturyTel.net	Sportsmen Region 7	June 30, 2011
Jennifer Ellis 936 W 350 N Blackfoot, Idaho 83221	Home 684-4268, Cell 681-6004 Fax 684-9305 okbarranches@hotmail.com	Idaho Cattle Association Region 6	June 30, 2012
Eric Hasselstrom PO Box 277 Winchester, Idaho 83555	Home 924-5146, 791-6988 eshasselstrom@wildblue.net	Agriculture Region 2	January 1, 2012
Jack Hutson 1413 7th Street Lewiston, Idaho 83501	208-305-5189 outdoorsmen@cableone.net	Sportsmen Region 2	June 30, 2013
Deb Lord 2611 N Tk Lane Boise, Idaho 83716	Home 386-9054, Cell 869-7328 danskindeb@wildblue.net	Idaho Cattle Association Region 3	June 30, 2012
Dar Olberding, Chair 5454 W Central Rd Emmett, Idaho 83617	Work 345-0706, Cell 761-6012 Fax 334-2505 dolberding@idahograin.org	Idaho Grain Producers Region 3	June 30, 2013
Roger Olson 640 Buckhorn Dr Hailey, ID 83333	Home 788-4056 Cell 309-0979 rkolson@cox.net	Sportsmen Region 4	June 30, 2014
Carl Rey 7351 W Ledgerwood Ln Meridian, Idaho 83646	Home 286-0837, Cell 340-0832 crey2000@yahoo.com	Agriculture Region 3	June 30, 2013
Harry Soulen PO Box 827 Weiser, Idaho 83675	Home 549-8212 harrysoulen@yahoo.com	Agriculture Region 3	June 30, 2012
Mike Veile 2931 Wood Canyon Rd Soda Springs, Idaho 83276	Home 547-0389, Work 547-4300 mike.l.veile@monsanto.com	Sportsmen Region 5	June 30, 2012
Department Contacts			
Celia R. Gould, Director	332-8503, Fax 334-2170 celia.gould@agri.idaho.gov	Idaho Dept. of Agriculture PO Box 790, Boise, Idaho 83701	
Ron Kay	332-8566, Fax 334-4062	ron.kay@agri.idaho.gov	
Virgil Moore, Director	334-3771, Fax 334-4885 virgil.moore@idfg.idaho.gov	Idaho Dept. Fish & Game PO Box 25, Boise, Idaho 83707	
Brad Compton	287-2756, Fax 334-2114	brad.compton@idfg.idaho.gov	
Sal Palazzolo	287-2752, Fax 334-2114	sal.palazzolo@idfg.idaho.gov	
Crystal Christensen	287-2741, Fax 334-2114	crystal.christensen@idfg.idaho.gov	

Region	Landowner Sportsman Coordinator		Regional Supervisor	Commissioner	Home #
Panhandle	Mark Taylor	769-1414	Chip Corsi	Tony McDermott	263-2200
Clearwater	John Nelson	799-5010	Dave Cadwallader	Fred Trevey	743-5465
Southwest	Lester McDonald	634-8137	Scott Reinecker	Bob Barowsky	452-3812
Magic Valley	Brad Lowe	324-4359	Jerome Hansen	Wayne Wright	734-2823
Southeast	Jason Beck	232-4703	Mark Gamblin	Randall Budge	233-6642
Upper Snake	Paul Atwood	525-7290	Steve Schmidt	Cameron Wheeler	538-7355
Salmon	Bret Stansberry	756-2271	Jim Lukens	Gary Power	756-3850

Appendix M - Current Charge Provided by Directors Groen and Gould for the FGAC

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Cal Groen, Director
State of Idaho
Department of Fish & Game
600 S Walnut
Boise, Idaho 83707

Celia R. Gould, Director
State of Idaho
Department of Agriculture
2270 Old Penitentiary Road
Boise, ID 83712

Working Together

December 10, 2010

To: Fish & Game Advisory Committee Members
Leroy Atwood
Clarence Binninger
Leon Bleggi
Greg Bourdon
Jennifer Ellis
Eric Hasselstrom
Jack Hutson
Deb Lord
Dar Olberding
Carl Rey
Harry Soulen
Richard Tews
Mike Veile

Dear *Member,*

First, let us extend our utmost appreciation to Clarence and Richard who are leaving the committee. Clarence and Richard served sportsmen well as representatives and we will miss their perspectives and contributions to the group. We wish them the best of luck in their new endeavors.

Secondly, we extend our appreciation to the entire committee for the work you accomplished this year. Your recommendations to revise LAP were well thought out and ultimately approved by the Idaho Fish & Game Commission and will be reviewed by the legislature this winter. Depending on need, we may request the 2 co-chairs provide testimony in support of the Commission rules. Additionally, our *Access Yes!* program, conceived and promoted by your committee, recently received approval for up to $1.2 million in Farm Service Agency funds. These federal funds will help us toward achieving our collective vision of providing access to 1 million acres of private land by compensating landowners.

While the committee's LAP recommendations addressed issues from both sportsmen and landowners, there remains additional work. It is our belief that 2 primary issues remain unresolved. First, many sportsmen continue to believe they receive limited benefits from private land relative to the privilege of landowners receiving an LAP tag. Secondly, many landowners believe there is a true economic cost for providing wildlife habitat and supporting the hunting heritage that is not being compensated for. Therefore, we charge you with providing input and collective recommendations to help resolve these remaining LAP issues.

In addition to the above-listed issues, we request you provide collective recommendations on how sportsmen and landowners could partner together to provide for unique opportunities for youth and veterans. Specifically, we ask that you provide recommendations on a concept that allocates LAP tags in excess of the 10% allocated to landowners to youth and worst-wounded veterans.

Again, we extend our appreciation to outgoing members, and look forward to your insightful input as we continue to seek solutions to current and future management issues affecting Idaho sportsmen and landowners.

Please feel free to contact either of us directly, should you want to discuss these or any other issues.

Cal Groen

Cal Groen
Director
Idaho Department of Fish & Game

Celia R. Gould

Celia Gould
Director
Idaho State Department of Agriculture

Cc: Commissioner Wright
Regional Supervisors
Brad Compton
Ron Kay

Appendix N - Number of Deer, Elk, and Pronghorn Habitat Acres Registered in LAP by GMU, 2010.

GMU	Deer Habitat Acres	Elk Habitat Acres	Pronghorn Habitat Acres
1	662	662	0
2	0	0	0
3	0	0	0
4	0	0	0
4A	0	0	0
5	0	0	0
6	0	0	0
7	0	0	0
8	8,233	10,974	0
8A	5,236	12,861	0
9	0	0	0
10	0	0	0
10A	1,772	3,775	0
11	93,515	88,912	0
11A	37,104	22,827	0
12	0	0	0
13	193,060	193,060	0
14	36,865	32,001	0
15	0	0	0
16	0	0	0
16A	0	0	0
17	0	0	0
18	26,571	26,571	0
19	0	0	0
19A	0	0	0
20	0	0	0
20A	0	0	0
21	0	0	0
21A	0	0	0
22	35,714	31,252	0
23	3,352	3,352	0
24	0	0	0
25	0	0	0
26	0	0	0
27	0	0	0
28	0	740	740
29	9,059	44,684	33,068
30	8,695	25,745	21,925
30A	13,146	14,541	14,541
31	101,794	101,794	0
32	48,912	30,635	1,417
32A	11,348	11,348	0
33	0	0	0
34	0	0	0
35	0	0	0
36	0	0	0
36A	2,061	6,872	2,953
37	3,470	17,848	17,848
37A	0	6,804	5,699
38	3,953	3,953	3,953
39	34,459	62,032	36,110

GMU	Deer Habitat Acres	Elk Habitat Acres	Pronghorn Habitat Acres
40	219,336	206,672	189,332
41	10,559	3,384	9,322
42	27,229	16,653	27,229
43	0	2,760	0
44	118,135	109,034	123,577
45	193,913	203,466	170,900
46	16,945	26,245	40,433
47	31,437	35,658	29,399
48	11,226	10,236	8,393
49	91,007	91,887	83,289
50	61,171	64,109	70,693
51	37,446	34,228	37,446
52	45,064	16,617	43,201
52A	12,377	36,178	36,178
53	0	0	1,005
54	97,723	139,419	73,181
55	103,988	56,205	6,365
56	68,269	88,556	5,811
57	27,756	18,851	19,723
58	7,541	9,686	7,541
59	21,648	32,435	42,648
59A	19,111	19,111	12,881
60	16,024	17,754	7,430
60A	39,299	38,142	12,829
61	36,093	36,093	3,111
62	8,469	3,073	0
62A	0	0	0
63	23,243	21,098	33,971
63A	0	0	0
64	2,420	2,420	0
65	0	0	0
66	0	0	0
66A	5,540	5,540	0
67	692	692	0
68	31,643	43,894	43,894
68A	0	0	0
69	47,394	47,394	0
70	26,889	25,070	0
71	20,989	20,989	0
72	32,084	32,084	0
73	63,540	63,540	0
73A	17,130	11,999	0
74	46,328	49,528	0
75	12,171	12,171	0
76	114,257	128,103	0
77	812	812	0
78	784	784	0