

**Idaho Fish and Game Commission
Special Meeting
March 17, 2011
Boise, Idaho**

Present in the Director's Office: Deputy Director Unsworth; Dallas Burkhalter, Deputy Attorney General; Kathleen Trever, Deputy Attorney General; Sharon Kiefer, Assistant Director - Policy; Lance Hebdon, Inter-Governmental Policy Coordinator; Mary Boyer, Executive Assistant; Jon Heggen, Chief, Enforcement; and Mike Keckler, Chief, Communications.

A special meeting of the Idaho Fish and Game Commission was held by telephone conference. The meeting was called to order by Chairman Wayne Wright with Commissioners McDermott, Trevey, Barowsky, Budge, and Power participating. Commissioner Wheeler was excused.

LEGISLATION

Sharon Kiefer, Assistant Director-Policy, updated the Commission on the following legislative matters (Appendix 44, Exhibit 29)

HB85 – Authorizing the Commission to implement a mentored hunt program has passed both Houses and is waiting Governor signature.

Ms. Kiefer reported that new bills continue to emerge. This has been an unusual session where things are picking us instead of dying down.

HB – 247 Special Auction Tags

Idaho Code currently authorizes the Commission to issue two special bighorn sheep tags per year – one auction tag and one lottery tag. Money from the auction may not be used for certain transplant activities or for litigation or EIS. Money from the lottery tag shall be utilized by the department in solving specified problems or improving specified relationships.

There is no prescription in statute for area and time of tag use, which is left to the Commission to promulgate via rule and is found in IDAPA 13.01.04.700 and 800. By rule, the Commission designated the validity of the tags for Unit 11 on an alternating basis.

Synopsis/Analysis: House Bill 247 creates new special auction tags for deer, elk, pronghorn antelope, mountain goat, moose, and bighorn sheep. Provisions associated with these tags that are different than the existing bighorn sheep tags include:

- Designated hunting time = Sept. 1 ending November 30. This would not allow the Commission to prescribe designated hunting period for tags.

- Designated hunting area = any established hunt area for the designated species. This would not allow the Commission to prescribe available units for tags via rule.

- Up to three tags per species issued for deer, elk, and pronghorn antelope with one tag for mountain goat, moose, and bighorn sheep. Tags for deer, elk, moose, and pronghorn antelope will be taken from the nonresident controlled hunt programs for these species. Tags for mountain goat and bighorn sheep will be taken from the nonresident quota for these species. This is consistent with existing bighorn sheep tags – they are allocated from the nonresident component of tags. This bill would not reallocate any Superhunt lottery tags into special auction tags.

- Tags will be signed by the Governor – not an issue.

- Proceeds are specifically allocated 30% for sportsmen access programs and 70% for a variety of programs, including those designed to assist the department and land management agencies in facilitating habitat solutions.

Note, the prohibitions and direction of revenue with the existing bighorn sheep tags are not carried forward for the new bighorn sheep tag. Valid organization is consistent with existing statute.

Commission discussion followed. Commissioner Power has concerns that by having this particular auction tag you are extending the bighorn sheep season by 30 days during the heart of the rut. There is a high probability that only auction tags will be allowed in Unit 11 cutting out both residents and nonresidents. Commissioner Trevey is opposed to the whole business of selling premier Idaho wildlife to the highest bidder. Ms. Kiefer stated that she would relay the message that the Commission has strong concerns regarding the resource implications about not having the flexibility to direct what units these tags would be available for. And potentially also further limit other types of opportunities because of that lack of resource flexibility.

11-23 Commissioner McDermott moved and Commissioner Barowsky seconded a motion to monitor HB247.

Commissioner Budge opposes this motion and suggests a motion to oppose HB247.

Commissioner McDermott withdrew his motion and Commissioner Barowsky withdrew his second to the motion.

11-24 Commissioner Budge moved and Commissioner Trevey seconded a motion to oppose HB 247 Special Auction Tags. The motion carried unanimously.

The Commission opposition is centered on the lack of the discretion for the Commission to address resource issues via rule making for both the existing super hunt tags and bighorn sheep auction and lottery tags.

HB251- Fish and Game budget appropriation has passed the House and moving on to the Senate.

HB 265 – Wind farm moratorium is for information only. The Department will provide technical comments if necessary.

HB 274 – Wolf prohibitions

The Department is currently not statutorily prohibited from upholding relevant state and federal laws. Specific to ESA-listed wolves, the Governor has determined that the State will not manage wolves as the designated agent of the federal government and has directed that the Department use its discretion in assignment of enforcement priorities to not conduct investigations into illegal killings or provide law enforcement response to illegal takings and to defer these activities to the authority of jurisdiction, the USFWS. Further, the Governor directed the Department to not conduct statewide monitoring or implement the livestock depredation response program.

The bill identifies the intent of the Legislature, which is largely consistent with the Governor's directives as long as wolves are federally listed. However, the bill also imposes penalties for employees of the State and its political subdivisions who aid the federal government in the field management of wolves or in the federal government's investigation or prosecution of a person for removing a gray wolf from the state or for injury or death of a wolf. Deputy Attorney General Kathleen Trever indicated this portion of the bill still placed conservation officers and other law enforcement in an untenable position; the bill was problematic regarding compliance with the official oath taken by law enforcement officers and uncertainties as to what conduct triggered the penalty.

11-25 Commissioner Power moved and Commissioner Trevey seconded a motion to oppose HB 274. The motion carried unanimously.

HB 272 – Water leasing for hydropower purposes information only.

Ms. Kiefer reported that she attended the hearing for SB1085 but did not testify. The negotiated rules for domestic cervidae that were in question will likely be rejected by the legislature with SB 1085 as being the only new statute affecting domestic cervidae.

HB 231 was previously discussed by the Commission and is in amending order. Staff is working with the sponsor and waiting to see what the amended bill looks like.

Ms. Kiefer reviewed tracking tables (see exhibit) she noted that HB 155 has been signed by the Governor, and HB 143 and HB 85 are waiting Governor signature.

SB 1015, SB1016 and SB1159 had hearings last week in the Senate Resources and Environment Committee. Thanks to Commissioner McDermott for testifying. It was a close vote on SB1015 and SB1016 to hold these bills in committee. The Committee will recommend the Interim Natural Resources Legislative Committee take up issues that are reflected in the bills relative to off road vehicle management and travel.

SB 1159 would preclude the Department from entering into cooperative MOU's with the Forest Service to utilize state laws to assist with enforcement of federal motor vehicle travel restrictions when there is a wildlife or wildlife nexus. The committee voted to hold in committee and referred the issue to the Interim Natural Resources Legislative Committee.

Kathleen Trever provided an update on the Federal Continuing Resolution.

MISCELLANEOUS

Adjournment

11-26 Commissioner Barowsky moved and Commissioner Power seconded a motion to adjourn. The motion carried unanimously.

The meeting adjourned at 9:19 a.m.

Wayne Wright, M.D.
Chairman

Virgil Moore
Secretary