

Idaho Fish and Game Commission
August 24, 2011
Idaho Department of Fish and Game
Trophy Room
600 South Walnut
Boise, Idaho

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

August 24

- 8:30am 1. Opening Comments
 -- Tony McDermott, Commission Chairman
- 8:35 am 2. Agenda Changes
 --Chairman McDermott
- 8:40 am 3. Wildlife Salvage Rule
 (Action Requested by Department)
 -- Sharon Kiefer, Deputy Director
- 8:55 am 4. Season Setting: Migratory Game Birds
 (Action Requested by Department)
 --Jeff Knetter, Upland Game & Waterfowl Staff Biologist
- 9:10 am 5. Nonbiological Rules for Fish **(Action Requested by Department)**
 -- Paul Kline, Assistant Chief, Fisheries
 Fishing contests clarify definition of fishing contest
 Commercial Fishing remove mountain sucker from commercial fishing species list
 Classification of Wildlife name changes for leatherside chub and bluehead sucker
- 9:20 am 6. License Restructuring Update
 --Craig Wiedmeier, License Operations Supervisor
- 9:50 am BREAK
- 10:10 am 7. Nonbiological Rules for Game Animals and Protected Nongame
 --Jon Rachael, State Wildlife Manager
 Clean up rules on wolf trapping tags
 Rules allowing for trapping of wolves near big game animal carcasses
 Corrections/modifications to game management unit boundaries
 Revisit changes to bighorn sheep auction and lottery tag
 Landowner Appreciation Program
 (Action Requested by Department)
- 11:10 am 8. a. Draft Order -- Wolf/Bear/Lion Tag Discount
 --Sharon Kiefer, Deputy Director
 (Action Requested by Department)
8. b. Draft Order -- Nonresident Deer/Elk Tag
 Sold as Second Tag Discount
 (Action Requested by Department)
- 11:20 am 9. Proposed Nonresident Wolf Tag Refund Temporary Rule
 --Sharon Kiefer, Deputy Director
 (Action Requested by Department)
- 11:30 am 10. Update on the Outfitted Waterfowl and Turkey Activities and IDFG
 comments to IOGLB
 --Virgil Moore
- 11:50 am Lunch
- 12:30 pm 11. Legislative Update

--Sharon Kiefer, Deputy Director

12:45 pm 12. Season Setting: Sage Grouse
(Action Requested by Department)
--Don Kemner, Program Coordinator

1:00 pm 13. Director's Report
--Virgil Moore

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Agenda Item No. 3

Agenda Item: Wildlife Salvage Rule

Bureau Chief Approval: _____

Prepared by: Sharon W. Kiefer

Background: During the 2010 session, there was legislative interest in a mechanism for the public to salvage wildlife, including allowance for sale of salvaged wildlife specifically from vehicle collision. The Department committed to evaluate existing mechanisms for wildlife salvage and consider options to enhance them for Commission consideration and direction.

During the November, 2010 Commission meeting, staff reported that there is a mix of statutory and rule provisions that allow for salvage (i.e. possession), of animal parts obtained from methods of legal take other than hunting. A foundation of statute and rule is that wildlife must have been "legally taken". A key issue for the salvage issue is that unintentional vehicular collision is currently not defined as a legal method of take.

Staff also reported that Idaho Code 36-501 gives the Commission the authority to permit "by rule" the sale of parts of wildlife when such sale will not injuriously affect the species permitted. Coupled with IDAPA 13.01.10.300.02, which states that protected species of wildlife that have died naturally or accidentally remain in public trust to be disposed of by the Department, staff believes that the Commission does have the authority to enhance salvage opportunity specifically for wildlife accidentally killed by unintentional vehicle collision by amending rule and giving policy guidance to the Department to create an appropriate reporting and possession mechanism.

Staff requested Commission guidance regarding the policy desire to enhance salvage opportunity to also include sale of salvaged wildlife, particularly from vehicle collision (i.e. man-caused, non-natural death) with the advice that providing a mechanism for sale of salvaged wildlife would require rule modification. The Commission requested a rule proposal for policy consideration.

Statutory Authority and/or Policy issues: Salvage of wildlife falls within either statute or the rule and policy authority of the Commission to address.

Public Involvement Process: The Commission process for either rulemaking or policy direction provides for public involvement. Future legislative review of any new or amended rules would also provide for public involvement.

Staff Recommendation: Consider adoption of the salvage rule recommendation as a "proposed" rule so that the rule would become effective upon legislative review if the rule is upheld. A benefit would be additional legislative and public review prior to rule implementation in spring, 2012. This would also allow for additional implementation planning necessary for sufficient Department records and salvage/sale authorizations.

Justification: Legislative interest prompted staff evaluation for Commission consideration.

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Agenda Item No. 4

Agenda Item: 2011-12 Waterfowl Seasons (Action)

Bureau Chief Approval: _____

Prepared by: Jeffrey M. Knetter

Background:

Most waterfowl harvested in Idaho are produced in Canada. Habitat conditions in these breeding areas were characterized as average to above average in 2011. The pond index increased 22% from 6.7 million in 2010 to 8.1 million in 2011. The estimated mallard abundance increased 9% from 2010 levels to 9.2 million in 2011.

Statutory Authority and/or Policy Issues:

Idaho's waterfowl season was set within a framework established by the U.S. Fish and Wildlife Service on July 27, 2011 after meeting with all state fish and wildlife agencies. The 2011-12 frameworks for Idaho are 107 days for both ducks and dark geese between September 24, 2011 and January 29, 2012. The light goose framework extends to March 10.

Public Involvement Process:

A statewide press release was issued on these proposed seasons. Each region held an open house. The Idaho Chapter of Ducks Unlimited and the Idaho Waterfowl Association were sent these season proposals by e-mail and they forwarded them to their membership. A notice asking for input was posted on the Department's web site.

Justification:

A process called Adaptive Harvest Management determines the general duck season framework. This process was adopted by the U.S. Fish and Wildlife Service in 1996 and is used to evaluate duck habitat and populations annually and select the optimal season framework for U.S. duck seasons. Special harvest strategies are used for some of the less common ducks. Goose seasons are determined by flyway management plans for each goose population. Spring goose pair counts are the key parameter for selecting Canada goose seasons. Data collected in 2011 show that breeding habitat conditions and populations are at levels that can support a 107-day season for all waterfowl, except scaup (86 days). The maximum hunting days and bags allowed by framework can be taken with no long-term impacts on Idaho's waterfowl resource.

The Federal framework for light geese (snow and Ross's) was expanded in 2008-09 to March 10 for interior states within the Pacific Flyway. Idaho implemented a season in 2010 and 2011, and it was well received; however, due to concerns raised by The Trumpeter Swan Society, the USFWS expects that Idaho will continue their monitoring of potential impacts to trumpeter swans again in 2012 as part of the spring white goose hunt near American Falls reservoir.

Action Requested:

Commission adoption of the Department's recommendations.

Staff Recommendation:

The Department's recommendation is to take the maximum allowed hunt days and bags allowed by federal framework. The proposed daily duck bag limit would be seven ducks; but not more than two female mallards, two redheads, three scaup, two pintails and one canvasback. The proposed daily dark goose bag limit for Canada and greater white-fronted geese would be four, and the proposed daily light goose limit for snow and Ross's would be 10.

Preliminary season structure options provided to the public for input are attached. Final recommendations, after considering public input, will be presented at the Commission meeting.

**Public Comment Sheet for 2011-2012
Waterfowl Seasons**

In which Idaho Fish and Game Region do you live? (Please circle only one).

Panhandle Clearwater Southwest Magic Valley Southeast
Upper Snake Salmon Non-resident I don't know

The Idaho Department of Fish and Game is seeking public comment on the **2011 Waterfowl Season** proposals.

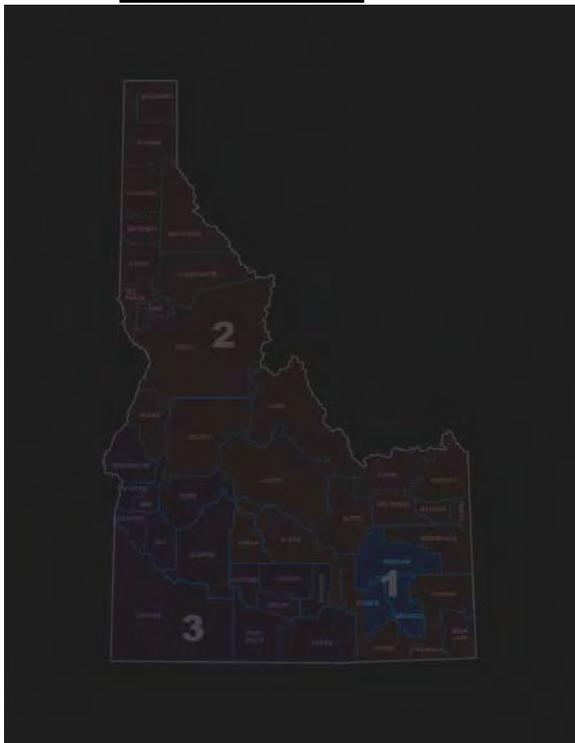
Idaho's waterfowl season is set within a framework determined by the U.S. Fish and Wildlife Service in late July. Based on this year's population estimates, the Idaho Fish and Game recommendation is to take the maximum number of hunt days (107) and maximum bag limit allowed by the federal waterfowl framework.

The proposed daily bag limit would be 7 ducks; but not more than 2 female mallards, 2 redheads, 3 scaup, 2 pintails or 1 canvasback. The scaup season would be 86 days long.

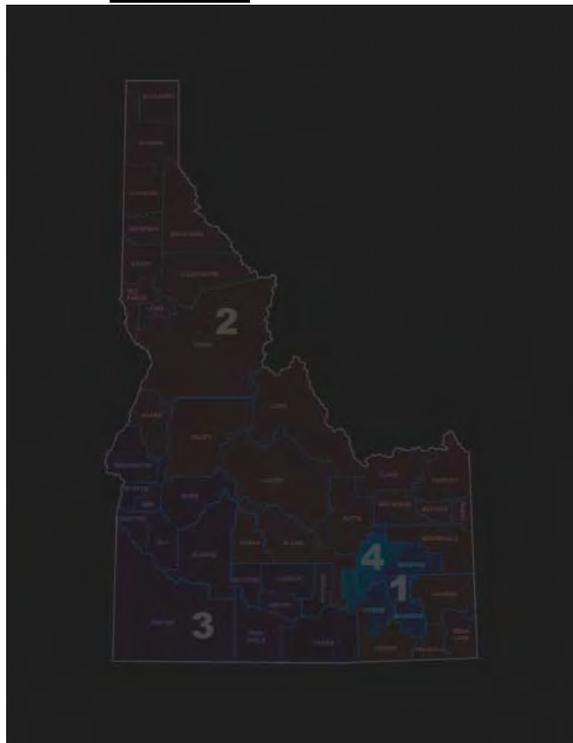
The proposed daily dark goose (Canada and greater white-fronted) bag limit would be 4. The daily light goose (snow, blue and Ross's) bag limit would be 10. Possession limits would be twice the daily bag limit.

Idaho has 3 duck and dark goose hunting areas and 4 light goose hunting areas (Please see maps below). Area 1, which includes the Shoshone-Bannock Indian Reservation, cannot be split for ducks, but can be split for light geese.

Ducks & Dark Geese



Light Geese



Fish and Game is considering several options including split season structures that can accommodate both early and late season hunting opportunities for the 2011-2012 waterfowl seasons. Split seasons can provide a 'rest' period for waterfowl and a second 'season opener'. Please consult the associated tables and maps for each option.

The season in Area 1 would run from October 1, 2011 to January 13, 2012 in all 4 options.

Option 1: Early Split

This option includes a split season structure for ducks and dark geese in areas 2 and 3 that would run from October 1-19; close from October 20 - November 4; and reopen from November 5, 2011 - January 29, 2012.

A two-part season is proposed for light geese (snow and Ross's) in areas 3 and 4 that would run from November 8, 2011 - January 29, 2012; close from January 30 - February 17; and reopen from February 18 - March 10, 2012.

Option 2: Late Split

This option includes a split season structure for ducks and dark geese in areas 2 and 3 that would run from October 1 - November 30; close from December 1 - 16; and reopen from December 17, 2011 - January 29, 2012.

A three-part season is proposed for light geese (snow and Ross's) in areas 3 and 4 that would run from October 23 - November 30; close from December 1 - 16; and reopen from December 17, 2011 - January 29, 2012; close from January 30 - February 17; and reopen from February 18 - March 10, 2012.

Option 3: No change from 2010-2011 season

This option includes a continuous season structure for ducks and dark geese in areas 1 and 2 that would run from October 1, 2011 - January 13, 2012. In area 3, the season would run from October 8, 2011 - January 20, 2012.

A two-part season is proposed for light geese (snow and Ross's) in areas 3 and 4 that would run from October 30, 2011 - January 20, 2012; close from January 21 - February 17; and reopen from February 18 - March 10, 2012.

Option 4: Delayed opener and late closure in Area 3

This option includes a continuous season structure for ducks and dark geese in Area 2 (same as Option 3). In area 3, the season would run from October 15, 2011 - January 27, 2012.

A two-part season is proposed for light geese (snow and Ross's) in areas 3 and 4 that would run from November 6, 2011 - January 27, 2012; close from January 28 - February 17; and reopen from February 18 - March 10, 2012.

1 – Based on the season descriptions above, please select the one waterfowl season structure option you prefer.

1 _____ **2** _____ **3** _____ **4** _____

Additional comments: _____

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Agenda Item No. 5

Agenda Item: Nonbiological Fish Rules

Bureau Chief Approval: _____

Prepared by: Assistant Fisheries Bureau Chief, Paul Kline

Background: Biannually, the Fisheries Bureau recommendations to the Commission updates to nonbiological fish rules. Historically, rules governing Commercial Fishing have focused on nongame fish species. Recent concern regarding unknown distribution and population status of some of these nongame fish species is leading IDFG staff to re-evaluate whether commercial harvest should be allowed and what impact it will have on maintaining viable populations throughout their range. The mountain sucker is a species where we have little recent information and antidotal information suggests their overall population may be in decline.

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

Public Involvement Process: Solicitation of potential changes or additions to nonbiological fish rules began in February 2011. In May of 2011, the Commission approved a list of potential rule changes, provided by the public and staff, for scoping. Two statewide press releases were issued with dates and times of open-houses in each of the seven regions. Press releases highlighted potential rules and noted the location on the IDFG website of the proposed rules and instructions for providing feedback to the Department via the IDFGINFO e-mail site.

Staff Recommendation: Approve the list of nonbiological rule changes/additions for incorporation into IDAPA.

Justification: This will be a modification of IDAPA 13.01.12 Rules Governing Commercial Fishing. Removing mountain sucker from the list of fish that can be commercially harvested will protect the species from further population decline due to commercialization of the species.

Idaho Department of Fish and Game
Nonbiological Fisheries Rules Proposed for 2012
Commission Approved for Release 5/19/2011; Modified 7/06/2011

After reviewing the public and staff input, IDFG is recommending the following rule changes be adopted and finalized at the August 2011 Commission Meeting. Items to be removed are in green and additions to IDAPA to implement changes are shown in yellow.

- 1) Rule Change.** Remove mountain sucker from the list of fish species that can be commercially harvested under IDAPA 13.01.12.010.02. **Rationale:** Little is currently known about mountain sucker populations in Idaho. There is concern that commercial fishing for this species in some waters may impact populations.

02. Commercial Fish Species.

Except as permitted by the Director of the Department of Fish and Game under Subsection 100.03 of this rule, only the following fish species may be taken for commercial purposes: (4-6-05)

- a. Bridgeliip sucker -- *Catostomus columbianus*. (7-1-93)
- b. Common carp -- *Cyprinus carpio*. (4-2-08)
- c. Chiselmouth -- *Acrocheilus alutaceus*. (4-2-08)
- d. Fathead minnow -- *Pimephales promelas*. (7-1-93)
- e. Goldfish -- *Carassius auratus*. (7-1-93)
- f. Lake trout -- *Salvelinus namaycush*. (4-2-08)
- g. Lake whitefish -- *Coregonus clupeaformis*. (4-2-08)
- h. Largescale sucker -- *Catostomus macrocheilus*. (4-2-08)
- i. Longnose dace -- *Rhinichthys cataractae*. (7-1-93)
- ~~j. Mountain sucker -- *Catostomus platyrhynchus*. (7-1-93)~~
- k. Northern pikeminnow -- *Ptychocheilus oregonensis*. (4-2-08)
- l. Peamouth -- *Mylocheilus caurinus*. (7-1-93)
- m. Redside shiner -- *Richardsonius balteatus*. (7-1-93)
- n. Speckled dace -- *Rhinichthys osculus*. (7-1-93)
- o. Tench -- *Tinca tinca*. (7-1-93)
- p. Tui chub -- *Gila bicolor*. (7-1-93)
- q. Utah chub -- *Gila atraria*. (7-1-93)
- r. Utah sucker -- *Catostomus ardens*. (7-1-93)

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Agenda Item No. 5

Agenda Item: Nonbiological Fish Rules

Bureau Chief Approval: _____

Prepared by: Assistant Fisheries Bureau Chief, Paul Kline

Background: Biannually, the Fisheries Bureau recommendations to the Commission updates to nonbiological fish rules. Recent research indicated that leatherside chub is composed of two distinct species. Genetic analysis shows leatherside found in Idaho should be named "northern leatherside chub" and leatherside chub in the Sevier River drainage and Utah Lake should be named "southern leatherside chub."

Bluehead sucker are an uncommon nongame fish found in the upper Snake River and Bear River basins of Idaho. It is estimated they occupy less than half of their historic range.

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

Public Involvement Process: Solicitation of potential changes or additions to nonbiological fish rules began in February 2011. In May of 2011, the Commission approved a list of potential rule changes, provided by the public and staff, for scoping. Two statewide press releases were issued with dates and times of open-houses in each of the seven regions. Press releases highlighted potential rules and noted the location on the IDFG website of the proposed rules and instructions for providing feedback to the Department via the IDFGINFO e-mail site.

Staff Recommendation: Approve the list of nonbiological rule changes/additions for incorporation into IDAPA.

Justification: This will be a modification of IDAPA 13.01.06 Rules Governing Classification and Protection of Wildlife. Modifying the name of leatherside chub in this section of IDAPA is to reflect current nomenclature for the species in Idaho. Adding bluehead sucker to the protected list is a precautionary measure. On-going research will give us a better understanding of the life history and population dynamics of the species.

Idaho Department of Fish and Game
Nonbiological Fisheries Rules Proposed for 2012
Commission Approved for Release 5/19/2011; Modified 7/06/2011

After reviewing the public and staff input, IDFG is recommending the following rule changes be adopted and finalized at the August 2011 Commission Meeting. Items to be removed are in green and additions to IDAPA to implement changes are shown in yellow.

- 1) Rule Change.** Change the name for leatherside chub (*Gila copei*) to northern leatherside chub (*Lepidomeda copei*) and add bluehead sucker (*Catostomus discobolus*) to the list of Protected Nongame Species in IDAPA 13.01.06.200.05. **Rationale:** Recent research indicates that leatherside chub is composed of two distinct species and this is supported by genetic analysis. The Northern leatherside chub inhabits the upper Snake River and Bear River basins while the Southern leatherside chub (*L. aliciae*) is found in Utah Lake and the Sevier River drainage in Utah.

Rationale: Bluehead sucker are an uncommon nongame fish found in the upper Snake River and Bear River basins of Idaho. It is estimated they occupy less than half of their historic range. There is an ongoing and coordinated range-wide conservation effort for this species.

05. Fish. (4-6-05)

- a. Bear Lake sculpin -- *Cottus extensus*. (4-6-05)
- b. Northern leatherside chub (*Lepidomeda copei*)
- c. Sand roller -- *Percopsis transmontana*. (4-6-05)
- d. Shoshone sculpin -- *Cottus greenei*. (4-6-05)
- e. Wood River sculpin -- *Cottus leiopomus*. (4-6-05)
- f. Bluehead sucker (*Catostomus discobolus*)

Meeting Date: August 24, 2011

Agenda Item No. 5

Agenda Item: Nonbiological Fish Rules

Bureau Chief Approval: _____

Prepared by: Assistant Fisheries Bureau Chief, Paul Kline

Background: The current definition of a "Fishing Contest" in IDAPA is complicated and has many variables which make it difficult for the public to comprehend. We are shortening and simplifying the definition of a "Fishing Contest." The proposed definition focuses on larger group events and events with a live-fish weigh-in.

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

Public Involvement Process: Solicitation of potential changes or additions to nonbiological fish rules began in February 2011. In May of 2011, the Commission approved a list of potential rule changes, provided by the public and staff, for scoping. Two statewide press releases were issued with dates and times of open-houses in each of the seven regions. Press releases highlighted potential rules and noted the location on the IDFG website of the proposed rules and instructions for providing feedback to the Department via the IDFGINFO e-mail site.

Staff Recommendation: Approve the list of nonbiological rule changes/additions for incorporation into IDAPA.

Justification: This will be a modification of IDAPA 13.01.05 Rules Governing Fishing Contests. The justification is to eliminate the need for small (20 participants or less) groups to secure a "Fishing Contest" permit and to exclude permits for fishing events targeting youth under the age of 14.

Idaho Department of Fish and Game
Nonbiological Fisheries Rules Proposed for 2012
Commission Approved for Release 5/19/2011; Modified 7/06/2011

After reviewing the public and staff input, IDFG is recommending the following rule changes be adopted and finalized at the August 2011 Commission Meeting. Items to be removed are in green and additions to IDAPA to implement changes are shown in yellow.

- 1) Rule Change:** Clarify/simplify the definition of a “Fishing Contest” in IDAPA 13.01.05.10.02.
Rationale: The current definition is confusing to the public and staff.

Current Definition: 02. Fishing Contest. Any fishing event, which is based on the capture of an individual fish or the size or number of fish and total prize value is greater than one thousand dollars (\$1,000); or the individual entry fee is greater than twenty-five dollars (\$25); or the number of boats is greater than ten (10); or the number of individual contestants is greater than twenty (20); or there is a live fish weigh-in.

Proposed Definition: Fishing Contest – an organized event that: **1)** Has a live-fish weigh-in; or **2)** awards cash or prizes of \$1,000 or more based on number, size, or species of fish captured; or **3)** is expected to draw/have more than 20 participants. Events organized wholly for youth under the age of 14 are excluded from needing a Fishing Contest Permit.

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Agenda Item No. 6

Agenda Item: License Restructure Update

Bureau Chief Approval: _____

Prepared by: Craig Wiedmeier

Background: A team of Fish and Game staff has been formed to conceptualize new ways of issuing and packaging the items the Department sells. The team met with internal staff from around the state to gather additional ideas and has begun narrowing down the list of ideas to be considered. We contracted with an outside organization that has assisted other states through similar projects. This contractor preformed a price sensitivity analysis on several licenses/tags and we will brief the Commission on those results. The contractor will also assist the Department with a survey for new license structure changes.

Statutory Authority and/or Policy Issues:

None. This agenda item is for informational purposes.

Public Involvement Process:

None at this time. We do plan to survey the public in the near future once some of the options are refined a bit more.

Staff Recommendation:

None. This agenda item is for informational purposes.

Justification:

Provide the Commission an update on the progress of the license restructure project.

Meeting Date: August 24, 2011

Agenda Item No. 7

Agenda Item: Nonbiological Rules for game animals
(Action Requested by Department)

Bureau Chief Approval: _____

Prepared by: Jon Rachael

Background:

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

Historically, nonbiological rule changes were adopted by the Commission throughout the year. To accommodate requirements of the Idaho Administrative Procedures Act, the Commission now considers nonbiological rule changes during late spring through summer. The Department proposed a number of changes to big game and upland game nonbiological rules at the July 2011 Commission meeting. Action was deferred on a number of items at Staff request or direction from the Commission to allow additional research or coordination, and to request permission for temporary rulemaking authority from the Governor's office for other items.

Statutory Authority and/or Policy issues:

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

Public Involvement Process:

Proposed rules were scoped via the Department website, at regional meetings, and/or with affected stakeholder groups. In addition, proposed Landowner Appreciation Program changes were scoped with registered landowners via a direct mailing.

Justification:

Commission action is required to modify Administrative Rules. Staff will present proposed game rule changes on the following:

1. Clean up rules on wolf trapping tags.
2. Rule allowing for trapping of wolves near big game animal carcasses.
3. Corrections/modifications to Game Management Unit boundaries.
4. Revisit Bighorn Sheep Auction and Lottery Tag rules.
5. Landowner Appreciation Program.

Staff Recommendation:

Final recommended rules are provided.

Proposed Big Game and Licensing Nonbiological Rule Changes August 2011

Note: Rules adopted by the Commission in July would undergo review by the 2012 Legislature. Upon approval by the legislature, rules would become effective in 2012, unless the Governor's Office grants emergency temporary rule-making authority. We will request emergency temporary rule-making authority for rules related to wolf trapping.

Rules: IDAPA 13.01.08.250.01 - Rules Governing Take of Big Game Animals: Tags and Permits (Use of Tags), and IDAPA 13.01.08.271 – Wolf Trapping.

Issue: The Commission adopted wolf trapping seasons in July. Adjustments to rules associated with tags for wolf trapping are needed.

Proposal: Create rule to establish trapping tags for gray wolves, clean up reference to wolf trapping permits.

Recommendation: Modify rules as detailed below.

IDAPA 13.01.08.250.01

- i. Regular tags issued for gray wolf may be used ONLY as allowed by the gray wolf seasons and quotas set by Commission proclamation under Section 36-105(3), Idaho Code. The proclamation is published in a brochure available at Department offices and license vendors. (3-29-10)
- j. Trapping tags issued for gray wolf may be used ONLY as allowed by the gray wolf trapping seasons and quotas set by Commission proclamation under Section 36-105(3), Idaho Code. The proclamation is published in a brochure available at Department offices and license vendors. (X-XX-XX)

IDAPA 13.01.08.271. Wolf Trapping.

01. Mandatory Wolf Trapper Education Class. Individuals interested in trapping wolves must purchase a trapping license and successfully complete a wolf trapping education class held by the Idaho Department of Fish and Game and have in possession a wolf trapping tag prior to trapping for wolves. ~~purchasing a wolf trapping permit.~~ A certificate of completion and trapping license will be required to purchase tags for the wolf trapping permit. Trappers who complete the class will not be required to take the class again in the future ~~to purchase a wolf trapping permit.~~ (X-XX-XX)

02. Wolf Trapping Tags Permits. Wolf trapping ~~tags permits~~ will be available at any license vendor only at Idaho Department of Fish and Game offices. (X-XX-XX)

Rule: IDAPA 13.01.08.410 - Rules Governing Take of Big Game Animals: Unlawful Methods of Take -- wolf trapping.

Issue: The Commission adopted wolf trapping seasons in July. Adjustments to rules associated with equipment and methods of take for trapping wolves are appropriate. *Existing rules do not allow use of game animals as bait to take big game, and furbearer trapping rules require hide to be removed from all mammals.*

Proposal: *Modify rule to allow trappers to set snares around ungulate carcasses found dead of natural causes.*

Recommendation: *Modify rule as detailed below.*

IDAPA 13.01.08.410. Unlawful Methods Of Take.

No person shall take big game animals as outlined in this section. (7-1-93)

05. Other.

b. With any bait including grain, salt in any form (liquid or solid), or any other substance (not to include liquid scent) to constitute an attraction or enticement, with the exception of applicable rules for the black bear baiting permit (See Rules of the Idaho Fish and Game Commission, IDAPA 13.01.17, "Rules Governing the Use of Bait for Taking Big Game Animals"); additionally with the exception that wolves may be trapped or taken near a big game animal that has died naturally and the carcass has not been repositioned for trapping or hunting purposes. Natural causes shall not include any man-caused mortality. Traps or snares may not be set or placed within thirty (30) feet of a carcass of a big game animal. (3-30-01 X-XX-XX)

Rule: IDAPA 13.01.08.600--Game Management Unit Boundary Descriptions.

Issue: Landmarks and roads specified in game management unit boundaries have changed over time and parts of some boundaries are difficult to follow on the map or ground. Clarification of these boundaries is intended to reduce hunter confusion rather than make significant changes to move the boundaries.

Recommendation: *modify unit boundary descriptions as specified below to correct inaccuracies, update road names, and improve ability to hunters to identify unit boundaries on the ground.*

66. Unit 52A – Those portions of Blaine, Butte, Lincoln, and Minidoka counties within the following boundary: beginning at Shoshone, then north and east on U.S. 93 to the Arco-Minidoka Road (approximately 2 miles SW of Arco), then south on the Arco-Minidoka Road to the East Minidoka Road (approximately 2 miles east of Minidoka), then northwest on the East Minidoka Road to Minidoka, then northwest on State Highway 24 to Shoshone, the point of beginning.

67. Unit 53 – Those portions of Blaine, Cassia, Gooding, Jerome, Lincoln, Minidoka, Power, and Twin Falls counties within the following boundary: beginning at Twin Falls, then west and north on U.S. 30 to the Snake River, then down the Snake River to the Malad River, then up the Malad River to U.S. 30, northwest on U.S. 30 to Bliss, then east on U.S. 26 to Shoshone, then southeast on State Highway 24 to Minidoka, then east on the ~~Union-Pacific railroad tracks~~ East Minidoka Road approximately 1 mile to the Minidoka-Blaine county line, then south along the Blaine-Minidoka county line to the Minidoka National Wildlife Refuge, then southeast along the refuge boundary to the Cassia-Power County line, then south along the Cassia-Power County line to Interstate 86 near Raft River, then west along Interstate 86 to Yale Road, then southwest on Yale Road over Interstate 84 to State Highway 81, then west on State Highway 81 to Burley, then west on U.S. 30 to Twin Falls, the point of the beginning. Minidoka National Wildlife Refuge- closed.

84. Unit 66. Those portions of BINGHAM and BONNEVILLE COUNTIES within the following boundary: beginning at the Idaho-Wyoming State line on the South Fork of the Snake River, then downstream to the Swan Valley bridge on U.S. 26, then northwest on U.S. 26 to the watershed divide between Granite and Garden Creeks, then southwest along the divide and the divides between Garden-Antelope Creeks, Antelope-Pritchard Creeks and Fall-Tex Creeks to the Fall Creek Road (Forest Service Road 077), then west on Fall Creek Road to Skyline Ridge Road (Forest Service Road 077), then south on Skyline Ridge Road to Brockman Guard Station, then down Brockman Creek to Grays Lake Outlet, then upstream along the outlet to the Bone-Grays Lake Road, then east on Bone-Grays Lake Road through Herman to the McCoy Creek Road (Forest Service Road 087), then east on the McCoy Creek Road to the Idaho-Wyoming State line, then north to the point of beginning. ~~(7-1-93)~~

85. Unit 66A. Those portions of BONNEVILLE and CARIBOU COUNTIES within the following boundary: beginning on the McCoy Creek Road (Forest Service Road 087) at the Idaho-Wyoming State line, west on McCoy Creek Road through Herman to the Bone Road Bone-Grays Lake Road, then west on the Bone-Grays Lake Road to the West Side Road west of Grays Lake, then south on the Bone West Side Road to State Highway 34, then east on State Highway 34 to the state line, then north along the state line to the point of beginning. (7-1-93)

87. Unit 68. Those portions of BINGHAM, BLAINE, BUTTE, CASSIA, MINIDOKA, and POWER counties within the following boundary: beginning at Arco, then southeast on U.S. 26 to Blackfoot, then southwest on State Highway 39 to American Falls, then southwest on Interstate 86 to the Cassia-Power County line east of Raft River, then north along the Cassia-Power county line to the north bank of the Snake River, then northwest along the northern boundary of the Minidoka National Wildlife Refuge to the Minidoka-Blaine County line, then north along the Minidoka-Blaine County line to the ~~Union-Pacific railroad tracks~~ East Minidoka Road, then west on the tracks to Minidoka then east on the East Minidoka Road approximately 1 mile to the Arco-Minidoka Road, then north on the Minidoka-Arco Road to U.S. 93 approximately 2 miles southwest of Arco, then northeast approximately 2 miles on U.S. 93 to Arco, the point of the beginning.

89. Unit 69. Those portions of BINGHAM, BONNEVILLE, and CARIBOU COUNTIES within the following boundary: beginning at Idaho Falls, then south on U.S. 91 to Blackfoot, then south on Interstate 15 to the Fort Hall interchange, then east on the Fort Hall-Government Dam Road to the Blackfoot River below the Government Dam, then along the north and east shore of the Blackfoot River and Reservoir to State Highway 34, then north on State Highway 34 to the Bone West Side Road, then north on the Bone West Side Road west of Grays Lake to the Bone-Grays Lake Road, then east on the Bone-Grays Lake Road to Grays Lake Outlet, then downstream along the outlet to Brockman Creek, then up Brockman Creek to the Brockman Guard Station, then northwest on the Skyline Ridge Road (Forest Service Road 077) to Fall Creek Road (Forest Service Road 077), then east on the Fall Creek Road to the watershed divide between Fall and Tex Creeks, then north along the Fall Creek-Tex Creek, Antelope Creek-Pritchard Creek, Antelope Creek-Garden Creek and Garden Creek- Granite Creek watershed divides to the South Fork of the Snake River, then downstream along the mean high water line on the south shore of the South Fork to the Heise measuring cable (about 1.5 miles upstream from Heise Hot Springs), then southwest to U.S. 26, then west on U.S. 26 to Idaho Falls, the point of beginning. (7-1-93)

98. Unit 77- That portion of **Franklin County** within the following boundary: beginning at U.S. 91 on the Idaho-Utah State line, then north to Preston, then north on State Highway 34 to Cleveland Bridge, then south on the county road to Maple Grove Hot Springs, then east on the Hot Springs-Strawberry Canyon Road to the Strawberry Canyon-Emigration Canyon Road, then south on the Highline Trail (Forest Service Trail 316) to Danish Pass (Forest Service Road 415), then west on (Forest Service Road 415), then south on the Franklin Basin Road to the Idaho-Utah State line, then west on the state line to U.S. 91, the point of beginning.

Unit 78- Those portions of **Bear Lake and Franklin counties** within the following boundary: beginning at U.S. 89 on the Idaho-Utah State line, then north to Ovid, then west on the Emigration Canyon-Strawberry Canyon Road, then south on the Highline Trail (Forest Service Trail 316) to Danish Pass (Forest Service Road 415), then west on (Forest Service Road 415), then south on Franklin Basin Road to the Idaho-Utah State line, then east on the state line to U.S. 89, the point of beginning.

13.01.08.605-- ELK ZONE DESCRIPTIONS.

08. Middle Fork Zone. All of Units 20A, 26, and ~~36B~~ 27.

09. Salmon Zone. All of Units 21, 21A, ~~27, 36B,~~ and 28, and 36B.

Rule: IDAPA 13.01.04.700-800. Rules Governing Licensing: Bighorn sheep Auction and Lottery tags.

Issue: Idaho's special auction and lottery tags were created by legislation which establishes only general guidelines relative to IDFG business practices designed to prevent their misuse by purchasers. At the July meeting the Commission adopted proposed changes contingent upon legal review and determination that lottery tags are not legally transferable and need to be treated differently. Because the IDFG Bighorn Sheep lottery is a special controlled hunt drawing, it is outside of Idaho Lottery rules and those restrictions do not apply.

Each state has different requirements for the conduct of auctions and gaming such as lotteries and raffles.

Controlled hunt tags, where tags are awarded by a state game agency following random drawings after submission of an application and fees, are not subject to raffle laws in other states.

The bighorn sheep "lottery" tag statute provides for authority for the Commission to conduct a special controlled hunt drawing, independent of the requirements of Idaho Lottery's Bingo and Raffle Act. The Commission could allow the bighorn "lottery" tag winner to designate a tag to another individual before it is issued under Idaho law. However, this could subject the bighorn lottery to a broader range of regulation under the raffle laws of other states where the "lottery" tag is being marketed. To reduce the potential for expanded regulation, the bighorn "lottery" should have the same requirements as a controlled hunt drawing (identifying the person to whom the tag would be issued at the time of application).

Proposal: Modify rule change adopted by the Commission in July to allow all individuals eligible to hunt in Idaho to participate (delete restriction that participants must be ≥18 years of age). Keep other changes as adopted.

Recommendations: approve modifications in rule change as indicated below.

IDAPA 13.01.04

700. ~~SPECIAL BIGHORN SHEEP AUCTION TAG~~

01. **Eligibility.** In order to be eligible to bid on the ~~special~~ bighorn sheep auction tag, a person must be eligible to purchase an Idaho hunting or combination license. (3-20-04)

02. **Validity of Tag.** The ~~Special~~ Bighorn Sheep Auction Tag shall be valid in Unit 11 only during odd-numbered years and during even-numbered years when the Bighorn Sheep Lottery Tag holder chooses not to hunt in Unit 11. (4-7-11)

03. **License and Controlled Hunt Tag.**

a. A hunting license and controlled hunt tag will be provided to the successful bidder from the net proceeds of the auction. (4-7-11)

b. The successful bidder for the ~~Special~~ Bighorn Sheep Auction Tag must file a notarized affidavit within 15 days of the successful bid if the hunting license and tag are to be designated to another individual.

04. **Application of Big Game Rules.** All rules governing the Taking of Big Game Animals, IDAPA 13.01.08, shall apply to the eligible and successful bidders other than as specified herein.

(7-1-93)

a. No successful bidder shall be eligible to apply for a bighorn sheep controlled hunt tag the same year the bidder is issued a ~~Special~~ Bighorn Sheep Auction Tag. (4-7-11)

b. A person receiving a ~~Special~~ Bighorn Sheep Auction Tag, but who is unsuccessful in taking a bighorn sheep, shall be eligible to bid the following year for another ~~Special~~ Bighorn Sheep Auction Tag. (4-7-11)

c. A person successful in taking a bighorn sheep with a ~~special~~ bighorn sheep tag shall be eligible to bid the following year. (3-20-04)

701.—799. (RESERVED)

800. BIGHORN SHEEP LOTTERY TAG.

(7-1-93)

01. Eligibility.

a. In order to win and be issued the Bighorn Sheep Lottery Tag, a person must be eligible to purchase an Idaho hunting or combination license. (4-7-11)

b. If any person wins the Bighorn Sheep Lottery Tag and has already been drawn for a bighorn sheep controlled hunt tag for the same year, the controlled hunt tag shall be returned to the Department and voided and the tags fees refunded. The lottery tag will be valid to hunt bighorn sheep that year.

(4-7-11)

02. Validity of the Tag. The Bighorn Sheep Lottery Tag shall be valid in Unit 11 only during even-numbered years and during odd-numbered years when the ~~Special~~ Bighorn Sheep Auction Tag holder chooses not to hunt in Unit 11. (4-7-11)

03. Permit Tag.

a. A hunting license (if needed) and a controlled hunt tag will be provided to the lottery winner from the net proceeds of the lottery. (4-7-11)

b. Lottery tickets are not transferable. The Bighorn Sheep Lottery Tag shall be issued to the person whose name appears on the winning ticket, and may not be transferred to another individual. (xx-xx-xx)

~~c. A person less than 18 years of age is ineligible to participate in an Idaho lottery, and should a person less than 18 years of age be selected as a winner the tag shall be invalidated. (xx-xx-xx)~~

04. Application of Big Game Rules. All rules governing the Taking of Big Game Animals shall apply to the eligible ticket purchasers and lottery tag winner, other than as specified herein.

(7-1-93)

a. A person receiving a bighorn sheep lottery tag shall be eligible to purchase lottery tickets the following year for another bighorn sheep lottery tag. (3-30-01)

b. A person successful in taking a bighorn sheep with a bighorn sheep lottery tag shall be eligible to purchase lottery tickets the following year. (3-20-04)

c. Any person who wins a Bighorn Sheep Lottery Tag, and who is otherwise eligible to apply for a deer, elk or pronghorn controlled hunt tag and who has drawn such a tag, shall be allowed to ~~apply for a controlled~~ hunt for those species during the same year the Bighorn Sheep Lottery Tag is valid.

~~(4-7-11)~~(xx-xx-xx)

801.—899. (RESERVED)

Rule: IDAPA 13.01.04.400 – Landowner Appreciation Program

Issue: In 2010, the Commission adopted rule changes to address sportsmen concern about the sale of LAP tags, and landowner concern about inequitable distribution of LAP tags. The 2011 Legislature approved the new rules making them effective in 2011.

The Commission further directed staff to evaluate and recommend solutions to address sportsmen's concerns about a lack of proportional benefits to sportsmen where the LAP allocation is 25%. After reviewing potential solutions in May, the Commission directed the Department to scope potential incentives for landowners that may exceed the standard 10% LAP allocation. In July, the Department briefed the Commission on results of the public scoping. The Commission directed staff to develop proposed rule changes for action by the Commission in August.

Proposal: Five game management units (40, 41, 42, 45 and 52) have an allocation of 25% for some or all deer, elk, and pronghorn LAP hunts. Staff proposes offering incentives, providing proportional benefits to sportsmen, which landowners could voluntarily agree to in exchange for LAP tags in excess of the standard 10% allocation. Incentives include:

- 1) a managed public access agreement;
- 2) a depredation release agreement, thereby being ineligible for depredation compensation;
- 3) a habitat improvement project
- 4) special sporting opportunity (e.g. veteran/youth hunting opportunity)

Recommendations: approve modifications in rule change as indicated below.

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~~ Areas. Landowner Appreciation Program controlled hunt tags shall be issued only for those controlled hunt ~~units~~ areas designated by the Director as eligible for such permits. (X-XX-XX)
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. An additional fifteen percent (15%) of the number of controlled hunt tags MAY be issued in game management units 40, 41, 42, 45 and 52 as Landowner Incentive tags pursuant to Subsection 400.11 of this rule. 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. (X-XX-XX).

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 per eligible species may be issued to any eligible landowner. (X-X-XX)

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) (X-X-XX)~~

e. 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. (X-X-XX)

e-f. 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 or Incentive controlled hunt tags shall not be sold or marketed. (X-X-XX)

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) \

11. Landowner Incentive Tags.

- a. Landowners or authorized corporate or partnership representatives with qualifying property in controlled hunt areas within game management units 40, 41, 42, 45 or 52 may apply for up to an additional fifteen percent (15%) of the number of controlled hunt tags. (X-X-XX)
 - b. Applications will be submitted on a form prescribed by the Department and signed by the applicant. (X-X-XX)
 - c. Written applications will be accepted on or before May 15 of each year. Written applications must be received at a Regional Office of the Idaho Department of Fish and Game or postmarked not later than May 15 of each year. (X-X-XX)
 - d. Written applications will be evaluated and ranked by a Sportsmen Review Committee. The Department will determine final eligibility and priority ranking for applications considering Sportsmen Review Committee recommendations. (X-X-XX)
 - e. Applications must include one or more of the following:
 - i. Department approved managed public access agreement.
 - ii. Department approved depredation continued use agreement.
 - iii. Department approved habitat improvement agreement, and/or
 - iv. Department approved agreement to provide special sporting opportunity. Veteran and youth hunting opportunities are examples of special sporting opportunity. (X-X-XX)
 - f. If the number of eligible applications exceeds the number of available Landowner Incentive tags available, tags will be issued according to eligibility and priority ranking as determined by the Department. (X-X-XX)
 - g. Landowner Appreciation Program controlled hunt tag restrictions in subsection 400.07.c and 400.07.d shall not apply to Landowner Incentive tags. (X-X-XX)
-

Meeting Date: August 24, 2011

Agenda Item No. 8 a.

Agenda Item: Draft Order – Wolf/Bear/Lion Tag
Discount

Bureau Chief Approval: _____

Prepared by: Sharon W. Kiefer

Background: The Commission has statutory authority to discount tag fees upon finding a biological need, a public need, or unsold tags. They may order a discount in tag fees or specific species, units, areas, zones or gender necessary to encourage increased tag sales, hunting, or use of the resource.

The Commission first discounted nonresident black bear and mountain lion tags in certain units in 1999 that has been continued to date. Subsequently, the Department reviewed and revised its predation management plan for the Lolo and Selway Elk Zones in 2010. The Plan describes the biological and public need for encouraging harvest of mountain lion, black bear and grey wolves in these zones to aid in the recovery of elk populations that are below management objectives. The Department has also advised the Commission that there is a biological and public need to encourage harvest of mountain lion, black bear, and gray wolves in additional units to aid elk management objectives. Also, the Commission has found there is a public need to encourage the harvest of gray wolves statewide to reduce predation on livestock and domestic animals and to reduce the occurrence of wolves in areas of human habitation.

These updated findings support renewal of a Commission Order for discounted nonresident black bear and mountain lion tags in certain units and inclusion of a statewide nonresident wolf tag discount.

Statutory Authority and/or Policy issues: Commission has authority to implement Idaho Code 36-415 by Commission Order, effective only for a time period set by the commission order. Holders of tags purchased before the discount are only entitled to a refund when provided by rule.

Public Involvement Process: The ongoing discounted black bear and mountain lion tags have had public involvement via the Commission process and the predation management plan process. The public addressed the Commission about discounted wolf tags via the 2011-2012 wolf season setting process.

Staff Recommendation: Approve an updated Commission Order that will prescribe tag discounts for black bear, mountain lions, and wolves that is effective through December 31, 2012. Draft Order 11-33 is attached.

Justification: The Commission must approve an Order to implement tag discounts.

Meeting Date: August 24, 2011

Agenda Item No. 8b

Agenda Item: Draft Order – Nonresident Deer/Elk
Tag Sold as Second Tag Discount

Bureau Chief Approval: _____

Prepared by: Sharon W. Kiefer

Background: The Commission has statutory authority to discount tag fees upon finding a biological need, a public need, or unsold tags. They may order a discount in tag fees or specific species, units, areas, zones or gender necessary to encourage increased tag sales, hunting, or use of the resource.

Currently, 2011 sales through August 11, 2011 demonstrate the following:

- Nonresident deer tag sales are down 24% compared to sales last year.
- Nonresident elk tag sales are down 26% compared to sales last year.
- Estimated revenue from nonresident deer and elk tags sales is down \$786,100.00 compared to last year.

Staff estimates that at the current projected sales for 2011, revenue from nonresident deer tags will decline approximately \$1.5 million from 2008 sales and revenue from nonresident elk tags will decline similarly.

The current nonresident general deer tag quota is 14,000 regular/whitetail deer tags with an additional 1,500 whitetail deer tags available if all of the aforementioned tags are purchased. The current nonresident general elk tag quota is 12,815 tags. Through August 16, 2011, a total of 2,397 nonresident general deer tags and 4,234 nonresident general elk tags have been sold, leaving approximately 85% of the deer tags and 67% of the elk tags available for second tag sale. By rule, the Department currently allows either residents or nonresidents to purchase unsold nonresident deer and elk tag as a second tag at the nonresident price, beginning September 1.

Statutory Authority and/or Policy issues: Commission has authority to implement Idaho Code 36-415 by Commission Order, effective only for a time period set by the commission order.

Public Involvement Process: There have been some members of the public who have suggested consideration of second tag price reduction to encourage increased tag sales and meet harvest management objectives.

Staff Recommendation: Approve an updated Commission Order prescribing tag discounts for general nonresident deer and elk tags sold to residents and nonresidents as a second tag, effective through the 2011 tag sale season. A draft order for review will be provided prior to the Commission meeting.

Justification: The Commission must approve an Order to implement tag discounts.

Meeting Date: August 24, 2011

Agenda Item No. 9

Agenda Item: Proposed Wolf Tag Refund Temporary Rule Bureau Chief Approval: _____

Prepared by: Sharon W. Kiefer

Background: The Commission has statutory authority to discount tag fees upon finding a biological need, a public need, or unsold tags. Under this authority, the Commission can only grant a refund to holders of tags purchased before the discount as provided by rule.

Statutory Authority and/or Policy issues: On July 28, the Commission adopted a wolf harvest season. As a component of the season setting, the Commission indicated their intent to issue a Commission Order to discount nonresident wolf tags statewide and to provide a refund rule.

Public Involvement Process: The public addressed the Commission about discounted wolf tags via the 2011-2012 wolf season setting process.

Staff Recommendation: Approve a refund rule for the 2011-2012 wolf season providing an automatic refund to nonresidents who purchased a wolf tag prior to Commission action to discount nonresident wolf tags.

Justification: The Commission must adopt a rule to implement the refund.

Meeting Date: July 28, 2011

Agenda Item No. 10

Agenda Item: Update on the Outfitted Waterfowl and
Turkey Activities and IDFG Comments to IOGLB

Bureau Chief Approval: _____

Prepared by: Lance Hebdon

Background:

The Outfitters and Guides Licensing Board is continuing to move toward a decision regarding outfitted turkey and waterfowl hunting. On request of Director Howard, Director Moore provided input for the Board's consideration during their May work session.

Statutory Authority and/or Policy issues:

Public Involvement Process:

Department worked cooperatively with the Board to convene the Outfitted Turkey and Waterfowl Advisory Group. The Department will continue to interface with sportsmen and their representatives as the Board moves forward with the discussion.

Staff Recommendation:

Continue to work with and provide input to IOGLB for consideration as the prospect for licensing moves forward.

Justification:

Meeting Date: August 24, 2011

Agenda Item No. 11

Agenda Item: 2012 Legislative Proposals and ATV
Task Force Update

Bureau Chief Approval: _____

Prepared by: Sharon W. Kiefer

Background: Staff will brief the Commission about the approval status of department legislation ideas that were submitted to the Executive Agencies Legislation System (EALS) for Governor Office approval. Governor-approved ideas must be drafted as legislative bills and submitted to EALS by September 16.

Staff will also update the Commission about the expectations of the interim legislative ATV Task Force, which met on August 8.

Statutory Authority and/or Policy issues: Commission has responsibility to provide policy direction for Department-sponsored legislation and to provide policy guidance relative to legislative initiatives.

The approved list of agency legislative ideas is as follows:

Clean-up legislative proposals

- Amend 36-1510 to also allow youth under the age of twelve who are participating in the mentor hunt program to possess a firearm.

New legislative proposals

- Create ability to transfer a control hunt tag to a youth.

- Amend the Nonresident Season Hunting License to be a Nonresident Season Hunting/3 Day Fishing License, retaining current fee structure for the nonresident season hunting license.

The Department proposal to create Commission authority to dispose of Fish and Game owned property was disapproved by the Governor's Office and will not be carried forward this session as agency legislation.

Public Involvement Process: The Commission held a public hearing prior to their policy approval of legislative ideas in July. There may be future public involvement strategies that occur prior to and during the 2012 Legislative session for specific legislative proposals.

Staff Recommendation: Provide policy approval or direction for legislation sponsored by the Department.

Justification: Review is necessary to ensure consistency between legislative ideas and Department policies and procedures

Meeting Date: August 24, 2011

Agenda Item No. 12

Agenda Item: 2011 Sage-grouse Seasons (Action)

Bureau Chief Approval: _____

Prepared by: Don Kemner

Background:

Sage-grouse seasons are set in August to allow managers to evaluate lek data and determine whether West Nile virus outbreaks or wildfires are affecting any sage-grouse populations in Idaho.

Statutory Authority and/or Policy Issues:

In 2011, the Department will continue to use the "hunting season and bag-limit guidelines" established in the 2006 Idaho Sage-grouse Plan, which was a consensus document written by a variety of stakeholders. The protocol calls for comparison of 1996-2000 lek count averages (the beginning of intensified surveys) to the most recent (2009-2011) three-year running averages to guide the determination of season frameworks.

Option	3-year running average of lek counts	Days	Daily Bag
Closed	Less than 100 males observed	0	0
	Lek counts are less than 50% of 1996-2000 average counts		
	Adequate lek data are not gathered for the population		
Restrictive	Lek counts are between 50% and 150% of the 1996-2000 average	7	1
Standard	Lek counts exceed 150% of the 1996-2000 average	23	2

Public Involvement Process:

Sage-grouse local working groups worked with wildlife managers to provide regional recommendations. A statewide press release was issued on the proposed seasons. Regions held open houses and public comments on the season proposal were accepted on the Department's web site from August 4–14. A notice on the public comment period was distributed via e-mail to the Sage-grouse Advisory Committee, sage-grouse local working groups, and others.

Justification:

Lek counts are the key parameter for determining sage-grouse seasons; however, the process allows for consideration of circumstances that can change annually (e.g., West Nile virus or wildfires). Data collected in 2011 indicated that the three-year average of males at leks were generally stable. Therefore, the Southwest, Magic Valley, Upper Snake and Salmon regions would fall in the restrictive season category with a 7 day season and 1-bird daily bag. The Curlew Grasslands and the Big Desert are in the standard season category; however, local working group and regional staff propose to continue to be conservative in these areas.

Action Requested:

Set the 2011 sage-grouse seasons as recommended; no change from 2010 season, with the exception of an October 1st opening date as previously set by the Commission.

Staff Recommendation:

Based on lek data, local working group, and regional input, the Department's recommendations are:

- Restrictive: 7-day season from October 1 through October 7, 1-bird daily bag limit and 2 in possession, statewide within sage-grouse range, except in designated closed areas.
- Closed: East Idaho Uplands area in southeastern Idaho; Washington and Adams counties; and Eastern Owyhee County and western Twin Falls County.

