

Idaho Fish and Game Commission
November 9-10, 2011
Idaho Department of Fish and Game
Best Western Plus Coeur d'Alene Inn
506 West Appleway
Coeur d'Alene, Idaho

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

November 9

9:00 am Commissioners will tour Lake Pend Oreille

7:00 pm Public Hearing

November 10

8:00 am 1. Opening Comments
-- Tony McDermott, Commission Chairman

8:05 am 2. Agenda Changes
-- Chairman Tony McDermott

8:10 am 3. Consent Calendar (**Action Requested by Department**)
a. Minutes
b. Financial Report

8:15 am 4. Review of Public Comment
-- Chairman Tony McDermott

8:30 am 5. Budget Briefing
--Jim Lau, Chief, Administration

8:45 am 6. Ratification of Rules (**Action Requested by Department**)
--Dallas Burkhalter, Deputy Attorney General

8:55 am 7. Conservation Education Update
--Victoria Runnoe, Conservation Education Supervisor

9:15 am 8. Legislative Update
-- Sharon Kiefer, Deputy Director

9:30 am 9. Idaho Fish and Wildlife Foundation Report
-- Sharon Kiefer, Deputy Director

9:45 am BREAK

10:00 am 10. Wildlife Elk Plan Revision Update
-- Jeff Gould, Chief, Wildlife

- 10:20 am 11. Land Acquisitions (Action Requested by Department)
--Gregg Servheen, Wildlife Program Coordinator
- 10:35 am 12. Master Hunter Proposal Evaluation
--Sharon Kiefer, Deputy Director
- 10:50 am 13. IDFG Black Bear/Grizzly Bear Online Bear Identification Training Program
-- Wayne Wakkinen, Wildlife Research Biologist Senior
- 11:10 am 14. Anterless Controlled Hunts in Unit 45 (Action Requested by Department)
-- Jeff Gould, Chief, Wildlife
- 11:25 am 15. Update on Wolf Harvest Season Progress (to date)
-- Jeff Gould, Chief, Wildlife
- 11:40 am 16. Wildlife Summit Update
-- Mark Gamblin, Regional Supervisor, Southeast Region
- 12:00 LUNCH
- 1:00 pm 17. Re-Affirmation of Joint IDPR/IDFG Coordination Letter
--Virgil Moore, Director
(Action Requested by Department)
- 1:15 pm 18. Motorized Hunting Rule Revision (Action Requested by Department)
--Sharon Kiefer, Deputy Director
- 1:30 pm 19. Motorized Hunting Rule Moratorium Policy
-- Sharon Kiefer, Deputy Director
(Action Requested by Department)
- 2:00 pm 20. Department Technical Comment Policy (Action Requested by Department)
-- Sharon Kiefer, Deputy Director
- 2:30 pm BREAK
- 2:50 pm 21. Appoint Commission Representative to WAFWA
-- Chairman McDermott
- 2:55 pm 22. 2012 Commission Calendar
-- Chairman McDermott
- 3:05 pm 23. Director's Report
- 3:35 pm 24. Commissioner Reports
- 4:05 pm 25. Executive Session I.C. 67-2345(1) (b) (c) (f)

Meeting Date: November 10, 2011

Agenda Item No. 3b

Agenda Item: Financial Report

Bureau Chief Approval: _____

Prepared by: Jim Lau, Chief, Bureau of Administration

Background:

Update the Commission on the Financial Status of the Department

Statutory Authority and/or Policy Issues:

None

Public Involvement Process:

None

Staff Recommendation:

None

Justification:

None

Meeting Date: November 10, 2011

Agenda Item No. 5

Agenda Item: Budget Briefing

Bureau Chief Approval: _____

Prepared by: Jim Lau, Chief, Bureau of Administration

Background:

Provide an update to the Commission regarding the Department's cash position and recent trends of revenues and expenses. Present the outlook for the remainder of the fiscal year and the possible impacts from the upcoming legislative session.

Statutory Authority and/or Policy Issues:

N/A

Public Involvement Process:

N/A

Staff Recommendation:

Information update only

Justification:

N/A

Meeting Date: Nov. 9-10, 2011

Agenda Item: 6

Bureau Chief Approval: _____

Prepared by: W. Dallas Burkhalter
Deputy Attorney General

Background: As part of the rulemaking process under the Idaho Administrative Procedures Act (IDAPA), the Commission needs to adopt as **Pending Rules** those Proposed Rules previously promulgated during the last rulemaking year. We have referred to this process as 'ratification' because the Commission is formally approving rules which it has already promulgated. This approval is needed for the rules to be reviewed by the 2011 Legislature. If the Pending Rules are accepted by the Legislature, the rules will become Final Rules.

Additionally, the Temporary Rule authorizing nonresident wolf tag discount refunds should be rescinded. The refunds have been made.

Statutory Authority and/or Policy issues: The IDAPA provision for adopting Pending Rules and the legislative review process is Idaho Code Section 67-5224. There are no policy issues. This is an annual step in the rulemaking process.

Public Involvement Process: The public involvement process has already occurred during previous Commission meetings and Department open houses. Several additional public comment was received after the Proposed Rules were filed and published (concerning the prohibition of the take of upland game birds from any watercraft – No. 6 below).

Staff Recommendation: I recommend that the Commission adopt as **Pending Rules** the following Proposed Rules:

- 1) Docket No. 13-0102-1101; IDAPA 13.01.02 Rules Governing Public Safety
- 2) Docket No. 13-0104-1101; IDAPA 13.01.04 Rules Governing Licensing
- 3) Docket No. 13-0104-1102; IDAPA 13.01.04 Rules Governing Licensing
- 4) Docket No. 13-1005-1101; IDAPA 13.01.05 Rules Governing Fishing Contests
- 5) Docket No. 13-0106-1101; IDAPA 13.01.06 Rules Governing Classification and Protection of Wildlife
- 6) Docket No. 13-0108-1101; IDAPA 13.01.08 Rules Governing the Taking of Big Game Animals in the State of Idaho
- 7) Docket No. 13-0109-1101; IDAPA 13.01.09 Rules Governing the Take of Game Birds in the State of Idaho
- 8) Docket No. 13-0110-1101; IDAPA 13.01.10 Rules Governing the Importation, Possession, Release, Sale, or Salvage of Wildlife
- 9) Docket No. 13-0111-1101; IDAPA 13.01.11 Rules Governing Fish
- 10) Docket No. 13-0112-1101; IDAPA 13.01.12 Rules Governing Commercial Fishing
- 11) Docket No. 13-0116-1101; IDAPA 13.01.16 The Trapping of Predatory and Unprotected Wildlife and The Taking of Furbearing Animals

I recommend that the Commission rescind the following temporary rule:

Docket No. 13-0104-1103: IDAPA 13.01.04 Rules Governing Licensing (nonresident wolf tag discount refund)

Justification: This is a required step in the IDAPA rulemaking process.

Meeting Date: November 10, 2011

Agenda Item No. 7

Agenda Item: Conservation Education Update

Bureau Chief Approval:

Prepared by: Victoria Runnoe

Background: This agenda item will provide the Commission with an update of conservation education activities around the state during 2010. A synopsis of the 15th anniversary of Salmon and Steelhead Days will be highlighted along with a cooperative partnership with Idaho Public Television's D4K children's science program.

Statutory Authority and/or Policy issues: None

Public Involvement Process: None

Staff Recommendation: None

Justification: None

Meeting Date: November 10, 2011

Agenda Item No. 8

Agenda Item: 2012 Legislative Update

Bureau Chief Approval: _____

Prepared by: Sharon W. Kiefer

Background: Staff will brief the Commission about the approval status of department legislative proposals that were submitted in bill form to the Executive Agencies Legislation System (EALS) for Governor Office approval. The proposals include a request from the Governor's Office to add a wolf tag to the Sportsman's Pak License. Legislative proposals have been approved by the Governor's Office and will be forwarded to either the House Resources and Conservation Committee or the Senate Resources and Environment Committee for a print hearing.

Staff will also review the 2011 Commission legislative process including Commission conference calls and legislative analysis to gain Commission guidance for the upcoming 2012 session. A staff legislative analysis sheet proposed for use during the 2012 session is attached for consideration.

The approved list of agency legislation 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 minor child or grandchild.

- 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.

- Amend the Sportsman's Pak License to include a wolf tag with an adjusted fee. The new fees would be \$114.65 license + \$9.60 vendor = \$124.25 total cost.

Note: Idaho Code 36-306 requires 1/2 vendor fee per item for this license. The license and tags are scaled at about 63% of full price. Current total cost = \$117.25.

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 and process.

Public Involvement Process: The Commission held a public hearing prior to their policy approval of legislative ideas in July and there will be continuing public opportunity at upcoming Commission meetings during the legislative session. Public input for specific legislative proposals during the 2012 legislative session is also expected.

Staff Recommendation: Continue a 2012 legislative process similar to 2011 with modification as directed by the Commission, including establishing the 2012 calendar. Direct staff to initiate support work such as public notice to implement the Commission legislative process.

Justification: Define the Commission's legislative process to facilitate timely and effective policy input during the 2011 legislative session.

IDFG LEGISLATION ANALYSIS

Date:
Completed By:
Director Approval:

Bill – RS#:

Sponsors and Interested Parties:

<u>Name</u>	<u>Phone #</u>	<u>E-mail</u>

Current Law/Background:

Synopsis/Analysis:

Effects to Department Management/Wildlife Resources:

Fiscal Effect to Department:

Bill Status:

Next Hearing Date / Committee:

Department Action Recommendation: Monitor Answer Qs Testify
Justification:

Commission Position: No Position Support Not Support Monitor
Comment:

This analysis is provided for information purposes only. It represents only the informed analysis of this legislation by the appropriate Department subject matter expert. It does not constitute official Idaho Department of Fish and Game policy nor is it a legal opinion in reference to this legislation.

Meeting Date: November 10, 2011

Agenda Item No. 9

Agenda Item: Idaho Fish and Wildlife Foundation Report

Bureau Chief Approval: _____

Prepared by: Ann Dehner

Background:

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

Statutory Authority and/or Policy issues:

None

Public Involvement Process:

None

Staff Recommendation:

Present update as follows.

Justification:

Requested by Commission.

1. The Foundation is currently in its budgeting process for fiscal year 2012. The budget will be reviewed at its December 3 board meeting in Boise.
2. The Foundation is in the process of redesigning its Website. Plans are to launch the new Website in December or January.
3. The Foundation is working internally to clarify its service capabilities and relationship with the Department, in response to earlier discussions held with Director Moore. This review includes looking at the Foundation's capacities for greater self-sufficiency, fundraising, and other avenues that further define its partnership with IDFG and the Commission.
4. As part of its marketing of the Wildlife license plates, the Foundation will be the title sponsor of "Mutual of Omaha's Wild Kingdom" that will be held at the Morrison Center on the campus of Boise State University next April.
5. Recommendations for the Foundation's project funding for 2011 will be presented to the full board at its December board meeting. The Foundation received 21 applications this year. The board has approved a total of \$30,000 for the 2011 cycle.
6. Foundation staff continues to engage in inquiries and ongoing work regarding land acquisitions, conservation easements and partnership requests. Foundation staff continue to work in consultation with the Department regarding stewardship and management issues in these areas.

Meeting Date: November 10, 2011

Agenda Item No. 10

Agenda Item: Wildlife Elk Plan Revision Update

Bureau Chief Approval: _____

Prepared by: Jon Rachael and Craig White for Jeff Gould

Background:

The Department's current Elk Management Plan was adopted in January 1999. It is time to revisit those elk management objectives and priorities and realign them with current public preferences, while maintaining consistency with biological realities. Elk hunting currently varies from a general season over-the-counter zone tag system that provides annual hunting opportunity with a diverse choice of weapon types to limited-entry controlled hunts that more precisely regulate male and female harvest and/or provide for higher quality hunting opportunities.

Staff will develop a comprehensive elk hunter public-opinion survey to assess elk hunter satisfaction with current elk management and to assess preferences for future management of elk and allocation of hunting opportunity. The survey is expected to be available for distribution in January 2012. Concurrently, the Department's Elk Plan Team is reviewing current trends and status of elk populations. Wildlife program staff plan to provide the Commission with a final draft of the revised Elk Plan for adoption in January 2013 with intent of implementing the new plan with the March 2013 season-setting process.

Statutory Authority and/or Policy Issues:

Statewide species management plans were initiated in 1976 and have been revised periodically since that time. Species management plans provide overall direction to the Department, and functionally represent "action plans" referenced in the Department strategic plan (*The Compass*). Species management plans don't have statutory or administrative rule authority, but do represent Commission policy and provide guidance to the Department on implementing management actions and developing rule recommendations.

Public Involvement Process:

Revision of the elk management plan will involve Department staff across a wide range of disciplines. Core elk team staff are developing comprehensive survey tools to solicit public input and will develop public involvement strategies. All regions will be engaged with the plan development and extensive public outreach efforts.

Staff Recommendation:

None. This agenda item is for informational purposes.

Justification:

Provide the Commission an update on the Elk Plan Revision.

Meeting Date: November 10, 2011

Agenda Item No. 11

Agenda Item: Region 3-Hammer Flat land acquisition

Bureau Chief Approval: _____

Prepared by: Gregg Servheen and Steve Elam

Background:

Property provides 705 acres of critical low-elevation mule deer and elk winter habitat adjacent to Boise River WMA and Hammer Flat. Property was platted into about 1,350 home subdivision known as “the Cliffs” in 2007, although no improvements have been built. Idaho Fish and Game’s Boise River 30,000-acre wildlife management area borders this property to the North and East. This property was previously presented to the Commission during Executive Session in March of 2010. Acquisition cost is \$4,230,000 of BPA mitigation funds. PILT is estimated at \$2,000/year. O&M costs are estimated at \$50,000 annually.

Statutory Authority and/or Policy Issues:

Land acquisition in accordance with Commission land acquisition policy.

Public Involvement Process:

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

Staff Recommendation:

The Lands Committee recommends proceeding with the acquisition.

Meeting Date: November 10, 2011

Agenda Item No. 11

Agenda Item: Region 3-Sandy Point land acquisition

Bureau Chief Approval: _____

Prepared by: Gregg Servheen and Steve Elam

Background:

Property provides 138 acres of low-elevation mule deer winter habitat adjacent to Boise River WMA and Hammer Flat. The property also provides fawning habitat for pronghorn. The property was platted into about 30 lots in the 1980s, although no homes have been built. IDFG purchased 11 of the lots (166 acres) in 1999 (Sandy Point/Krueger Tract). Idaho Department of Fish and Game and the City of Boise border the property. Idaho Fish and Game's Boise River 30,000-acre wildlife management area borders this property to the North, West, and East. This property was previously presented to the Commission during Executive Session in March of 2010. Acquisition cost is \$275,000 of BPA mitigation funds. PILT is estimated at \$7,500/year. O&M costs are estimated at \$500 annually.

Statutory Authority and/or Policy Issues:

Land acquisition in accordance with Commission land acquisition policy.

Public Involvement Process:

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

Staff Recommendation:

The Lands Committee recommends proceeding with the acquisition.

Meeting Date: November 10, 2011

Agenda Item No. 11

Agenda Item: Region 3-Bicandi land acquisition

Bureau Chief Approval: _____

Prepared by: Gregg Servheen and Steve Elam

Background:

This is a fee-title acquisition proposal for a 100-acre parcel of undeveloped land adjacent to the Birding Islands segment of the Payette River WMA to expand nesting habitat and hunting opportunity. This property was previously presented to the Commission during Executive Session in November of 2010. Acquisition cost is \$360,000 of BPA mitigation funds. PILT is estimated at \$530/year. O&M costs are estimated at \$5,000 annually.

Statutory Authority and/or Policy Issues:

Land acquisition in accordance with Commission land acquisition policy.

Public Involvement Process:

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

Staff Recommendation:

The Lands Committee recommends proceeding with the acquisition.

Meeting Date: November 10, 2011

Agenda Item No. 11

Agenda Item: Region -Marinac Easement

Bureau Chief Approval: _____

Prepared by: Gregg Servheen and Steve Elam

Background:

This small easement (.175-acre purchase and 2.9-acre donation) will allow access across private land to the Big Lost River near the town of Mackey. The Department will construct a parking area and ramp for non-motorized boat access. A footpath to access the river is also part of the easement. The vast majority of the Big Lost is private property and public access is a huge issue in the area. The Marinac Family wanted to participate in the easement to comply with the late father's wishes. Purchase cost at \$8,424 (*Access Yes!* funds) and annual O&M is estimate at \$500. This was presented in Executive session on March 28, 2011.

Statutory Authority and/or Policy Issues:

Land acquisition in accordance with Commission land acquisition policy.

Public Involvement Process:

The public will be informed and contacted for their input regarding management of the property.

Staff Recommendation:

The Lands Committee recommends purchasing/accepting this easement.

Meeting Date: November 10, 2011

Agenda Item No. 12

Agenda Item: Master Hunter Proposal Evaluation

Bureau Chief Approval: _____

Prepared by: Lance Hebdon and Sharon W. Kiefer

Background: The Commission requested that staff review a draft Master Hunter Program proposed by a constituent (Master Hunter Proposal). The program intent is to provide an additional tool to address private land depredation where animal harvest is necessary to resolve the issue but landowners are unwilling to allow a general depredation hunt to occur on their land. The Master Hunter Proposal potentially could assist regional landowner-sportsmen coordinators and other regional staff with depredation activities by creating a cadre of proficient hunters the Department could call upon to address depredation situations.

The Master Hunter Proposal requires substantial administration by the Department, including testing and certifying hunters according to criteria specified by the Commission and includes a small fee to achieve certification and accommodate material costs. Staff has not yet determined whether any fee charge is allowable without legislative authorization.

The Master Hunter Proposal specifically includes the following elements: 1) a hunter must possess an Idaho Hunter Education certification, 2) a hunter must pass a shooting proficiency test, understood to be more detailed than current Hunter Education field training and administered by the Department, 3) a hunter must volunteer a specified number of hours administered by the Department, 4) a hunter must possess a valid Idaho hunting license and recertify every 5 years, administered by the Department.

The Department has an existing Wildlife Reservist Program that assists staff with many activities. It is possible that this program could be modified to include “proficient” hunters to use in depredation situations similar to the intent of the Master Hunter Proposal. Staff is still evaluating this option.

Oregon and Washington have Master Hunter Programs. The Oregon program is geared more to facilitating private land access in sensitive areas. A summary of both programs is attached. Both appear to require significant administrative oversight by the respective agencies.

Statutory Authority and/or Policy issues: Information per request of the Commission. Program development and adoption would require rulemaking and potentially legislation if required for fees.

Public Involvement Process: Rulemaking to develop a Master Hunter Program would provide opportunity for public involvement.

Staff Recommendation: Staff recommends further discussion with the Landowner Sportsman Advisory Committee (Idaho Code 36-122) and the Department Operations Team for additional perspective about the utility of the Master Hunter Proposal. Staff is concerned about implementation of a program that requires substantial Department oversight and administration without new resources to accommodate it.

Justification: Benefits of the Master Hunter Proposal compared to other Department priorities need additional consideration.

ODFW Master Hunter Program

The Master Hunter Program is an advanced hunter education program designed to help hunters increase their knowledge and help them understand concerns of private landowners. The program's objectives are:

- Foster positive relationships between hunters and private landowners.
- Increase hunting access to private lands by giving landowners a way to identify hunters who have had advanced training.
- Improve the hunting experience for graduates.
- Improve the public image of hunters.

The program includes a home study course, a 4-hour class that includes a written test, a test of firearms proficiency, and a requirement to perform 20 hours of volunteer service that benefits Oregon's natural resources. A fish and wildlife violation background check will be conducted prior to certification, and no person with a violation in the past 5 years will be allowed to graduate. Additional checks will be conducted each time a certified Master Hunter applies for special hunting privileges. Any conviction or plea of guilt to a wildlife violation (including angling violations) will result in a 5 year suspension from the program.

Special Opportunities: Master Hunters applying between July 1 and July 31 are given priority when selecting hunters for emergency hunts.

Master Hunter Only Hunts

Unless you are eligible for and possess a landowner preference tag, you must successfully complete the Master Hunter Program before applying for these hunts:

210D Lower Columbia (elk)

212A3 Miami-Nehalem No. 3 (elk)

214G Salmon Rvr Estuary (elk)

221D Steamboat (elk)

222B Toketee (elk)

225C Menasha (elk)

623B N Bank Habitat Area (deer)

For information on other special opportunities that may be available, Master Hunters should contact the district office in the area they are interested in, call the Hunter Education Program at 503-947-6028, or visit the department's website at www.dfw.state.or.us.

WDFW Master Hunter Program

Master Hunter program accepting applications through February 15

OLYMPIA — The Washington Department of Fish and Wildlife (WDFW) is currently accepting enrollment applications through Feb. 15 for its Master Hunter program.

WDFW enlists master hunters to participate in controlled hunts to remove problem animals that damage property or threaten public safety. To qualify for the program, applicants must demonstrate a high level of skill and be committed to lawful and ethical hunting practices, said Lt. Eric Anderson, manager of WDFW's Hunter Education Division.

"This program was designed to create a pool of highly qualified hunters who can help the department manage wildlife in sensitive situations," Anderson said. "This is a great opportunity for conscientious, committed hunters to assume a leadership role among their peers."

Hunters enrolling in the program must pay a non-refundable \$50 application fee, pass a criminal background check, sign a Master Hunter Code of Ethics form and provide at least 20 hours of volunteer service on projects that benefit the state's wildlife resources. They must also pass an extensive written exam based upon the program's curriculum.

Anderson encourages hunters who enroll in the program to study the materials thoroughly to prepare for the test, because applicants are allowed only one chance to re-take the exam. Those

who successfully complete the enrollment process will receive a certificate, master hunter patch and identification card, and will be eligible to participate in depredation hunts.

WDFW Master Hunter Permit Program

**The 2011 Master Hunter Permit Program
application period is now closed.
The next application period will be January 1 – February 15, 2012.**

The Master Hunter Advisory Group is pleased to announce that Director Phil Anderson has appointed the following individuals to the Advisory Group, effective March 1, 2011:

- Mike Britton is a current Region 1 representative; his term is extended.
- Craig Broadhead will be a Region 3 representative.
- Dennis Clay will be a Region 2 representative.
- Mike Estes is a current Region 3 representative; his term is extended.
- James Fitzgerald will be a Region 4 representative.
- Ted Wolkenhauer will be a Region 4 representative.

A primary responsibility of Advisory Groups members is to act as liaisons between WDFW, Master Hunters, and others with an interest in the program. Master Hunter Advisory Group members may be contacted with any questions or comments about the Master Hunter program. Contact information for Advisory Group members

The Master Hunter Permit Program is designed to promote responsible hunting. In addition to training, the program emphasizes safe, lawful and ethical hunting priorities while upholding the highest standards. The program offers an opportunity for conscientious, committed hunters who care about the future of hunting to assume a leadership role among their peers. Through their knowledge and conduct in the field, Master Hunters play a key role in improving relationships with landowners, thus ensuring continued hunter access to private lands.

Benefits

Individuals who successfully complete the Master Hunter Permit Program receive a patch as recognition of their accomplishments. A personalized Master Hunter permit with the person's name, Master Hunter number, issue date, and renewal date will also be provided. Master Hunters are eligible to participate in special hunts aimed at reducing property damage and/or public safety problems posed by wildlife. Special hunt opportunities vary from year to year, and may include elk, deer, bear, turkey and goose hunts in designated areas throughout Washington.

- Master Hunter Identification Merchandise

Training and certification

Those enrolling in the Master Hunter Permit Program should be motivated by a genuine desire to learn and model a high level of hunting knowledge and skill. Training is offered through independent study, offering maximum flexibility for candidates.

To become a certified Master Hunter, each applicant is required to:

- Demonstrate proficiency with a bow, handgun, muzzleloader, rifle, shotgun shooting shot, shotgun shooting slugs, or crossbow.
Scoring your shooting instructions
- Provide at least 20 hours of volunteer service on a project benefiting state wildlife resources.

- Attend Crime Observation and Reporting Training (C.O.R.T.).
- Receive a score of at least 80 percent on a written examination, based on provided independent-study materials.
- Sign an agreement to abide by the Master Hunter Code of Ethics.
- Submit to and pass a law enforcement background check.

The examination to become a Master Hunter is difficult. Here are some tips to help you prepare: Advice for Master Hunter Applicants Preparing to Test [PDF]

All program requirements must be completed by November 15, of the year the application is received.

How to enroll

To enroll in the Master Hunter Permit Program, download and fill out the Master Hunter Permit Application form. Mail the completed application, with the \$50 application fee payable by check to: WDFW Master Hunter, to the address listed on the application form.

Cost

Beginning October 16, 2009, the fee for a Master Hunter permit application will be \$50.00, payable by check or money order to: WDFW Master Hunter. The fee includes independent study materials in CD format and printed documents.

Effective October 16, 2009, the cost to renew a Master Hunter permit for an additional five year period will be \$25.00, payable by check or money order to: WDFW Master Hunter. This non-refundable fee will apply to any certified Master Hunter with a renewal anniversary date of October 16, 2009, or later.

Meeting Date: November 10, 2011

Agenda Item No. 13

Agenda Item: IDFG Black Bear/Grizzly Bear Online
Bear Identification Training Program

Bureau Chief Approval: _____

Prepared by: Craig White for Wayne Wakkinen

Background:

The Commission directed the Department to develop a black bear/grizzly bear online bear identification training program. A bear education and identification program will enhance our efforts to manage black bears responsibly while protecting grizzly bears where the ranges of the two species overlap.

Staff members from the Department's Wildlife, Communications, and Information Sciences bureaus have collaboratively developed a visual training program that provides instant feedback and training, an improvement over other similar courses developed by other states. The program includes an introductory and training section and a 15-question test section. Individuals who pass the test will be able to print a certificate.

Statutory Authority and/or Policy Issues:

The Department's online bear identification training program is currently a voluntary program. The program, coupled with other material that will be available on the Department's website, will reduce mistaken-identity killings of grizzly bears by black bear hunters, provide Idaho's rules and regulation of black bear hunting, provide information about bear biology and natural history, and increase human safety by teaching conflict avoidance tools.

Public Involvement Process:

Staff reviewed other state's online courses and evaluated options to develop training tools that will improve people's ability to identify black bears and grizzly bears.

Staff Recommendation:

The black bear/grizzly bear online bear identification training program has been reviewed internally and is ready for public availability.

Justification:

Provide the Commission an update on the progress of the program.

Meeting Date: November 10, 2011

Agenda Item No. 14

Agenda Item: Antlerless Controlled Hunts Unit 45
(Action)

Bureau Chief Approval: _____

Prepared by: Jon Rachael for Jeff Gould

Background:

The Commission established 2011 Big Game hunting rules during the March 29 meeting. At that time, preliminary information on over-winter survival of mule deer fawns and adult does and mule deer population status was used to establish antlerless harvest opportunities. Continued monitoring indicated very low fawn survival in some areas of southern Idaho and below average survival among adult mule deer does. In response, the Commission subsequently reduced controlled hunt permits in some hunt areas at their May meeting.

In August 2011, the Blair Fire burned 38,000 acres of critical mule deer winter range in the Bennett Hills (GMU 45) north of King Hill and Glenns Ferry. Mid-winter and green-up surveys have consistently shown that more than 5,000 deer used the burn area in the past, representing about 40% of the total wintering population in the Smoky-Bennett Population Management Unit (GMUs 43, 44, 45, 48 and 52).

The Magic Valley Region has been working with landowners and other agencies to address issues that might arise this winter from the loss of this very important winter range. It is anticipated that the severe reduction in carrying capacity will result in lower mule deer survival rates and consequently fewer deer until the habitat recovers. Therefore, the Department is requesting approval of 2 controlled antlerless hunts to begin the process of bringing the herd into balance with the existing habitat. These hunts are designed to help minimize deer crowding on remaining winter ranges, lessen deer use of private lands and roadways, and provide hunting opportunity.

Statutory Authority and/or Policy Issues:

Idaho Code 36-104(b) provides full Commission authority to impose restrictions on hunting opportunity to protect wildlife resources or open a season by proclamation to properly manage wildlife as necessary to respond to unexpected emergencies.

Public Involvement Process:

Magic Valley Region staff has been working closely with affected landowners and agencies. The Department will notify any affected public of actions taken by the Commission.

Staff Recommendation:

Staff recommends Commission adoption of the following proposed controlled hunts:

2011 Controlled Hunts Extra Antlerless Deer				
Hunt No.	Controlled Hunt Area	Tags	Season Dates	Notes
	45-1X	250	Dec 1 – Dec 14	BLM Travel Restrictions Exist
	45-1X	250	Dec 20 – Dec 31	BLM Travel Restrictions Exist

2011 Landowner Appreciation Permits Extra Antlerless Deer				
Hunt No.	Controlled Hunt Area	Tags	Season Dates	Notes
	45-1X	25	Dec 1 – Dec 14	BLM Travel Restrictions Exist
	45-1X	25	Dec 20 – Dec 31	BLM Travel Restrictions Exist

Hunt Area 45-1 – That portion of Unit 45 north of Interstate 84, east of the Bennett Mountain Road, and west of the Bliss-Hill City Road, excluding the Camas Creek drainage.

The Bureau of Land Management has implemented travel restrictions that will affect hunters during these hunts. A map of the motorized travel closure area will be provided to all successful hunt applicants.

Justification:

Staff recommends Commission adoption of the proposed controlled hunts to assist in reducing mule deer to a level that can be sustained by the remaining post-fire habitat and reduce depredations on adjacent croplands and stored crops.

Meeting Date: November 10, 2011

Agenda Item No. 15

Agenda Item: Update on Wolf Harvest Season Progress

Bureau Chief Approval: _____

Prepared by: Jon Rachael and Craig White for Jeff Gould

Background:

Wolves were delisted from the Endangered Species Act (ESA) in Idaho and Montana in May 2009. Idaho held a successful hunting season for wolves in fall and winter 2009-2010, but following a Federal District Court decision, wolves were relisted under the ESA. On August 5, 2010, Judge Molloy vacated the rule that delisted wolves in Montana and Idaho and returned them to protections of the ESA, effectively restricting state management and eliminating the possibility of a state-regulated wolf hunt for 2010-2011.

On April 15, 2011, President Obama signed the 2011 federal Budget Bill that included a rider that effectively reinstated the 2009 federal rule that delisted wolves in Montana and Idaho and returned wolf management responsibility to the state.

The Idaho Fish and Game Commission adopted wolf hunting and trapping seasons and regulations on July 28.

The Department's second wolf harvest season opened statewide on August 30, 2011. As of October 20, hunters had taken 69 wolves from 10 of our 13 wolf management zones.

Wolf Harvest Information					
Wolf Zone	Harvest Limit	Number Harvested	Limit Remaining	Status	Hunting Season Dates
Panhandle		14		OPEN	Aug 30 - Mar 31
Palouse-Hells Canyon		1		OPEN	Aug 30 - Mar 31
Lolo		2		OPEN	Aug 30 - Jun 30
Dworshak-Elk City		11		OPEN	Aug 30 - Mar 31
Selway				OPEN	Aug 30 - Jun 30
Middle Fork		8		OPEN	Aug 30 - Mar 31
Salmon	40	5	35	OPEN	Aug 30 - Mar 31
McCall-Weiser		7		OPEN	Aug 30 - Mar 31
Sawtooth	60	8	52	OPEN	Aug 30 - Mar 31
Southern Mountains	25	6	19	OPEN	Aug 30 - Mar 31
Beaverhead	10		10	OPEN	Aug 30 - Dec 31
Island Park	30	7	23	OPEN	Aug 30 - Dec 31
Southern Idaho				OPEN	Aug 30 - Mar 31
HARVEST TOTAL		69			

The Department's first wolf trapping season will open November 15, 2011. All individuals interested in trapping wolves must successfully complete a wolf trapper education class held by the Department prior to trapping for wolves. A certificate of completion and trapping license is required to purchase tags for wolf trapping. Capitalizing on experienced wolf trappers and biologists, the Department developed a course similar to what has been provided to trappers in Alaska. The course focuses on trapping rules and regulations, ethics, wolf management, and effective wolf trapping.

The first class was held on September 30th and a total of 3 classes were held the first 2 weekends, with a total of 79 individuals certified to trap. Seventeen classes are currently scheduled across the state and more are being added to meet additional demand. Class enrollment has been limited to 25 per session and sign-up has been high, but some unscheduled walk-ins have also been accepted. Most of the classes are being offered in the Panhandle, Clearwater, and Salmon regions where the trapping season has been set, but classes are also being offered in the regions in the southern part of the state.

Statutory Authority and/or Policy Issues:

Idaho Statute 36-104 authorizes the Commission to establish rules for the taking of wildlife consistent with state policy. Species management plans provide Commission direction for population and harvest management.

Public Involvement Process:

None at this time.

Staff Recommendation:

This agenda item is for provided informational purposes.

Justification:

Provide the Commission an update on the Wolf Harvest Season.

Meeting Date: November 10, 2011

Agenda Item No. 16

Agenda Item: Wildlife Summit Update

Bureau Chief Approval: _____

Prepared by: Keckler

Background:

Fish and Game plans to convene an “Idaho Wildlife Summit” on the weekend of Sept. 7,8,9, 2012 at the Riverside Hotel in Boise. The Summit’s purpose is to gather interested Idahoans together to begin a dialog on the current model of Idaho wildlife management, the need to keep it relevant to the needs and desires of Idahoans, and to hear and understand what they want from their state wildlife management agency. Southeast Regional Supervisor Mark Gamblin was appointed by Director Moore to serve as chairman of the committee organizing the Wildlife Summit. Gamblin will update the Commission on progress by the committee to date.

Statutory Authority and/or Policy issues:

None

Public Involvement Process:

Forthcoming

Staff Recommendation:

Information Only

Justification:

To chart a future course for Idaho wildlife management by emphasizing transparency, respect, partnerships, and dedicated public service to all Idahoans who care about wildlife.

Meeting Date: November 10, 2011

Agenda Item No. 17

Agenda Item: Re-Affirmation of Joint IDPR/IDFG
Coordination Letter

Bureau Chief Approval: _____

Prepared by: Sharon W. Kiefer

Background: Based on some mutual discussion between members of the Parks and Recreation Board (Board) and the Fish and Game Commission (Commission) in 2008, the respective chairmen presented policy guidance for coordination and collaboration via a joint letter to the Directors in April, 2008.

At the joint meeting between Idaho Department of Parks and Recreation and Idaho Department of Fish and Game on August 25, 2011, both agencies agreed that reaffirmation of the joint letter would be a useful reminder of continuing policy expectations for the agencies working together.

Statutory Authority and/or Policy issues: The Commission gives policy guidance to the Department.

Public Involvement Process: There has been ongoing public involvement generally dealing with fish and game management and rule issues related to motorized hunting and motorized recreation through Fish and Game Commission and legislative processes. Reaffirmation of the letter is an action item that can be publicly addressed at the upcoming Commission public hearing on November 9.

Staff Recommendation: Staff recommends policy reaffirmation of the attached letter from former Chairmen Wheeler and William.

Justification: Membership of the Board and Commission, chairmen, and Directors has changed since 2008 yet the issues of coordination and collaboration to serve independent and unique agency missions with overlapping constituencies are still important and relevant.



April 10, 2008

Director Cal Groen
Idaho Department of Fish and Game

Director Robert Meinen
Idaho Department of Parks and Recreation

Gentlemen:

As your respective board and commission chairs, we believe it is important that our two departments work more closely together to address issues of mutual importance to both our agencies.

There are four areas in particular where our departments can work together to develop solutions and policies that will benefit all the citizens of Idaho, not just one constituency or user group. These four areas are: 1) safety, education and enforcement in the use of off-highway vehicles (OHVs), 2) addressing the escalating loss of public access that is occurring statewide, particularly as that loss affects fishermen, hunters and a broad spectrum of recreational users, 3) working cooperatively when responding to travel management planning within Idaho, and 4) working cooperatively to make the issuance of licenses and permits from both our agencies as convenient and simple as possible for Idaho citizens.

1) Safety, education and enforcement in the use of off-highway vehicles (OHVs)

Concerning OHV use in Idaho, we note that registrations of OHVs have increased 322% in the last 10 years, demonstrating a rapidly growing recreational demand. A recent survey of mule deer hunters, conducted by IDFG, shows about 50% of hunters use OHVs during their hunt. At the same time, the number of miles of accessible OHV trail has declined and off-trail use and pioneering of new trails has increased, a trend we fear will continue. Both agencies bear management responsibility and costs for aspects of OHV use.

Although both agencies have been engaged in addressing these issues, we feel it is important to provide joint policy direction regarding mutual issues that need leadership and resolution through collaboration between our agencies and OHV users. Our direction and partnership is based on the following statements of agreement:

- In order to protect natural resources, OHV use should be managed and we support limiting OHV travel to designated routes, except in open riding areas.

- Responsible OHV use is a legitimate form of recreation and should be sustained and enhanced.
- Opportunities for designated single-track motorcycle and 2-track ATV trails have not kept pace with rapidly growing demand.
- There is strong desire to sustain and increase the current miles of designated OHV trails. Emphasis should be placed on looping trail systems, adequate mileage, varying degrees of difficulty, and points of interest. There should also be an emphasis on creating quality trail systems that benefit local economies.
- Wildlife resource protection efforts have closed OHV opportunities.
- Irresponsible OHV use, whether for recreation or hunting, threatens the legitimacy of responsible OHV use and hunting. Public access to private, state, and federal lands is threatened by the irresponsible use of OHVs.
- Improving travel management planning across land ownership boundaries by applying our joint technical expertise in partnership with other land owners and OHV users will improve recreational information and dissemination.
- Programs need to be sufficiently staffed and funded to achieve objectives.

Based on these agreements, we direct you and your agencies to work collaboratively and diligently with each other, as well other agency stakeholders, land-owners, and OHV users who must contribute to achieve success, to implement a process (or processes) to address the following:

- a) Develop more designated and managed OHV opportunities, with particular focus on quality trail systems, and seek economic benefits for local communities, particularly small communities, while sustaining natural resources and related recreation.
- b) Improve trail identification and trail maps and information across land ownerships.
- c) Evaluate dead-end (“crows’ feet”) and redundant routes to achieve reasonable recreational utility and eliminate unnecessary routes to maintain or achieve adequate wildlife security areas and watershed protection. Reduce and eliminate pioneering of new trails.
- d) Develop a coalition with state, county, federal, corporate and private land owners, OHV users and sportsmen to actively keep lands open for responsible recreational use.
- e) Encourage, enhance, and acquire new opportunities for OHV use and recreation on private and other lands through agreements, leases, and easements.
- f) Promote responsible OHV use through education, safety programs, self-policing, and enforcement using consistent protocol and measured response.
- g) Develop pragmatic and practical rules understandable to users, managers, and law enforcement.
- h) Educate non-motorized recreationists about OHV management, rules, and regulations.
- i) Develop a funding mechanism(s) to ensure that the people who benefit from a managed OHV program contribute equitably, including nonresidents.

2. Address the escalating loss of public access that is occurring statewide, particularly as that loss affects fishermen, hunters and a broad spectrum of recreational users.

We understand that designated motorized trail opportunities continue to decline on public lands, while the number of registered OHVs steadily increases. While this trend continues, we are seeing a lack of adequate funding for non-motorized trails. Unfortunately, many of these trails are lost due to lack of maintenance and use.

We are also losing access to public land when adjacent private land owners discontinue access across their land. Also, many large private land owners are either charging their own access fees or eliminating public access all together.

Finally, we could see wholesale reductions in access from the Idaho Department of Lands (IDL). IDL has management responsibility for lands that are popular for recreation, but that agency does not specifically manage for that type of use. They estimate that the public use of their land, some of which is legitimate recreation, costs that agency approximately one million dollars annually. The public's access to IDL lands for recreation could be halted or significantly changed in response to this issue.

In order to improve in this area, we direct you and your agencies to work collaboratively and diligently with each other and other agency stakeholders to:

- a) Protect existing designated motorized trail systems by collaboratively commenting to public land management agencies on protecting these resources.
- b) Work toward creating a funding source for non-motorized trail maintenance.
- c) Develop a strategy to manage recreation on IDL land.
- d) Develop a strategy and funding sources to purchase easements, leases and parcels of land that provide key public access.

3. Work cooperatively when responding to travel management planning within Idaho.

When our agencies respond independently to proposed travel management plans there is the potential for us to issue conflicting recommendations. When this happens, it can be difficult for planners who do not understand the complexity of our objectives to resolve those conflicts. In this process, we risk both of our agencies' inputs being ignored or compromised.

In order to improve this process, we direct you and our agencies to work collaboratively and diligently with each other to:

- a) Jointly develop travel management plan comments to resolve conflicts and find common ground in our respective agency comments.

4. Work cooperatively to make the issuance of licenses and permits from both our agencies as convenient and simple as possible for Idaho citizens and non-residents.

Both agencies have independent vendor networks and systems to distribute licenses and permits to the public. As surveys have shown, we share many of these same customers. It would appear reasonable that the two agencies could work together to provide this service to the public.

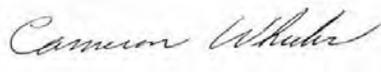
In order to improve this process, we direct you and our agencies to work collaboratively and diligently with each other to:

- a) Evaluate the process of how each agency issues permits and licenses and look for ways to efficiently and cooperatively work together to provide this service.

We believe that the overall directive of this joint letter serves the missions of both our agencies. We anticipate that resolution of these issues may take multiple avenues and will require patience, communication, expertise, and hard work by all involved. Because of that, we are not setting a specific timeline, but expect regular progress updates from both directors.

We challenge you in the spirit of Governor Otter's 2008 State of the State message: "My Cabinet members are working more cooperatively and with greater common purpose for the people we serve".

Sincerely,



Cameron Wheeler
Chairman
Idaho Fish and Game Commission



Latham Williams
Board Chairman
Idaho Department of Parks and Recreation

Meeting Date: November 10, 2011

Agenda Item No. 18

Agenda Item: Motorized Hunt Rule Revision

Bureau Chief Approval: _____

Prepared by: Sharon W. Kiefer

Background: The Commission has discussed the need for improved clarity and improved outreach to help both hunters and other motorized recreationists understand the rule effects on motorized hunting travel. The Commission provided a briefing to the legislative natural resource committees during the 2011 session and also provided testimony about three Senate bills that committed to work on improvement of the MHR to address issues. The Commission held a workshop to explore MHR options in May 2011 and further discussed MHR revision in July 2011. At a joint meeting between Idaho Department of Parks and Recreation and Idaho Department of Fish and Game in August 2011, an agreement in principle subject to further Commission review, was to continue the review and revision of the MHR, including input from IDPR and other motorized interests.

Staff seeks policy guidance on specific MHR revision in order to prepare for rulemaking in the Spring, 2012 required to revise language of the MHR that will also guide creation of outreach materials for both hunters and other motorized recreationists. This will allow communication with legislators and others about the actual proposed revision of the MHR. This would also provide a review product for additional public input if desired.

Statutory Authority and/or Policy issues: Commission has authority to amend current rules. However, rulemaking cannot proceed in November because there is no Proposed Administrative Rule Form authorization (PARF). In fact, because of the current legislative scrutiny of the MHR by the legislative ATV Task Force, the Governor's Office has not approved new rulemaking for the MHR during 2011. The rule moratorium period for executive agencies begins November 26 so rule action would occur in the spring.

Public Involvement Process: Staff recommendations for revision of the MHR have been shared with IDPR as well as the Idaho State ATV Association, the Idaho Recreation Council, and the Idaho Sportsman's Caucus Advisory Council with request for their review and feedback. Staff will report about the responses.

Staff Recommendation: Provide specific policy guidance about the following:

- 1) Is additional public input about MHR revision desired?
- 2) Is the staff recommended language acceptable?
Staff will provide a briefing prior to the Commission meeting.
- 3) Does the Commission want to include or exclude motorized travel for hunting-related camping in the motorized use restriction.
Staff will provide a briefing prior to the Commission meeting.
- 4) Does the Commission want to revise how the MHR is designated?
Staff will provide a briefing prior to the Commission meeting.
- 5) Is there additional Commission guidance?

Justification: The Commission has agreed in principle to continue revision of the MHR to improve clarity and understanding by hunters and other motorized recreationists.

Briefing Material for Goldsheet #18

Context of Idaho Code 36-1101(b) and the Motorized Hunting Rule

Hunting any game animals or game birds from or by a motorized vehicle is unlawful via Idaho Code (I.C.) 36-1101(b) unless the Commission promulgates rules or the activity meets statutory exceptions. Furthermore, shooting from or across a public highway is unlawful via I.C. 36-1508(a). These laws apply on both public and private lands.

An October 11, 2011 opinion from Deputy Attorney General Brian Kane reflects that the hunting prohibition “from or by the use of” a motor vehicle appears intended to mean either shooting from the vehicle or using the vehicle itself as a weapon. Thus, the Legislature has determined an unlawful method of take per its authority to legislate the wildlife policy of the state (I.C. 36-103).

The Motorized Hunting Rule (MHR) appears in the Rules Governing the Taking of Big Game Animals (also appears in upland game and upland bird chapters). The MHR follows several other rules in the chapter; all deal with methods of take. In review, the methods of take are all regulatory mechanisms that limit a hunter’s technological access, not unlike the Legislative decision of I.C. 36-1101. For example, there are several firearms restrictions in the big game methods of take that may generally make a hunter less successful and decreases animal harvest vulnerability such as restricting use of fully automatic firearms, restricting electronic scopes, restricting electronic calls except for mountain lions, black bears, or wolves or restricting use of dogs for except for hunting mountain lions and black bears. These examples establish by what means the wildlife of this state may be taken, i.e. “accessed”. The broad range of methods of take meet a mixture of biological and social objectives. In the case of the MHR, staff has previously described its objectives to uphold general hunting opportunities, uphold herd population objectives, and uphold hunter satisfaction.

IDFG Staff Recommendations to Clarify the Motorized Hunting Rule

The Commission conducted a workshop on May 20, 2011 to discuss the rule. They further discussed the following potential improvements to the rule at their meeting on July 28.

Staff provided the following recommendations to Idaho Department of Parks and Recreation and the Idaho State ATV Association, Idaho Recreation Council, and the Idaho Sportsmen’s Caucus Advisory Council for input, which will be summarized at the November 10, 2011 Commission meeting.

Staff Recommendations for Consideration:

1. Change the Title of the rule:

Recommend **Motorized Hunting Rule (MHR)** which makes it clear the rule is about hunters and hunting. The previous reference was Motorized Vehicle Rule (MVR) for hunters. Many motorized recreationists overlooked the “for hunters” and believed this rule regulated **all** motorized recreational travel, which is not correct.

2. Amend the Use Restriction segment of the rule to clarify which types of game hunts are included.

Use Restriction. Hunters may use motorized vehicles only on established roadways when hunting big game animals, upland game animals, and upland game birds.

▪Currently, big game animals defined as “trophy species” (bighorn sheep, moose, mountain goat) do not have specific hunts designated under the MHR so hunt designation would be required to be consistent with the use restriction. Designation of trophy species hunts under MHR was scoped and discussed (but not acted on) in July, 2011.

3. Refine the Defined Terms of the Rule that apply to the Use Restriction.

Defined Terms:

a. A full-sized automobile shall be defined as any motorized vehicle with a gross weight in excess of one thousand five hundred (1,500) pounds. *(same as existing rule)*

b. An established roadway shall be defined as any road that is established, built, maintained, approved or designated by any governmental entity ~~or private landowner~~ for the purpose of travel by full-sized automobiles. An established roadway shows evidence of repeated use by full-sized automobiles, and may include a traveled way of natural earth with depressed wheel tracks and little or no vegetation in the wheel tracks. *(refinement of existing term to remove private landowner reference – MHR does not apply to private land)*

c. A hunter shall be defined as a person hunting, defined in Section 36-202(j), Idaho Code, as chasing, driving, flushing, attracting, pursuing, worrying, following after or on the trail of, shooting at, stalking, or lying in wait for, any wildlife whether or not such wildlife is then or subsequently captured, killed, taken or wounded. Hunting does not

include activities by an unarmed person solely for the purpose of watching wildlife or taking pictures thereof. *(clarification of term to define hunter and hunting)*

d. A motorized vehicle is defined as any water, land, or air vehicle propelled by means of steam, petroleum products, electricity, or any other mechanical power as defined in Section 36-202(y), Idaho Code. *(new term to define motor vehicle)*

Staff notes this statutory definition may be too broad in regard to boats, excluding any kind of river access to a designated hunt unit. An alternative would be to define motor vehicle exclusive to the MHR as any ~~water~~, land or air vehicle propelled by means of steam, petroleum products, electricity, or any other mechanical power.

4. Amend the **Exception** part of the rule:

Exceptions. The MHR use restriction shall not apply to the following permissible motorized vehicle uses by hunters that may occur off established roadways:

a. Holders of a valid Disabled Persons Motor Vehicle Hunting Permit may use a motorized vehicle that is not in motion when hunting if such travel is allowed by the land owner or manager.

b. Hunters may use a motorized vehicle to retrieve downed game if such travel is allowed by the land owner or manager. *(same as existing rule).*

c. "Camping Exemption" - *Refer to discussion regarding treatment of the current camping travel exemption in the policy options section following the staff recommendations)*

~~d. Private landowners, their authorized agents and persons with written landowner permission may use a motorized vehicle on their private land; however, they may not hunt from or by the use of any motorized vehicle as prohibited by Section 36-1101(b)(4), Idaho Code. (Remove because MHR does not apply to private land and there is no need to repeat existing laws).~~

Policy Options for Discussion

A. How to designate the rule – Where/when it applies:

Existing Approach: Retain existing flexibility by applying the MHR to designated areas and hunts in existing Big Game Management Units of the current rule (31 hunt units included south of Salmon River). Specific hunt and area designation is identified via the Commission proclamations. This is currently how the MHR is designated.

Revise Restricted Areas and Hunts language as follows to incorporate correct references to proclamations:

Restricted Areas and Hunts. The motorized hunting use restriction shall apply to identified areas and hunts in designated Big Game Management Units identified in the Commission's Big Game Season Proclamation, and the Moose, Bighorn Sheep and Mountain Goat Season Proclamation, which are published in brochures available at department offices and license vendors.

[Note, for the rules chapter governing the taking of upland game animals, IDAPA 13.01.07 and for upland game birds, IDAPA 13.01.09, the language would be modified to reflect the designated areas are identified in the Upland Game, Furbearer & Turkey Proclamation.]

Motorized Hunting Use Restriction Units.

The motorized hunting use restriction applies to areas and hunts in units 29, 30, 30A, 32, 32A, 36A, 37, 37A, 39, 45, 47, 49, 50, 51, 52, 53, 56, 58, 59, 59A, 66, 66A, 69, 70, 72(late season), 73, 75, 76, 77, and 78. The motorized hunting use restriction shall apply to identified areas and hunts in designated Big Game Management Units identified in the Commission's Big Game Season Proclamation, and the Moose, Bighorn Sheep and Mountain Goat Season Proclamation, which are published in brochures available at department offices and license vendors.

[Note, for the rules chapter governing the taking of upland game animals, IDAPA 13.01.07 and for upland game birds, IDAPA 13.01.09, the language would be modified to reflect the designated areas are identified in the Upland Game, Furbearer & Turkey Proclamation.]

As discussed during the May workshop, retaining this approach provides maximum flexibility for managing the MHR because it is hunt or area specific in the designation. Example – if a manager was concerned with limiting motorized hunting in some deer hunts in a Big Game Management Unit but not concerned about motorized hunting for moose hunts in the same Big Game Management Unit, the hunt/area specific designation would provide that flexibility. This approach requires diligence from our managers to ensure proper designation for each hunt is identified.

However, the flexibility of the approach can also create hunter and other motorized user uncertainty and confusion. It requires attention to specifics of each of the referenced proclamations for a hunter to know exactly when and where the MHR applies. A key

concern of non-hunting motorized recreationists is that they desire to understand all elements of motorized travel for trip planning – even though it may not directly affect them (i.e. no surprises). Non-hunting motorized recreationists are very unlikely to read the Commission proclamations to understand the hunter-specific motorized restrictions.

Alternative Approach: Apply the MHR by designated Game Management Units (Hunt Units) that is date specific.

Restricted Areas and Hunts. The motorized hunting use restriction shall apply to hunts for big game, upland game, and upland game birds in units 29, 30, 30A, 32, 32A, 36A, 37, 37A, 39, 45, 47, 49, 50, 51, 52, 53, 56, 58, 59, 59A, 66, 66A, 69, 70, 72, 73, 75, 76, 77, and 78 from August 30 through December 31.

As discussed at the workshop, this approach is easy to depict and explain to both hunters and non-hunting motorized recreationists. It creates a consistent timeframe approach but is rigid in that all hunting for big game animals, upland game animals, and upland game birds would be affected during the designated timeframe. If more flexibility was desired for our hunting customers or to meet management objectives, that would have to be done via rule exemptions, leading to a new source of confusion. For example, in Unit 39 for elk, the motorized use restriction only applies to the A-tag muzzleloader hunt which occurs September 8 through September 30. With the alternative approach for designation, ALL elk hunting in the unit would be affected by the motorized use restriction, unless there were specific exceptions for the archery and any weapon hunts that are currently not designated for the motorized use restriction.

B. Interpretation of the Intent of Motorized Travel

The current exception in the motorized use restriction allowing hunters to pack in camping equipment off established roadways but not allowing hunters to hunt while packing camping equipment has been a source of confusion and frustration by some hunters. Hunters camping along established roadways view the camping exception as opportunity for hunters using OHVs to haul a camp to have a harvest advantage because they can travel further afield to camp, even if then to go hunting on foot. The exception also confounds intent of the motorized use restriction to reduce harvest vulnerability because it still allows some hunter motorized incursion, for the purpose of camping, into wildlife security habitat.

From other hunters' perspectives, hunting with friends and family, some of which may not be hunters, is popular and traveling together, which may include motorized travel off an established roadway to the campsite, is part of the desired experience.

The Commission does not regulate recreational camping. However, as a matter of policy for implementing the MHR, the Commission could interpret that once a hunter

has initiated travel to a hunting area, they are pursuing wildlife and that camping is part of the act of the hunting pursuit even if the camping occurs at a different location than the actual hunting. Thus, motorized travel by a hunter that transports camping (and hunting) equipment to a camp would fall under the existing use restriction, i.e. even for this purpose, motorized travel by hunters would be restricted to established roadways.

Such interpretation is likely to be significantly questioned and scrutinized by motorized hunters, motorized recreationists, and legislators and may be viewed as overreaching Commission authority and regulating “travel” not just “hunting”.

Example graphic: Orange arrow represents application point of the MHR if camping travel is considered part of hunting activity for purposes of this rule. Yellow arrow represents application point of the MHR if camping is not considered an aspect of hunting pursuit. Red arrow represents illegal MHR activity regardless of the application interpretation. White arrows are legal activity under any MHR interpretation if the land manager allows such travel.

As a different course of policy, communication about the MHR could emphasize that hunter motorized travel exclusively for setting up a camp does not fall under the use restriction but that hunting cannot occur in the course of such travel is off an established roadway, essentially upholding the current camping exemption.

Alternatively, the Commission could consider a more explicit motorized use restriction, presented at the May workshop, based on current statutory limitations for helicopters, using the previous recommended definitions for hunters and established roadways:

Hunters of big game animals, upland game animals, and upland game birds may use motorized vehicles only on established roadways to load, transport, or unload hunters or hunting gear.

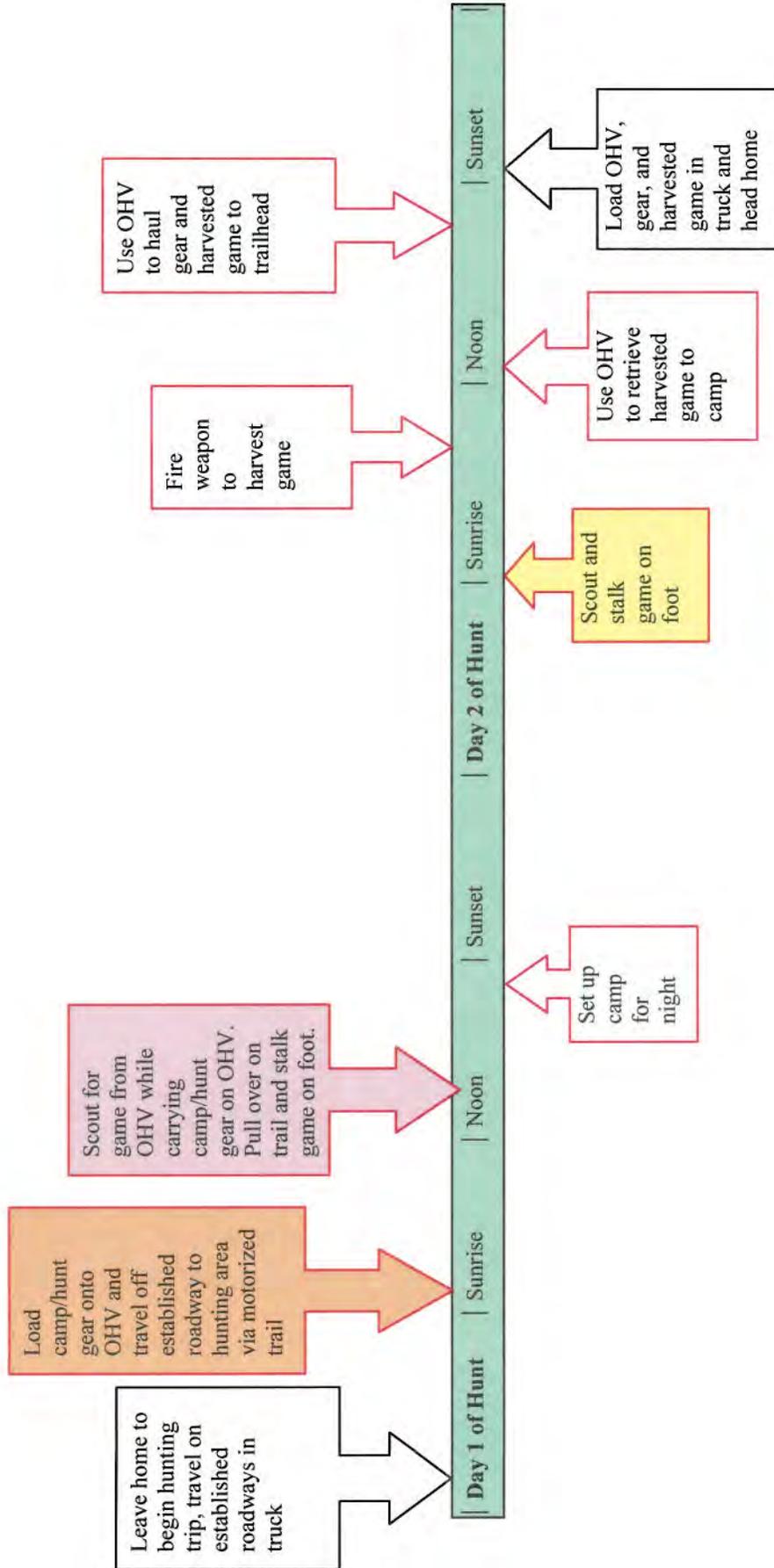
Exception – Hunters may use a motorized vehicle off established roadways to pack camping equipment in or out if such travel is allowed by the land owner or manager, however hunters shall not hunt while packing such equipment.

In this example, the hunter could use a motorized vehicle to transport camping (and hunting) equipment to a campsite that is off an established roadway, i.e. the ridge trail. However, at the point the camp is established, the hunter can no longer use the motorized vehicle for hunting-related travel.

This approach still garners the criticism regarding the current MHR camping exception previously discussed but it does provide more specificity in regard to the motorized hunting activities that are restricted to established roadways.

When Does the MHR Apply?

Assumption: Deer season is open in this MHR unit



Meeting Date: November 10, 2011

Agenda Item No. 19

Agenda Item: Motorized Hunting Rule Moratorium
Policy

Bureau Chief Approval: _____

Prepared by: Commissioner Randy Budge and Sharon W. Kiefer

Background:

The Department's Motorized Hunting Rule (MHR) adopted by the Fish and Game Commission is undergoing review and revision in response to issues raised during the 2010-2011 legislative sessions. The MHR currently applies to designated hunts in 31 of Idaho's 99 big game management units, all located south of the Salmon River. The Commission, Department and Idaho hunters have expressed strong support for the rule as an important and preferred tool providing an effective means of managing harvest access by hunters. The goal of the rule is to manage deer and elk vulnerability to harvest, essential to provide higher numbers of mature bucks and bulls, to maintain general season hunting structure and opportunity, and to manage harvest access conflicts among hunters.

As a result of opposition to the MHR, largely expressed by off-highway vehicle (OHV) groups and some motorized hunters, the President Pro Tempore and Speaker of the House established a legislative ATV Task Force to address the issue of the MHR and other wildlife-related motorized travel issues. The Task Force conducted a hearing on August 9, 2011, following which the co-chairs of the task force directed that Idaho Fish and Game, Idaho Parks and Recreation and selected stakeholders meet and find solutions to their concerns. In response, on August 25, 2011, an Idaho Department of Parks and Recreation and Idaho Department of Fish and Game joint meeting focusing on the MHR and agency travel plan comments was conducted. As a result of that meeting an agreement in principle was reached between the parties, subject to refinement of the detail and approval of the IDPR Board and IDFG Commission, embodying these concepts:

- (1) Commission will retain the MHR as a needed and effective tool for managing big game vulnerability and hunter conflicts.
- (2) The review and re-write of the MHR will continue by the Commission in an effort to provide better clarity, understanding and simplicity. The draft revisions will be provided to IDPR for review and comment.
- (3) The Commission will establish a moratorium on expanding the MHR beyond existing designated hunts or hunt areas within the current thirty-one (31) Game Management Units. As such, the MHR may only be added to additional GMUs if an equivalent number currently subject to the rule are dropped.
- (4) The Department will undergo efforts to evaluate how well the MHR is contributing to achieving biological and social objectives and report to IDPR, stakeholders, and legislators.
- (4) Future formal, travel plan-specific comments by IDFG and IDPR will undergo joint review and collaboration prior to filing as per the April 10, 2008 joint letter

from the Fish and Game Commission and Parks and Recreation Board chairmen and the Governor's Office protocol for Forest-wide plans. Policy will be adopted to clarify the intent of Department technical comments.

(5) Joint efforts will be undertaken by IDFG and IDPR to improve communications, education, mapping and signage related to the MHR

Statutory Authority and/or Policy Issues:

The statutory basis for the Commission's MHR is IC §36-103 which authorizes the Commission to administer the wildlife policy of the state, IC §36-104 which sets forth the general powers and duties of the Commission, and IC §36-1101 which authorizes the Commission to regulate hunting from motorized vehicles. The current MHR rule is found in IDAPA 13.01.07.101, IDAPA 13.01.08.411-412, and IDAPA 13.01.09.302.

Public Involvement Process:

The current MHR and its application to designated hunts in certain Game Management Units were developed through public scoping meetings at the regional level and then presented and discussed at various Commission meetings over the last decade as changes were made to the rule. Each rule modification to the MHR has also been reviewed by the respective legislative committees. Recently, the MHR has been subject to several legislative hearings, including the most recent meeting of the Legislative ATV Task Force on September 27, 2011. The moratorium described by this proposal will also be subject to public testimony to the Commission.

Staff Recommendation:

Per agreement in principle discussed at the joint meeting, staff recommends the Commission adopt the following resolution:

BE IT RESOLVED, that the Commission hereby adopts a moratorium on the application of the MHR which precludes expanding the rule beyond the designated hunts and hunting areas in the existing 31 game management units (GMUs) where it currently applies and preserves the existing legislatively approved scope of the rule. Under the moratorium, the MHR could only be applied to additional GMUs if the MHR is dropped from a similar number of GMUs where the rule currently applies so that the total application of the rule does not exceed thirty-one (31) GMUs.

Justification:

The proposed moratorium will help resolve differences among IDFG and IDPR, hunters and OHV groups over the application of the MHR. It should further render unnecessary further legislative challenges to the MHR as the rule will not change from the existing legislatively approved scope. A moratorium will provide opportunity for the Department to evaluate the current application of the MHR relative to meeting biological and social objectives. The Department has committed to evaluation of the MHR but has not yet developed an evaluation framework or timeframe.

Meeting Date: November 10, 2011

Agenda Item No. 20

Agenda Item: Department Technical Comment Policy

Bureau Chief Approval: _____

Prepared by: Commissioner Randy Budge and Sharon W. Kiefer

Background:

The Department provides a broad spectrum of technical services to state, federal, and private entities to uphold the Department’s mission of protecting, preserving, and managing wildlife (wildlife reflective of I.C. §36-103) as a public trust resource. The Department’s expertise and wildlife population management authority enables relevant technical information from staff concerning status of wildlife resources and credible evaluation of the effects that land and water management actions, proposals, and plans might have on wildlife and their habitat as well as recommendations for mitigation. Annually, the Department logs about 2,500 formal and informal technical contacts that range from phone contacts to staff for wildlife information to formal, written comments submitted by the Department for land and water decision processes.

The Department routinely evaluates and provides comments on a range of land and water use actions including development proposals, various projects, and management plans (collectively referenced as “proposals”) to decision authorities including federal agencies, various instate governmental entities, and the private sector. Consideration of wildlife information by such decision-makers is of considerable importance in fulfilling the Department’s mission.

Proposals encompass the full range of public and private land/water-use activities. The Department has expertise enabling it to provide technical information concerning the effects of proposals on wildlife and their habitat and how adverse effects might be mitigated. For formal decision processes, comments provided by the Department are sometimes required by law such as in Federal Energy Regulatory Committee proceedings, while other times they are solicited or volunteered such as through the federal National Environmental Policy Act or county planning processes.

At times the Department’s comments about proposals have extended beyond technical information and recommendations to a specific position regarding a proposal or plan alternative, considered advocacy for a particular decision outcome. Such advocacy is generally not an appropriate role for the Department but is the policy purview of the Commission. The Department recognizes decisions about proposals are the province of relevant regulatory agencies or landowners yet the very nature of many proposals is such that there are identified negative effects to wildlife and their habitat and thus, one could misinterpret Department technical comments as opposition. It is important to the Commission to provide clarity regarding the Department’s role in providing comments about proposals to maintain the department’s technical credibility and positive relationships with land and water regulatory agencies and landowners and to ensure that the Commission’s policy role to adopt a particular position about a proposal, when appropriate, is upheld.

Specific circumstances where it is likely appropriate for the Department or the Commission to take a position for or against a proposal are proposals that affect legal obligations of the Department or the state of Idaho as they relate to wildlife or fishery resources. There may also be circumstances where proposals would affect the management of the Department’s own properties, in which case the Department would have a proprietary interest in commenting about a proposal.

Furthermore, the Department engages in collaborative efforts such as the Kootenai Valley Resource Initiative, the Clearwater Basin Collaborative, or the Aspen Working Group, where the Department actively participates as part of a broad spectrum of problem-solving stakeholders to directly shape outcomes beneficial to both wildlife and other resources. In this context, there is value in the Department being a supportive partner of the approach. Another appropriate context for Department support is when projects are developed specifically to benefit wildlife and wildlife-based recreation and uphold the Department's mission, such as certain conservation easements and stakeholder-developed Forest Legacy projects.

Statutory Authority and/or Policy Issues:

Adopting the proposed policy is within the general powers and duties of the Commission under I.C. §36-104.

Public Involvement Process:

As an action item, there will be opportunity for public comment at the November 9 public hearing.

Staff Recommendation:

Staff recommends the Commission pursue policy clarification directing consistent language prefacing technical comments to decision-makers about proposals per Commission adoption of the following resolution:

BE IT RESOLVED, that it is part of the role and responsibility of the Department in fulfilling its mission of protecting, preserving and managing wildlife to provide comments, whether required by law, solicited or volunteered, about proposals concerning their effects to wildlife and wildlife habitat and how any adverse effects might be mitigated. However, in so doing, the Department should not assert any position "for" or "against" the proposal. Instead, the Department's comments should provide technical information and act as an expert assessing the effects to wildlife and wildlife habitat and how any adverse effects might be mitigated. All formal, public comment submitted by the Department to any public or private decision authority shall be prefaced at the top of the document with the following language:

THE IDAHO DEPARTMENT OF FISH AND GAME DOES NOT SUPPORT OR OPPOSE THIS PROPOSAL. THE PURPOSE OF THESE COMMENTS IS TO ASSIST THE DECISION-MAKING AUTHORITY BY PROVIDING TECHNICAL INFORMATION ADDRESSING POTENTIAL EFFECTS ON WILDLIFE AND WILDLIFE HABITAT AND HOW ANY ADVERSE EFFECTS MIGHT BE MITIGATED.

Justification:

In general, the appropriate role of the Department's submissions is to take no position "for" or "against" a particular proposal recognizing the Commission has that policy responsibility, when appropriate. The proposed policy provides direction and clarity to the Department in submitting formal comments about proposals that affect wildlife and their habitat and minimizes misinterpretation of the context of the Department comments.