

**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**

November 9

MISCELLANEOUS

Commission Field Tour

Commissioners took a boat tour of Lake Pend Oreille to observe the netting operation, and a trip to Granite Creek to see the kokanee spawning operation.

Public Hearing

Chairman McDermott called the November 9, 2011 public meeting to order at 7:03 pm, followed by introduction of the Commissioners, Director, and IDFG staff in attendance. The Chairman made opening remarks regarding the purpose of Fish and Game, the new website, and the conduct of the public meeting.

Brad Frei, outfitter on the Salmon River, expressed concern about the chukar season opening being delayed to Oct 1, 2011. Mr. Frei asked the Commission to restore the traditional September opening date for the Middle Fork because of seasonal access issues. The later season date impacts clients and the outfitting business. Clients have cancelled or not booked trips because of the later opening date and the risks of weather impacting their trips. Commissioner Budge asked Mr. Frei to clarify the end of his guiding season. Mr. Frei responded saying historically it's done by 3rd week in September.

Jim Hagedorn wanted to make sure the Commission looks at the Arizona deer, predator, and drought study he shared with Commissioner Trevey. Mr. Hagedorn also believed that the proposed Governor's auction tag separates the poor folk from the elite. Utah started selling auction tags in 1994, and hunters' harvest of deer in Utah has gone in the tank.

Chandie Bartell from Potlatch commented on the elk plan. Potlatch is a small logging town, and the community depends on wild meat for freezers. The 1991-1996 elk plan focused too much on non-consumptive uses.

David Claiborne, Idaho State ATV Association, commented on agenda items 17, 18, 19, and 20. The motorized hunting rules should go by the wayside; they add another unfair layer to travel plans for federal lands. The Commission should not regulate where people can camp.

Virginia Balsler, Idaho for Wildlife (IFW), talked about a Clearwater outfitter who had received and responded to the Fish and Game survey and was frustrated by what he saw in the field stating, "there is nothing left but bears up there." She requested pro-wolf groups be summoned to help restore elk populations. An elk restoration program should be instituted. IFW sees a higher value of elk for families. Wolves impede citizens' rights. Ms. Balsler provided written materials and a photo.

Wes Hansen sees bias in Fish and Game's writing about wolves. Wolves are animals we will either manage or exterminate. There needs to be a balance. Wolf hunting should be based on how many wolves can be sustained in a specific geographic area. There should be compensation to people for verified wolf kills.

Steve Augustine stated that all wildlife should be maintained for all the people of Idaho. Removal and destruction of apex predators has been the most negative impact of humans on natural ecologies. IDFG has to operate under an obsolete charter where all wildlife exists to be hunted and killed. IDFG should be replaced by a new agency with a new charter that makes decisions for all the people of Idaho. Mr. Augustine provided written materials.

Chris Anderson of the Wolf Education and Research Center in Winchester, Idaho thanked the Commission for the job they are doing. There needs to be a healthier, balanced plan for how we manage resources. There is a lot of confusion and mixed signals and a lot of anger. A lot of people visit the wolf center. We face difficult choices, and ranchers, hunters, and others need to work together. He invited the Commission to visit the wolf center.

Paul Scott is a fan of wildlife and particularly wolves, very social animals. Ranchers, farmers, and wolf hunters all have different concerns. We have to work together to keep wolves away from ranchers and farmers. Wolves are needed for a healthy ecosystem.

Ann Sydow, co-chair of the Northern Idaho Wolf Alliance, opposes wolf hunting. There have been no depredations on cattle by wolves in northern Idaho. Elk objectives are met in 22 of 29 zones. Elk populations are growing in Idaho, Montana, and Wyoming. We have over 100,000 elk. In regards to public safety, there have been no fatalities in lower 48 by wolves. Bears and lions kill people every year, but we will only allow 150 wolves. Wolves and dogs share over 98% of DNA. Ms. Sydow asked why is shooting a dog considered cruelty to animals, but shooting of wolves is a recreational sport? Ms. Sydow also provided a letter from Cynthia Mason.

Eric Ridgway, from Sandpoint, Idaho, asked what is Idaho's elk population? He was raised by the concept of golden rule: wildlife value their lives as well as humans. Our human population impacts all other species. Wildlife in Idaho want to live as much as you and I. How much permission do we give ourselves as to who lives and who dies? How do we decide that? Because we have the power to do that, does it make it right? Take in to consideration other things do want to live. Wolves are a value to ecology and tourism.

Bill Ross works at wolf center in Cocolalla. He asked why the Panhandle Zone is open to wolf hunting. There are only 50 wolves in the area, and 30 have been taken so far. He meets a lot of hunters and hears complaints that no elk are left. He used to be a hunter but gave it up three years ago due to 4-wheelers. There needs to be more restrictions on 4-wheelers.

Marty Stitzel opposes any individual, politician or group, Fish and Game, or large special interest groups, some of which he called "Nature's Terrorist Groups," that these groups ignore the benefits to nature and manipulate nature for their own selfish wants.

Mike Marzlow from Cocolalla with the Northern Idaho Wolf Alliance felt most of his comments were already covered. He asked what Fish and Game is doing about poaching. He felt the wolf harvest is a slaughter. He asked about how a wolf is defined and counted, especially pups—if pups do not exist from a counting perspective until the end of December, but can be killed before then, how does Fish and Game count them? The website needs to explain that.

Bill Howell, from Bonners Ferry, with the Northern Idaho Wolf Alliance, stated that the 2008-2012 Wolf Management Plan had an objective for a strong, balanced education program. Fish and Game needs to do more education. The website doesn't explain why there is a hunt in Panhandle; the Panhandle wolf population estimate was 37, but Fish and Game did not limit wolf harvest. There are no documented

conflicts in Panhandle. Fish and Game should manage for a viable wolf population. Idaho should have its own Lamar Valley.

Scott Rockholm thanked the Commission for starting to take care of the wolf problem. He was concerned about what he saw in pictures of hunters with wolves around their neck, which is not safe. There needs to be more education of hunters and trappers about safe handling of wolves and Echinococcus. Mr. Rockholm thought captive wolves are hideous. He asked if the white wolf on the loose from the Wolf People had been dealt with?

Phil Poutre supports the NRA and individuals' rights to protect themselves. Wolves help other species as well as fish. By Fish and Game's own measures, only 20 elk zone objectives are not being met. He asked why there is wolf hunting in the Panhandle where elk are above objectives. Wolf management took a political approach by delisting wolves through a rider. We should not eradicate a species that should be sustained. Idaho's wildlife belongs to the people of Idaho. Only 1/3 of people in Idaho support wolf hunting.

John Walters stated there are 300 dogs dead in the St. Maries area; there are hardly any hounds left. We need a lot of wolves killed very soon. The wolf population is doubling every year. Releasing wolves was a criminal undertaking. No zones in Idaho are near their carrying capacity of elk. There is nothing left in the St. Joe area. The wolves are eating themselves out of house and home. Nobody has been killed yet, but the word is yet. The Commission should read House Bill 343; the legislature had no faith in Fish and Game. These wolves are not native, and it is not safe for families.

Pat Dorry, representing Idaho hunters, stated that the Clearwater zone has been dead for the last 3-4 years. In the 1990's, there were hundreds of elk, and now nothing, no tracks. He has had good friends have their hound dogs eaten alive by wolves. Friends camped in the Clearwater, and their kids were scared of all the wolves howling, and the kids' cries excited the wolves more. Wolves will eventually kill one of us. Elk have been decimated by this vicious animal. Something needs to be done. He applauded Fish and Game for opening trapping of wolves.

Jay Ross told the Commission he was an Idaho native who started hunting in 1986. He has taken 12 elk from Bonners Ferry to Boise, and elk used to be abundant. His family has hunted for four generations and hunting is a heritage. Now elk are getting pretty sparse. He thanked the Commission for getting something done about wolves. There are problems with wolves in the backcountry, and more important are problems in the front country. Silverwood is not remote, and wolves are crossing Hwy 95 there. He asked the Commission to let sportsmen help address the wolf problem.

Barry Coe observed that all night we have heard about science--two piles of science 180 degrees apart. We need to step back and look at science. We have more than 1,000 wolves in Idaho. They are hard animals to hunt. The agreement when wolves were released was that they were non-essential and experimental. The legal commitment was 100 wolves, and the Legislature bumped that number up. We need to remove a whole lot more than 760 wolves. Let's get honest about the science.

Written comment cards were also submitted by Arleen and Scott Patterson and Sean and Traci Donahue.

Chairman McDermott stated that he would attend a meeting with the Northern Idaho Wolf Alliance.

The public meeting adjourned at 8:30 pm.

November 10

MISCELLANEOUS

Opening Comments

Chairman McDermott called the meeting to order at 8:07 a.m. with all Commissioners present and noted that there were no changes to the agenda.

Review of Public Comment

Director Moore summarized comments from the public meeting. Director Moore stated that only a few people at the public meeting commented on issues other than wolves. Mr. Frei made a request to restore the opening chukar season date in the Middle Fork to its earlier date. Mr. Hagedorn spoke about the Governor's auction tag proposal; the Commission will discuss the issues at a later date depending on the outcome of legislation expected on this subject. Chandie Bartell did not feel the elk plan meets the Department's Mission and questioned the emphasis on non-consumptive uses. David Claiborne, with the ATV Association, supported three of four proposals on the Commission agenda and Director Moore appreciated Mr. Claiborne's comments. The remaining comments were all about wolves.

Commissioner Randy Budge commented that he is looking forward to the Wildlife Summit. The wolf issue is polarized and needs discussion. The Commission should fix the Middle Fork chukar start date problem.

Commissioner Power stated that the next chukar season 2-year cycle starts this winter. When the Commission set seasons for the current two-year period, there was a variance for the first year, and the changes were in place this year.

Commissioner Trevey also noted the chukar season comment and agreed with the need for change. This state is too big for a single statewide approach. He appreciated Mr. Frei's making the effort to attend the meeting. Jim Hagedorn's comments on the auction tag reflected the strong feelings in the Clearwater Region on this issue. Commissioner Trevey is opposed to the principle of wildlife management focused on the wealthy. Public comments also raised the whole notion of big picture predator management and restoration of our elk herds. Commissioner Trevey also described the feedback he received regarding Unit 10A, adjacent to the Lolo Zone. Former Commissioner Irby has hunted that area for 30 years, but this year he did not see any elk or deer. Commissioner Trevey will want to discuss trapping in Unit 10A during the wolf management discussion.

Deputy Attorney General Trever stated that the Commission is scheduled to address the chukar season at its next meeting in January

Chairman McDermott stated that the upcoming Wildlife Summit needs to set the stage on wolf management.

Consent Calendar

The consent calendar included the following items:

Minutes: May 18-20, June 6, July 7, July 27-28, and August 24, 2011
Financial Report

11-90 Commissioner Budge moved and Commissioner Barowsky seconded a motion to approve the consent calendar. All Commissioners voted in favor.

FISCAL

Budget Briefing

Administration Bureau Chief Lau provided a budget briefing (Appendix 44, Exhibit 97). Nonresident tag sales show about a 10% decline from last year, which is better than projected and trending in a positive direction. There has been a strong marketing effort to improve nonresident sales. The Department has sold over 26,000 resident wolf, and over 3,000 nonresident wolf tags. Resident fishing license sales are up 6% from the last 3 to 4 years. Senior combination sales are up 50%. Nonresident fishing revenue is up 55%. Overall revenue is up 4% from prior year, and it is unlikely the Department will need to access the stabilization fund. Discounts for senior and disabled licenses equate to over a quarter million dollars. As baby boomers age, the numbers of these licenses will increase rapidly and will involve an increase in subsidies paid by other license buyers. Cash remains stationary between seven and eight million, but we will start to draw down as the fiscal year progresses.

Commission members discussed the issue of the sale of unsold nonresident tags to residents and potential discounts for these tags. Commissioner Anderson indicated he was hearing from residents who were not successful and wanted more tag flexibility to hunt another area, and there was discussion regarding the current zone system. Chairman McDermott observed that the family hunting experience in Idaho is very important, and there is still more opportunity in Idaho than any other state in the west.

Director Moore stated that studies indicate hunting and fishing activities increase with retirement until seniors scale back activities in their 70s. Baby boomers are expected to make a huge demand on hunting and fishing for the next decade. Director Moore indicated that senior license holders spend a large number of days fishing on hatchery fish, which is one of the Department's more expensive products.

RULES

Ratification of Rules

Attorney General Trever presented the proposed rule dockets. She described the general rulemaking process, involving the proposal of rules, publication in the Administrative Bulletin for public comment, Commission approval of pending rules, and submission of pending rules for legislative approval. There are twelve rule dockets awaiting commission action. Only two comments were received on the dockets published in the Bulletin, and both comments were on the salvage rule. Both comments supported the wildlife salvage rule but opposed the sale of salvaged parts. Ms. Trever indicated the proposed rule did not allow the sale of salvaged meat, but did allow the sale of other salvaged parts, except for bighorn sheep. Staff recommended that the Commission approve 11 of the dockets as pending rules for submission to the Legislature. Staff recommended the Commission rescind the remaining docket, which was for the refund of the discounted amount of nonresident wolf tags, as it had achieved its purpose and there is no further need for it.

11-91 Commissioner Budge moved and Commissioner Wright seconded a motion that the Commission adopt the 11 rule dockets recommend by staff as pending rules and that the Commission rescind the wolf tag refund rule. All Commissioners voted in favor.

REPORT

Conservation and Education

Conservation Education Supervisor Vicky Runnoe gave a presentation on conservation education activities. The purpose of conservation and education is to unify and strengthen conservation measures, help people understand the value of wildlife and wildlife habitat, provide stewardship and support of natural resources, and to get people out to enjoy the outdoors. The Department has supported youth hunts, mentored hunts, and adult clinics. The Aquatic Education Trout in the Classroom and Turkey Workshops are very popular programs. Other outreach programs include Nose-to-Nose, Watchable Wildlife, Wildlife Express, Dialogue for Kids, and nature centers. Over 30,000 students have attended Salmon and Steelhead Days, with 2,300 attending in 2011. Idaho is one of 45 states using the Environmental Literacy Plan.

Commissioner Barowsky asked if there were efforts to connect with Future Farmers of America, and Ms. Runnoe indicated there was integration with 4H groups.

Commissioner Wright thanked Vicki for her work. His granddaughter cannot wait to get her copy of *Wildlife Express*. Although the Department has taken heat in the past for spending money on these programs, they are an important tool to recruit children. Chairman McDermott echoed Commissioner Wright's comments.

LEGISLATION

Legislative Update

Deputy Director Kiefer provided an update on legislative proposals. The Governor's Office approved legislative proposals: to allow participants in mentored hunts to carry a firearm under the age of 12, to allow the transfer of controlled hunt tags to minor children or grandchildren, and to add a 3-day nonresident fishing license to a nonresident season hunting license with no fee adjustment. The Department added a proposal to add wolf tags to the sportsman's package (with adjustment for \$124.25 total cost) at the request of the Governor's office. Ms. Kiefer discussed last year's legislative review process and asked if the Commission wanted to continue that format and schedule or if they wanted to make changes. There was agreement among the Commissioners to use the same schedule and format for legislative conference calls as last year.

There was some discussion regarding the nonresident 3-day fishing license to be added to the nonresident hunting license. Fisheries Chief Schriever clarified that this would allow for general fishing, but that an individual would have to buy an annual license to buy a salmon or steelhead permit; this new 3-day license and other daily licenses do not allow the purchase of a salmon/steelhead permit. Commissioner Power would like the Department to consider some packaging of salmon/steelhead permits with nonresident hunting licenses as part of the licensing restructuring. Commissioner Trevey also wanted to make sure the requirement for annual license for salmon and steelhead permits would be clear in regulations and vendor information. Ms. Kiefer indicated the Department would make that issue clear in any testimony.

Commissioner Wright asked about legislative proposals for landowner appreciation permits. Ms. Kiefer indicated that the Commission had proposed rule changes to the LAP program, but had made no legislative proposals. The pending rule for LAP changes was subject to legislative review, and there may be other legislative proposals on this issue, but none presented by the Department.

REPORT

Idaho Fish and Wildlife Foundation

Deputy Director Kiefer provided an update on Idaho Fish and Wildlife Foundation (IFWF) activities. IFWF is engaged in strategic planning. IFWF will adopt its budget at its upcoming December meeting. IFWF is revising and upgrading its website. As part of its marketing of wildlife license plates, IFWF will sponsor "Mutual of Omaha's Wild Kingdom" in April at BSU campus. IFWF is also awarding grants.

MANAGEMENT PLANS

Wildlife Elk Plan Revision Update

Wildlife Bureau Chief Gould presented an update on the Department's revision of the elk management plan (Appendix 44, Exhibit 98). The current version was adopted in 1999. Chief Gould provided a draft schedule for revision. Engaging stakeholders is important and this is an opportunity for the Commission to provide initial feedback on the Department's process and objectives. The current schedule is to have a revision for Commission action in January 2013, but that assumes an update within the general structure of the current plan. If the direction is to make a complete plan overhaul, the planning process will take longer.

Commissioner Budge identified the issue of interspecies conflicts. Commissioner Barowsky discussed addressing wolves and other predators. Commissioner Trevey stated that issues are evolving, particularly in the Clearwater, around the Selway, Lolo, and now Dworshak. He felt there is a connection between the Wildlife Summit and revision of the elk plan. Commissioner Wright suggested the plan should consider cooperative agreements in broad categories, both interagency and interstate, and learn from experience with elk in the Murphy Complex Fire area.

Commissioner Barowsky recommended the Department have monitoring data available for counties to use in planning efforts before development occurs.

Commissioner Power believed some of the data credibility issues result from flight data occurring when animals are most concentrated and hunting occurring when animals are least concentrated. He suggested involving sportsmen in more surveys. He also stated that technology enhancements may be masking success rate information.

Commissioner Anderson has heard from numerous constituents who feel the Departments' estimates do not reflect what they see in the field. There are basic questions about how many elk there should be for hunting versus depredation levels.

Chief Gould discussed how the 1999 plan addressed a key issue of hunter congestion. He stated that there are elk herd declines and that restoration of elk in backcountry units will be part of the plan. He wants to remain open-minded with sportsmen about plan objectives and zone realignments at this stage of the planning process, and address any issues with Department credibility. He will provide the Commission another update in January, and other planning team members will be available for that discussion.

LANDS

Land Acquisitions

Wildlife Program Coordinator Gregg Servheen presented four land acquisitions for final Commission approval: (1) the Marinac Easement, involving a .175-acre purchase and a 2.9-acre donation near Big Lost River near Mackay; (2) the Bicandi property adjacent to the Payette River WMA; (3) the Sandy Point

property adjacent to the Boise River WMA and Hammer Flat; and (4) the Hammer Flat property adjacent to the Boise River WMA. Mr. Servheen described the acquisition, O&M, and payments in lieu of tax costs for each property, as well as the source of funding, as described in the Gold Sheets.

Commissioners Budge and Chairman McDermott asked about the status of BPA mitigation. Mr. Servheen described the status of negotiations with BPA. Based on Idaho's calculations, BPA still owes 50-60% of mitigation for southern Idaho projects and about 50% for northern Idaho projects. BPA does not agree with the southern Idaho estimates. There is also not an agreement on the allocation among tribes and the state in northern Idaho. Deputy Attorney General Trever indicated that Idaho applies the same principle as southern Idaho and elsewhere, that if there are tribal and state rights involved, the state's share is 50% and the tribal share, collectively among any tribes, is 50%. She indicated there is a federal legal obligation to mitigate for wildlife or habitat loss caused by construction and inundation, and operation of BPA hydropower projects. Either BPA, the states, and tribes mutually agree on appropriate mitigation, or the issue goes to federal court. Director Moore indicated BPA does not appear motivated to resolve all mitigation issues at this point.

In response to questions from Commissioner Anderson, Mr. Servheen clarified that the Commission's approval of three of the acquisitions was conditioned on BPA funding approval. BPA has given tentative approval, but if BPA did not give final approval or provide funding at closing, the Department was not obligated to proceed with the acquisitions.

11-92 Commissioner Barowsky moved and Commissioner Anderson seconded a motion that the Commission approve the four land acquisitions as recommend by staff. All Commissioners voted in favor.

REPORT

Master Hunter Proposal Evaluation

Deputy Director Kiefer discussed the Master Hunter Proposal, which the Commission asked the Department to evaluate to address depredation on private lands where a landowner will not allow a depredation hunt. The program could assist landowner sportsmen coordinators but would require substantial administration by the Department. Fees would likely need legislative approval. The Department looked at Washington and Oregon Programs, and they are very detailed and heavy on administration. Master Hunter certifications would involve the same challenges currently faced with the live fire hunter education component. The Department is looking at the existing reservist program as an option. More discussion with the Landowner Advisory Committee would be good, and the upcoming Department Operations Leadership Team meeting can discuss this as well. Without additional staff such a program could be a challenge.

Commissioner Budge expressed concerns with administration of such a program, controversy with hunters, and the addition of another layer of complexity. Commissioner Wright reported that the program has worked well in Washington and Oregon, and he believes there is merit in looking at the program further with the Idaho Sportsmen Caucus Advisory Council (ISCAC) and the Advisory Committee.

Deputy Director Kiefer indicated that ISCAC had not taken a position on this program. Sportsmen are involved in depredation hunts. There is concern that this program would create a conflict with depredation hunts. Many landowners do not want to use a depredation hunt. So the question is do we need a new program or use reservists.

Commissioner Power requested more information on how this program would fit in with the tools already

in place. For example, using hound hunters to address a few mountain lion depredations.

Deputy Director Kiefer indicated there is some sensitivity regarding the credibility of hunters who assist the Department.

Commissioner Anderson made a suggestion to prequalify hunters. There are plenty of proficient hunters that could be put into place.

Ms. Kiefer stated the issue was that the Commission would be defining proficiency. As a public agency, the Department has to tell the public exactly what we are doing.

Chairman McDermott concurred with Commissioner Budge's comment, saying he had an uncomfortable feeling of another layer of bureaucracy. He believed there are already enough solutions out there to solve the problem.

Commissioner Trevey has been wrestling with depredation by elk on private ground. Hunting is not the solution to the problem as a first line of defense. We need to put thought and energy into finding alternative ways to deal with depredation.

REPORT

Bear Identification –Training Program

Wayne Wakkinen, Senior Wildlife Research Biologist gave a presentation on the grizzly bear and black bear identification-training program, which the Commission directed the Department to develop. There is going to be website training and a 15-question exam with a certificate for successful completion. The Department will seek feedback on whether it is too easy or too hard. He hopes to roll the training out next week.

RULES

Antlerless Controlled Hunts in Unit 45

Wildlife Chief Jeff Gould presented a proposal for antlerless controlled hunts in Unit 45 (Appendix 44, Exhibit 99). In March and May 2011, the Commission approved antlerless reductions due to ongoing mortality. With the Blair fire in the Magic Valley, staff have spent time figuring out the best course of action. The fire burned around 38,000 acres of critical mule deer winter range on primarily Bureau of Land Management (BLM) land. As is typical in fires, BLM proposed to close the burned area to all motorized vehicle use for 2 years. The Region held a meeting immediately after the fire to inform landowners and discuss dealing with resulting deer concentrations. Regional Supervisor Jerome Hansen reported there are 13 landowners that will plant winter crops for deer to eat; the Department will provide seed and an agreement to not file depredation claims. The Department also met with the Winter Feeding Advisory Committee, but with the closure and landowner cooperation, feeding is not the go-to method. About 5,000 deer will move into this area. Favorable rain two weeks after the fire did produce some favorable grasses, and we do not know how deer are going to redistribute themselves. Staff recommends two controlled hunts with 250 tags each to stagger hunting. There are also 10 percent LAP tags, or 25 LAP tags for each hunt, but we are not sure if they will be used. Chief Gould is hopeful that deer will distribute laterally and not have a high mortality year.

Commissioner Anderson asked about the success rate. Chief Gould and Regional Supervisor Hansen stated 35-40%, or a little higher, although Chief Gould felt it unlikely both hunts will have same success rate.

Commissioner Wright indicated the reaction in Magic Valley is generally positive about involvement. Some are asking why not just haul hay. Nutritional value of hay is not very good unless you start early. Chief Gould indicated that the Department is preparing to initiate feeding wildlife with formulated pellets, but recognizing that pellet feeding is a premium cost and does drain the feeding budget. Commissioner McDermott asked about the balance in the winter-feeding account. Chief Gould stated that a certain amount goes into the account from each deer, elk, and antelope tag. He referred to the financial table in agenda item 3b and stated the chart revealed the balance is approximately \$500,000.

Chairman McDermott thanked the Bureau and Regional staff and asked everyone to be on board to work for those 5,000 deer.

Chief Gould also stated that antler hunters would have to wait until April 15, 2012 to access the closure area.

11-93 Commissioner Wright moved and Commissioner Barowsky seconded a motion to accept staff recommendations and proceed with the proposal to authorize controlled hunts in unit 45. All Commissioners voted in favor.

REPORT

Update on Wolf Harvest Season

Chief Gould provided an update on wolf harvest (Appendix 44, Exhibit 100). Depredation on livestock and domestic animals is at 157, less than prior years. USDA Wildlife Services has killed 36 wolves in control actions, considerably less than last year. Wildlife Services reduced staff in July and August. Five trappers took early retirement in July. Almost 30,000 wolf tags have been sold, almost a 1,000-tag increase for residents. About 1,800 hunters have purchased two tags. Harvest trends are similar to 2009, with the peak in October. Five hunters have filled their second wolf tag so far.

Commissioner Trevey asked about the distribution of harvest within the Dworshak Zone, particularly Unit 10A. Chief Gould will follow up with that information. Chief Gould stated that the trapping season will start on November 15. In response to questions about the lack of trapping in 10A, the original concept was that hunters will be effective in 10A, given its roaded area. The Department also wants to maximize harvest in the Lolo Zone and trappers may be more willing to go to the Lolo Zone if 10A is not open. Trappers must attend a class and receive certification, and then they can purchase three tags per season. These tags may be used by certified trappers for hunting or trapping, but only where trapping seasons are open. Feedback on the trapping course has been positive. Four instructors have given 12 classes so far, certifying 290 trappers. Demand continues and 10 additional classes are scheduled. The Department has sold 71 wolf trapping tags, with three nonresident tags. There has been some difficulty with applying trapping rules for furbearers to big game and the Department plans to roll out new trapping rules specific to big game. There is still no harvest in the Selway Zone. Outfitters have expressed an interest in helping. There has been some discussion with IOGLB regarding wolf excursions. Chief Gould will provide an update in mid December to address issues such as the uncertainty of impacts in 10A.

Commissioner Trevey wanted to make sure the Department reviewed the status of Unit 10A. There is sportsmen concern about the impacts of wolves in 10A and the possibility they have increased in 10A because they do not have as much to eat in Unit 10. When the muzzleloader hunts in December are over, he would like the Department to review the status in case a Commission decision for additional options is appropriate before the late-January meeting.

Deputy Attorney General Trever indicated a Commission conference call would be appropriate to review information. Expansion of seasons is a Commission decision. The Director's authority to set hunts is

limited to hunts in response to depredation on private property. The Director can close seasons, but opening seasons requires the administrative process of Commission action.

Chairman McDermott stated that the trapping class he attended was superb and the instructors were professional.

Deputy Attorney General Trever clarified hunting seasons run on a calendar year, but trapping seasons run from July 1 to June 30, and trapping tags go with the trapping license year.

Wildlife Summit Update

Regional Supervisor Gamblin provided an update on the Wildlife Summit planning for September 7-9, 2012. It has been 24 years since the Department conducted a similar effort to meet with Idahoans who value wildlife in 1988. The first step is developing a better dialog with citizens. This is not about changing our core statutory mission or core values of fishing, hunting, and trapping. Fundamentally we hope to renew the Department's social compact as managers of Idaho's wildlife resources and for these resources to be an essential part of what Idahoans want, with a commitment and relationship between public servants and the public we work for. The handout (Appendix 44, Exhibit 101) is a draft of desired outcomes. We will continue to conduct outreach measures, including hunters, anglers, and anyone else who has a stake in wildlife resources. The Department will provide the Commission and legislators with regular updates. We are reaching out to various organizations and will do press releases and videos, explaining who we are and what we're here for, and develop public surveys. This is a big effort and challenge; it is important to understand our constituents. Supervisor Gamblin suggested a March or April workshop with feedback from the Commission.

Commissioner Anderson asked if there was an overall assumption of what we want wildlife to be in the future. He also expressed the desire to have more freedom of discussion among Commissioners without a detailed agenda. Supervisor Gamblin indicated the handout was a guiding document, but there were no preconceived outcomes for the Summit.

Commissioner Budge wanted to ensure the Department used the Summit as an opportunity for education. Supervisor Gamblin indicated that education is one of the core purposes of the summit. Another important component is funding needs.

Commissioner Trevey wanted to make sure the Committee discussed the Summit with sportsman groups such as Idaho for Wildlife, whose perspective, ISCAC may not represent. If there are not discussions with a broad range of groups up front, there is a risk to the credibility of the Summit.

Director Moore added that the Department could not do its work without the foundation of the hunting and fishing public. That foundation must accept and take ownership in what we are going to build on. Supervisor Gamblin has eight subcommittees involved in planning for the Summit.

Chairman McDermott asked about checking with other states. Communications Bureau Chief Keckler is in the process of contacting others

In response to Commissioner Anderson's question about general discussion among Commissioners, Deputy Attorney General Trever stated that if four or more Commissioners meet as a quorum, that is a meeting that must comply with the open meeting law. That includes a serial meeting of smaller numbers that ultimately involve four or more Commissioners. The Commission can provide notice of a meeting for a general discussion among Commissioners. There is not a requirement that the Commission allow the public to participate in such a meeting, just that there is an opportunity for the public to attend.

RULES

Re-Affirmation of Joint IDPR/IDFG Coordination Letter

Director Moore discussed the request to reconfirm the letter dated 2008, signed by Cameron Wheeler of the Fish and Game Commission and Latham Williams of the Parks and Recreation Board. At that time there was a facilitated session to discuss common issues. With the change in the boards, we need reaffirmation.

Commissioner Anderson asked how this letter affected the authorities of the Commission. Director Moore indicated the letter does not constrain the Commission or the Department's unique statutory authorities. It simply sets out how the two agencies are going to communicate and share recommendations.

Commissioner Budge reflected that the 2008 letter was signed and put away, and the Legislature convened a task force and directed the agencies to work out their differences. The 2008 letter identified a process to do that.

Deputy Director Kiefer clarified that collaboration does not always mean consensus, but when the agencies do not agree, they can ensure there are no surprises.

Commissioner Anderson asked who has authority to close trails for hunting. Deputy Director Kiefer said that the Department can regulate motorized hunting, but does not have trail closure authority other than on our own lands.

Commissioner Trevey indicated when the Department presented consequences in the Clearwater and Nez Perce Forest travel planning process, Idaho Department of Parks and Recreation (IDPR) staff tried to tear down Department analysis. He asked how the letter would help address that situation.

Deputy Director Kiefer explained that Fish and Game staff are not recreational specialists and IDPR staff are not wildlife managers. The objective is to have each agency speak to its own expertise and discuss issues before letters are sent. On large-scale energy projects, the Governor's office coordinates comments. On smaller scale projects, there is shorter time to coordinate comments.

Chairman McDermott stated he supports the re-affirmation letter.

Commissioner Wright moved and Commissioner Barowsky seconded a motion to resign the 2008 letter. Following discussion about the procedural aspect of the signature process, Commissioner Wright withdrew this motion and restated it.

11-94 Commissioner Wright moved and Commissioner Barowsky seconded a motion to reaffirm the joint Idaho Department of Parks and Recreation and Idaho Department of Fish and Game coordination letter dated April 10, 2008, with a cover letter with new signatures. All Commissioners voted in favor.

Commissioner Anderson asked if conservation officers would still enforce Fish and Game and IDPR travel rules.

Deputy Director Kiefer indicated that conservation officers enforce the recreation laws of title 67, which allow the officers to enforce recreational laws. There is also a section of statute for travel plan enforcement for areas within or adjacent to a national forest. There is a large-scale memorandum of agreement with Forest Service for travel plan enforcement but not with BLM. Travel enforcement also

applies to some Idaho Department of Lands. Deputy Director Kiefer will provide Commissioner Anderson briefing material on this issue.

Motorized Hunting Rule Revision

Deputy Director Kiefer discussed the status of discussions on the motorized hunting rule (MHR). With limits on the schedule and legislative moratorium on rulemaking, this agenda item is not proposed for Commission rulemaking action. Staff are asking the Commission for direction on the policy issue of clarifying the rule and getting public input. There are ways to limit hunter success and take, and technological powers. The title of the IDAPA rule changed to reflect this rule is about regulation of hunting—the motorized hunting rule. The items to clarify include: the type of game the rule refers to; exactly what the use restriction is; retain the allowance to use established roadways; remove the rule’s reference to private land; the definition of hunter and hunting; the definition of motorized vehicle; drop the reference to watercraft from the rule; exceptions to the rule, including holders of statutory disabled motor vehicle hunting permits, hunting camp activities, and retrieval of game.

Motorized Hunting Rule Moratorium Policy

Commissioner Budge proposed to review the topics in the order they were presented on the gold sheet agenda book:

On topic 1, for public input, he supported public input on clarifications to the rule. Commissioner Wright thought it would be helpful for the Communications Bureau to have a user-friendly version of rule issues for public input.

On topic 2, for language recommendations, Commissioner Budge thought it important to change the title to the Motorized Hunting Rule to address the misperception that Fish and Game was trying to regulate vehicles. Because the reason for the rule was about the vulnerability of big game, Commissioner Budge would take upland game out of the rule.

Commissioner Power has struggled with this issue, but based on his enforcement experience, he was concerned people would use exceptions as excuses.

Commissioner Anderson said from his perspective as a hunter, ATV rider, horse rider, and hiker, the rule was so complex there was complete confusion for hunters in the field, especially with camping on top of the rest of the rule. It is the number one issue he deals with, and there are fights in his region over ATVs. He does not support the rule because it is so complicated.

Commissioner Budge thought the Commission should try to get the rule the very best we can to take to the public and then come back to discuss the merits of rule, both whether to have it overall and its specifics.

Deputy Director Kiefer raised the issue of the rule’s application to trophy species, where the motorized hunting rule did not apply to trophy species when the regulations were split.

On topic 3, of hunting-related camping, Commissioner Budge recommended scoping without the camping exception. Commissioner Wright noted that would be a point of contention given the comments of Mr. Claiborne and the ATV Association.

Commissioner Anderson asked about the exception for game retrieval. Commissioner Budge thought the “a” (disabled permit holders) and “b” (downed game retrieval) exceptions for the rule were not controversial.

Commissioner Wright made and withdrew a motion for public scoping of clarifications to the motorized hunting rule.

Commissioner Budge proposed to clarify Commissioner Wright's Motion to have staff seek additional public input on changes to the rule, which would restrict the use of motorized vehicles for hunting of big game on public lands on established roadways, except for holders of disabled permits and retrieval of downed game. Commissioner Power indicated this is a major issue for hunters in this state, and the Commission's authority is only over hunting; he wanted to scope an exception for hunting-related camping. Commissioner Budge agreed scoping should include that exception, as well as applying the exception to upland game. Commissioner Trevey said the ATV issue is the biggest controversy next to wolves. He asked if this were an issue to address at the summit. Commissioners Barowsky and Wright indicated this issue needed to be addressed before the summit because of legislative interest.

Deputy Director Kiefer recommended that scoping include designating MHR application by units rather than by hunts. That was less flexible but easier to understand and enforce. The Commission provided general agreement to include this in scoping.

11-95 Commissioner Wright moved and Commissioner Barowsky seconded the motion to address staff recommendations contained in agenda item 18 regarding the motorized hunting rule:

- 1) have staff seek additional public input about the revised motorized pending rule;
- 2) accept staff recommended language, with the definition of use restriction to be revised as follows: "When hunting big game animals, motorized vehicles may only be used on established roadways," with intent to not extend the rule to upland game; and
- 3) With respect to the exceptions listed in paragraph 4, the exception "a" be retained pertaining to disabled motorized persons; exception "b" be retained pertaining to retrieval of downed game and exception "c," known as the camping exception, be deleted; exception "d" be deleted.

The motion carried unanimously.

Deputy Director Kiefer returned to the subject of the joint meeting between IDFG and IDPR. The agencies agreed to recommend a moratorium on applying the MHR to additional units to give the two agencies time to discuss revisions to the rule. The rule would remain in effect while potential clarifications and changes were discussed with the public and between the agencies.

11-96 Commissioner Budge moved and Commissioner Power seconded, to adopt staff recommendation and approve the resolution on page 2 of agenda item 19 on the motorized hunting rule:

BE IT RESOLVED, that the Commission hereby adopt 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. All Commissioners voted in favor.

REPORT

Department Technical Comment Policy

Deputy Director Kiefer discussed a proposed policy on Department technical comments. As Idaho's wildlife manager, the Department provides technical comments and recommendations to a very broad spectrum of entities. We log around 2,500 formal and informal contacts each year on land and water use actions, development proposals, conservation easements, and the whole gamut. Typically these only

involve technical comments and not formal policy. It is rare that we have come to Commission for policy guidance. At the joint meeting with IDPR, the agencies clarified the scope of our comments. The Department has proposed consistent preface language on page 2 of the gold sheet for the Commission's review. Commissioner Budge had a strong hand in this issue.

Deputy Director Kiefer indicated that if the Department had a legal obligation, property interest or is engaged in a collaborative effort such as the Aspen Working Group or the Kootenai Valley Resource Initiative, it is appropriate for the agency to take a position. On other issues, such as subdivisions or travel plans, the agency may make technical recommendations, but not take a position "for" or "against" a proposal.

Commissioner Budge stated that the agency's role is to comment on wildlife impacts, not to advocate for or against a particular project. The intent of the language is only to apply to formal agency comments and to clarify the agency is providing technical assistance.

Commissioner Wright indicated that the issue of trail closures and whether the department supported or opposed them was a point of concern.

Chairman McDermott said this language would allow the director to referee whether there is a policy issue to bring to the commission regarding particular projects.

Director Moore indicated he was supportive of the Department continuing to provide technical input with appropriate preface language. There have been some errors in the past, and the Department's technical comments have been misinterpreted as "making" a landowner do something. If a project presents a large-scale policy issue, we would bring that to the Commission. Where state agency comments are coordinated with those of other agencies through the Governor's office, such as on Gateway West, the Department would not need preface language.

11-97 Commissioner Budge moved and Commissioner Wright seconded a motion to adopt agenda # 20 as recommended by staff with the reordering of the sentences in the preface language:

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 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. It is not the purpose of the Idaho Department of Fish and game to support or oppose this proposal.

All Commissioners voted in favor.

MISCELLANEOUS

Appoint Commission Representative to WAFWA

Chairman McDermott asked if anyone else wanted to serve as the Commission's representative to WAFWA. The Commission supported Chairman McDermott's continued service in this capacity.

2012 Commission Calendar

The Commission discussed and agreed upon the following calendar for 2012:

- January 25-27 Boise
- March 9-11 Boise
- May 9-10 Riggins (subject to availability, alternate locations in Clearwater Region)
- July 11-12 Panhandle Region
- November 7-9 Upper Snake Region

Director Moore reminded the Commission of the Wildlife Summit scheduled on September 7-9, 2012. In the interest of time, he would stand on the remainder of the Director's report as circulated to the Commission.

Commissioner Reports

Commissioner Wright commended Brad Lowe on an outstanding job of developing Access Yes booklets for the Magic Valley Region. Sportsmen were wild about them, and the Department should think about expanding this information effort statewide. Commissioner Wright would stand on the remainder of his report as circulated.

Commissioners Power, Barowsky, Trevey, Anderson, and McDermott stated they would stand on their Commissioner reports as circulated. Chairman McDermott thanked Regional Supervisor Corsi and his staff for a wonderful job.

Executive Session

11-98 Commissioner Barowsky moved and Commissioner Power seconded a motion that the Commission go into executive session pursuant to subsections b, c, and f of Idaho Code Section 67-2345 to discuss personnel, land acquisition, and pending legal issues. Roll call vote: Ayes: McDermott, Trevey, Barowsky, Wright, Anderson, and Power. Nays (none). Commissioner Budge was excused from the vote due to his temporary absence.

The Commission discussed its 6-month evaluation of the director, potential land acquisitions, and legal issues concerning pending lawsuits involving wolf delisting, Farragut Range, and bighorn sheep.

The Commission came out of executive session at 6:30 p.m., with no final action being taken.

11-99 Commissioner Wright moved that based on Director Moore's first seven months performance and accomplishments that his salary be advanced to the full salary approved at his hiring by the Commission. The motion was seconded by Commissioner Budge. All Commissioners voted in favor.

MISCELLANEOUS

Adjournment

The Commission meeting adjourned at 6:35 p.m.

Tony McDermott
Chairman

Virgil Moore
Secretary