

**Idaho Fish and Game Commission
March 18-19, 2013
Idaho Department of Fish and Game
Trophy Room
600 South Walnut
Boise, Idaho**

March 18

MISCELLANEOUS

Hunter Ed Instructor of the Year Award Presentation

Clayton Nielson presented the Hunter Ed Instructor of the Year award to Lance Stevens from Twin Falls. Mr. Stevens was honored for his significant contribution to Idaho's Hunter Education program for 2012. Lance has volunteered over 130 hours writing the HEd PowerPoint Program and the muzzle loader teaching module for use by employees and conservation officers and other volunteer instructors.

WORKSHOP

Negotiated Rule Making

Ms. Kiefer reported that legislation in 2012 amended the Idaho Administrative Procedure Act (Idaho APA) that governs agency rulemaking and ensures public input. Prior to 2012, the Idaho APA gave agencies the option of using negotiated rulemaking to devise a proposed rule and encouraged them to use that option whenever possible. The new legislation in 2012 went beyond "encouragement" to require Idaho agencies to use negotiated rulemaking whenever it is feasible to do so. The Department heard repeated concerns from legislators in 2013 that none of the rules adopted by the Commission in 2012 were a product of negotiated rulemaking.

Ms. Kiefer provided a report (Appendix 46, Exhibit 33) on current IDAPA rulemaking and negotiated rulemaking showing differences and similarities.

Doug Conde, Deputy Attorney General, DEQ; Paula Wilson, Paralegal, DEQ; Brian Oakey, Department of Agriculture and Dennis Stevenson, Administrative Rules Coordinator, Department of Administration shared information on how their agencies accomplish negotiated rule making and what staff resources are needed.

REPORT

Funding Discussion

Commissioners provided an update on the Wildlife Diversity working group regional meetings in each of their regions to formulate ideas and look at new funding mechanisms for the program.

These meetings are follow- up from the Wildlife Summit to continue the conversation with constituents. The Commission desires to hear on all topics not just the Wildlife Diversity.

MISCELLANEOUS

Public Hearing

Chairman Budge called the meeting to order at 7:00 p.m. The Chairman introduced Commissioners Tony McDermott, Fred Trevery, Bob Barowsky, Kenny Anderson, and Will Naillon and recognized Representative Marcus Gibbs. The Chairman welcomed the public, and the Director introduced staff.

Chairman Budge opened the meeting to public comment.

The following individuals testified: Scott Rockholm, Michael Scott, Louise Stark, Herb Meyr, Ines Holt, Stan Phipps, Ben Collins, Billy Dyer, Mato Woksape, Fauna Tomlinson, ken Cole, Larry Ciejka, Liz Vavrilka, John Robinson, Maurice Clements, Scott Allan, Dr. Karen Balch, Jevon Benson, Dr. Olin Balch, David Holt, David Monsees, Trish Woodruff, Joseph Peterson, Suzanne Stone, Jennifer Pierce, Mike Gann, Grant Simonds, Jim Younk, and Dave Smith. Written comment was received from Andy White, Tobin Orient and Edward Lee Cotten (Appendix 46, Exhibit 34).

Testimony topics included wolf management and trapping, Elk Management Plan, big game seasons, use of a cross bow for 65 and older, bighorn sheep season setting, bonus points, October 5 deer season opening date, Allocation, peregrine falcon take season for the purpose of falconry, Owyhee wilderness issues, a need for upland game bird stamp, Unit 11 phase in, suggestion for a land user education class and predation management.

March 19

MISCELLANEOUS

Opening Comments

Chairman Budge called the meeting to order with all Commissioners present. Commissioners discussed topics for their meeting with the House Resources and Conservation Committee scheduled for later in the day.

Review of Public Comment

Public comment from the March public hearing was reviewed and discussed by the Commission. Director Moore summarized comments from the public hearing. He noted that the Unit 11 phase-in and allocations would be discussed in the big game presentation agenda item # 6.

Consent Calendar

The consent calendar included the following items:

- Minutes, January 16-17, 2013
- Financial Report

13-18 Commissioner Barowsky moved and Commissioner Anderson seconded a motion to approve the January 16-17, 2013 minutes as presented. The motion carried in a unanimous vote.

13-19 Commissioner McDermott moved Commissioner Barowsky seconded a motion to accept the financial report as presented in the consent calendar. The motion carried in a unanimous vote.

Report

Wild Sheep Translocation History

Kevin Hurley, Conservation Director, Wild Sheep Foundation, provided a report on the wild sheep translocation history (Appendix 46, Exhibit 35).

RULES

Season Setting: Big Game

Jon Rachael, State Wildlife Manager, provided an overview of the big game status and presented the Big game hunting season recommendations (Appendix 46, Exhibit 36). Mr. Rachael reported that the Department is using some new techniques for public outreach and input. The Department received 2,555 comments regarding the proposals for this year which is less than 2% of deer and elk hunters.

13-20 Commissioner Naillon moved and Commissioner Anderson seconded a motion to adopt the staff recommendations for the 2013/2014 big game seasons and tag levels. The motion carried in a unanimous vote.

Peregrine Falcon Take Season for the Purpose of Falconry

Rex Sallabanks, Wildlife Diversity Program Manager, presented the proposal (Appendix 46, Exhibit 37). The U.S. Fish and Wildlife Service (Service) delisted the American Peregrine Falcon in 1999 and subsequently authorized the take of nestling peregrines from the wild for use in falconry in 2004. In 2008, the Service decided to also allow capture of post-fledging first-year peregrines, known as hatch year or “passage” birds. Federal regulations governing falconry authorize States to manage the take of peregrines from the wild for falconry not to exceed 5% of annual production. Other western States currently allowing peregrine take for falconry purposes include Montana, Washington, Oregon, Utah, Wyoming, Colorado, and Arizona.

The Idaho Fish and Game Commission is authorized under Sections 36-104 (b) and 36-1102 (c), Idaho Code, to adopt rules concerning falconry in the state of Idaho. Following changes to federal regulations in 2008, the Commission adopted revised falconry rules (IDAPA 13.01.14, Rules Governing Falconry) to meet the requirements of the new federal framework, including

take of peregrines from the wild for falconry. Pursuant to Section 36-105 (3), Idaho Code, the Commission may establish capture quotas and a capture permit allocation system by proclamation.

Representatives of the Idaho Falconers' Association (IFA) were actively involved in the revision of Idaho's Rules Governing Falconry and the proposed proclamation. Establishing eligibility restrictions (waiting periods and falconry permit class) and reporting requirements for the take of peregrines from the wild for falconry were publically scoped in 2012. Prior to the March 2013 Commission meeting, a draft of the proposed proclamation was made available for public comment.

Department surveys conducted in 2012 indicate that Idaho currently has 51 known (active or historical) peregrine territories. Seven new territories were discovered between 2009 (the previous complete survey) and 2012. One-third (17) of the State's territories occur in the Salmon Region alone. Of the 51 known territories, 45 were monitored in 2012 and 26 (58%) were found to be occupied. Twenty pairs (78%) successfully produced 46 young for an average of 1.8 fledged young per occupied territory and 2.3 fledged young per successful pair. Idaho's peregrine population has been growing consistently since surveys began in the late 1980s.

13-21 Commissioner McDermott moved and Commissioner Naillon seconded a motion to adopt the staff recommendations to authorize the take of up to two peregrine falcons from the wild for falconry purposes during the 2013-2015 seasons. The motion carried in a unanimous vote.

LEGISLATION

Legislative Update

Sharon Kiefer, Deputy Director, provided an update to the Commission about legislative activity since the last Commission legislative call. Ms. Kiefer referenced the bill status table (Appendix 46, Exhibit 38). She noted that the bills that are highlighted in yellow will require administrative work such as creating a format for the 3 year license. And those bills with a gray highlight will require potential rule adjustment.

The three pieces of Department sponsored legislation have all been signed by the Governor and go into effect July 1st. The Department is starting the administrative work to implement these.

The FY13 supplemental and the FY14 budget have both been signed. We are waiting to hear the outcome of HCR 14 rule rejection regarding the motorized hunting rule. HB 278 has passed the House Agriculture Affairs Committee and sent to the House floor.

It was determined that there was not a need to hold a commission conference call on March 21st the next call is scheduled for March 28th.

REPORTS

Chinook Salmon Fisheries Update

Ed Schriever, Chief, Fisheries, provided an update to update the Commission on the forecasts for spring and summer Chinook salmon returning to the Snake River this spring and potential salmon seasons. On average, less than five percent of the spring Chinook salmon returning to Rapid River Hatchery and the Clearwater River have crossed Bonneville Dam by March 19 and about 50% have crossed by May 1. Fisheries staff propose to schedule a Commission conference call in April with recommendations for 2013 Chinook salmon sport fisheries to be conducted in the Clearwater River, Salmon River and Snake River drainages (Appendix 46, Exhibit 39).

Predator Plan Update

Jeff Gould, Chief, Wildlife, presented an update on the plan (Appendix 46, Exhibit 40).

Fish and Game uses regulated hunting, fishing, and trapping when feasible to resolve predator conflicts with people or reduce their impacts on game populations. Some situations, however, call for more direct control methods. For example, predator control actions are used when public participation methods are inadequate to achieve management goals. Examples include authorizing control actions by Wildlife Services, or contracting with individuals to conduct site-specific work. Predator control actions are also used in situations when the species being targeted for removal are federally protected and control measures require the state to obtain either a federal kill permit or depredation permit to allow removal by agency personnel or a designated agent.

The Policy for Avian and Mammalian Predation Management, predator management plans (e.g. Lolo), and species management plans provide the biological and sociological guidance for determining whether predation is an important limiting factor and strategies to help alleviate the impacts of predation. In the case of the Greater Sage-Grouse, the 2006 Idaho Sage Grouse Conservation Plan addresses the steps taken to evaluate the need for raven control actions. Don Kemner gave a presentation explaining how the agency monitors/determines whether predation is playing a limiting factor on sage-grouse and what procedures are used to implement direct control efforts (Appendix 46, Exhibit 41).

MISCELLANEOUS

House Resources & Conservation Committee Meeting

The Commission recessed to attend the House Resources & Conservation Committee meeting.

MANAGEMENT PLAN

Elk Management Plan

Craig White, Wildlife Staff Biologist, provided an update on the Elk Management Plan (Appendix 46, Exhibit 42). Mr. White stated that the Department will seek public input on population objectives and the proposed management direction and strategies for further refinement.

Between April and May, the Department will meet with the public to present and discuss:

- Current population objectives
- Key factors that limit elk populations in Idaho
 - Predation, landowner tolerance, and habitat
- Management focus and strategies to improve elk herds and the hunting experience

An on-line Chat is scheduled for April 10th and 11th to gather input/answer questions on statewide management direction, the planning process, and survey findings.

The Department is using a variety of outreach tools to increase awareness of the planning process and opportunities for people to be involved.

RULES

Nonbiological Rules Briefing for Game Animals

Jeff Gould, Chief, Wildlife, presented the negotiated rulemaking-proposed concepts that will be presented to the Commission at the May meeting (Appendix 46, Exhibit 43). Additional rules may be added to the list based on new legislation. Mr. Gould reviewed the timeline process under negotiated rulemaking and evaluation of comments to determine if negotiated rulemaking is feasible.

REPORTS

Director's Report

Director's Report stands as written.

Commission Reports

Commission Reports stand as written (Appendix 46, Exhibit 44).

MISCELLANEOUS

Executive Session

13-22 Commissioner Barowsky moved and Commissioner Naillon seconded a motion to hold an executive session pursuant of subsections (c) and (f) of Idaho Code Section 67-2345 to discuss potential land acquisitions and pending legal issues. Roll Call Vote: Ayes: Anderson, Barowsky, Trevey, Naillon, McDermott and Budge.

The executive session ended at 5:15 p.m. with no official action taken.

Adjourn

Robert Barowsky
Acting Chairman

Virgil Moore
Secretary