

**Idaho Fish and Game Commission  
Special Meeting  
August 11, 2014  
Upper Snake Regional Office  
4279 Commerce Circle  
Idaho Falls, Idaho**

**August 11**

**MISCELLANEOUS**

**Opening Comments**

Chairman Trevey called the meeting to order at 1:00 p.m. Commissioners Brad Corkill, Blake Fischer, Mark Doerr, Lane Clezie, Kenny Anderson and Will Naillon were present. Chairman Trevey introduced new Commissioners Blake Fischer, Southwest Region and Lane Clezie, Southeast Region.

**Hunter Education Instructor Recognition**

Steve Schmidt, Regional Supervisor, presented the Upper Snake Region Hunter Education Instructor of the Year Award for 2013 to Roy Leavitt.

Roy Leavitt certified to become a hunter education in 2012 and during his first full year of being an instructor he assisted with over 15 Hunter Education classes. Mr. Leavitt is our go to guy when a fellow instructor needs an extra pair of hands to help with classroom instruction and field exercises. Almost every instructor throughout the region has come to rely on Mr. Leavitt to support their Hunter Education classes.

Above and beyond what is expected of a Hunter Education instructor, Mr. Leavitt has spent many hours correcting student workbooks, editing class materials, and recruiting new instructors. Mr. Leavitt has visited many local businesses and convinced them to hang Hunter Education recruitment posters. As a representative for the Idaho Department of Fish and Game Mr. Leavitt is a constant advocate for conservation and promoting Idaho's fish and wildlife resources.

Outside of the classroom, Mr. Leavitt is highly involved with shooting sports and introducing kids to the outdoors. He is a current board member and active participant of the Upper Snake I.H.E.A. where he donates several days a year to staffing the Hunter Education shooting trailer and participating in the Upper Snake Region's annual Youth Outdoor Skills Day. Mr. Leavitt also volunteered over 75 hours of time in 2013 in direct support of conservation projects throughout the Upper Snake Region.

**New Commissioner Orientation**

Kathleen Trever, Deputy Attorney General, provided a legal briefing to the Commission.

## RULES

### Season Setting: 2014 Sage-grouse Season

Ann Moser, Wildlife Staff Biologist, presented the Department recommendations for the 2014 sage-grouse season. Ms. Moser provided a handout regarding public scoping results (Appendix 47, Exhibit 62).

Greater sage-grouse are currently a candidate for listing under the Endangered Species Act. The U.S. Fish and Wildlife Service's 2010 listing decision stated, "The present level of hunting mortality shows no signs of being a significant threat to the species. However, in light of present and threatened habitat loss (Factor A) and other considerations (e.g., West Nile virus outbreaks in local populations), States and tribes will need to continue to carefully manage hunting mortality, including adjusting seasons and harvest levels, and imposing emergency closures if needed."

In 2014, the Department will continue to use the sage-grouse season-setting guidelines established in the 2006 Conservation Plan for the Greater Sage-grouse in Idaho. Season frameworks are first evaluated by comparing the 1996-2000 lek count averages (the beginning of intensified surveys) to the most recent (2012-2014) three-year running averages. Lek data are evaluated by Reporting Zones, where minimum population and data criteria are also considered. The Commission sets the sage-grouse seasons in August, which allows managers to evaluate lek data and determine whether West Nile virus or wildfires are affecting any sage-grouse populations in Idaho. Idaho's season-setting process allows for annual evaluations at the local level that considers circumstances that can change annually.

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

Sage-grouse local working groups provided recommendations to Regions. A statewide press release was issued on proposed seasons. A notice asking for public input was posted on the Department's web site, and was distributed via e-mail to the Sage-grouse Advisory Committee, sage-grouse local working groups, and others. Regions accepted public input or directed the public to the on-line survey.

Staff recommendation is:

The Department's recommendations include:

- Closed areas
  - Sage-grouse Reporting Zone 3A (Murphy Complex Fire area), Zone 5 (east of Interstate 15 and south of Highway 26), and that portion of Zone 4A within Elmore County: No change from 2013
  - Washington, Adams, Gem, and Payette counties: No change from 2013
  - Sage-grouse Reporting Zone 5A (Greater Curlew Valley): To Be Determined - proposed new closure for 2014 under consideration
  - All other portions of the State not within a sage-grouse reporting zone: No change from 2013
- 7-day season from September 20 through September 26, 1-bird daily bag limit, 2-bird possession limit
  - Zones 1, 2, 3B, 4A, 4B, 6, 7B, 7C, 7D, 8A, and 8B (that portion of 4A in Elmore County will be closed)

**14-74** Commissioner Naillon moved and Commissioner Doerr seconded a motion to adopt the staff recommendations for the 2014 sage-grouse season as proposed. All Commissioners voted in favor.

### **Season Setting: 2014/2015 Waterfowl Season**

Jeff Knetter, Upland Game and Migratory Bird Coordinator, presented the Department recommendations for the 2014/2015 Waterfowl season (Appendix 47, Exhibit 63). Idaho's waterfowl seasons are set within a framework established by the U.S. Fish and Wildlife Service, after they consulted with all state fish and wildlife agencies. A process called Adaptive Harvest Management determines the general duck season framework. This process was adopted by the USFWS in 1996 and is used to evaluate duck habitat and populations annually and select the optimal season framework for U. S. duck seasons. Special harvest strategies are used for some less common species. Goose seasons are determined by flyway management plans for each population.

Since 1997, LIBERAL (107 days; 7-bird bag) duck seasons have been prescribed for the Pacific Flyway, and the Idaho Fish and Game Commission has adopted a 105-day season and a 2-day youth hunt. Data collected in 2014 show that breeding habitat conditions and populations are at levels that can support a 107-day season for all waterfowl, except scaup (86 days).

For ducks and Canada geese, those 107 days can only occur between September 27, 2014 and January 25, 2015. For white-fronted geese and white geese, those 107 days can only occur between September 27, 2014 and March 10, 2015.

The Department's recommendation is to take the maximum allowed hunt days and bags allowed by federal framework. The proposed season structure for waterfowl is the same as last season: LIBERAL for ducks; MODERATE for Scaup (86 days).

### **Youth Waterfowl Season:**

Proposed season structure: September 27 and 28 statewide.

The proposed season structure for ducks and Canada geese is the same as last season.

**Ducks:**

For the 2014-2015 seasons, the proposed season structure for ducks is:

Area 1: October 4, 2014 – January 16, 2015; Scaup: October 25, 2014 – January 16, 2015

Area 2: October 11, 2014 – January 23, 2014; Scaup: November 1, 2014 – January 23, 2015

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

**Canada geese:**

The proposed season structure for Canada geese is:

Area 1: October 4, 2014 – January 16, 2015

Area 2: October 11, 2014 – January 23, 2015

The proposed daily bag limit would be 4 Canada geese.

During 2013, the framework for white-fronted geese was separated from Canada geese. For the first time, Idaho selected a 107-day white-fronted goose season that extended beyond the last Sunday in January.

**White-fronted Geese:**

The proposed season structure for white-fronted geese is:

Zone 1: October 4, 2014 – January 16, 2015

Zone 2: October 11, 2014 – January 23, 2015

Zone 3: November 10, 2014 – February 22, 2015

Proposed daily bag limit would be 10 white-fronted geese. This has been increased from a bag limit of 6 last season.

**White Geese:**

The proposed season structure for white geese is:

Zone 1: October 4, 2014 – January 16, 2015

Zone 2: October 29, 2014 – January 16, 2015 & February 14, 2015 – March 10, 2015

Zone 3: November 26, 2014 – March 10, 2015

Zone 4: October 11, 2014 – January 23, 2015

The proposed daily bag limit would be 20 white geese.

It is important to note that when white-fronted goose and white goose seasons occur at the same time, electronic calls and unplugged shotguns are **not** allowed to hunt white geese.

**14-75** Commissioner Corkill moved and Commissioner Naillon seconded a motion to adopt staff recommendations on the 2014-2015 waterfowl regulations as presented by staff. All Commissioners voted in favor.

### **Rules: Revision to Unlimited Controlled Hunt Application Rule**

Jeff Gould, Chief, Wildlife, reported that in June the Department initiated negotiated rulemaking for a rule proposal involving modifying unlimited control hunts. This proposal will allow the Commission to designate through proclamation specific unlimited controlled hunts that would be restricted to first-choice only applications in the controlled hunt process. Any proposed changes to restrict specific unlimited controlled hunts to first-choice only would be presented to the public for comment along with all other proposed season changes during the Department's big game season-setting process (Dec – Mar).

The Department filed a Notice of Intent to initiate rule-making on June 6 and the proposal was published in the Administrative Bulletin and on the Department's website on July 2. A 21-day public comment period closed on July 23.

In response to public input, staff recommends minor modifications to the proposed rule to address concerns raised by pronghorn archery hunters. All rifle and archery pronghorn hunts are now controlled hunts. There are no general season hunting opportunities. In 2009 all general season archery pronghorn hunts were converted to unlimited controlled hunts in response to chronic complaints of hunter crowding and concerns about harvest pressure. These hunts were further restructured in 2010 when the hunt period was split into an early hunt with a limited number of tags (Aug 15 – Aug 30; preferred time period) and a later season with an unlimited number of tags (Sep 10 – Sep 24). At the time of this change, archers were told they would retain the ability of selecting one of the unlimited controlled hunts as a second choice hunt should they not draw their first choice hunt. In response to this input, staff is recommending a modification of the proposed rule to exclude the pronghorn unlimited controlled hunts from the first-choice only option.

The Department initiated negotiated rulemaking for an unlimited controlled hunt rule amendment. A Notice of Intent to Promulgate a Rule was filed June 6, 2014. This will be a "proposed" rule and amends IDAPA 13.01.08260 Rules Governing the Taking of Big Game Animals (tags for controlled hunts). The proposal was published in the Administrative Bulletin and the Department has maintained a record of rulemaking on the IDFG website. Public comments were accepted during a 21-day period ending July 23.

Summary of input: The Department received 209 comments during the comment period. Sixty-two percent (129 comments) of respondents expressed support for the change; 36% (75 comments) opposed. Support or opposition was unclear for 2 % (5 comments) (Appendix 47, Exhibit 64).

**14-76** Commissioner Naillon moved and Commissioner Anderson seconded a motion that the Commission adopt staff recommendation to modify and approve the proposed rule change to IDAPA 13.01.08.260.05j to authorize the Commission to designate specific deer and elk unlimited controlled hunts to be “first-choice only” by proclamation. All Commissioners voted in favor.

**Rules: Revision to Landowner Appreciation Program Rule**

Sal Palazzolo, Private Lands / Farm Bill Coordinator gave a presentation on the Land Owner Appreciation Program (LAP). The presentation covered a review of the current program, review of Proposal 2 and a review of the survey results (Appendix 47, Exhibit 65).

Department Recommendation:

Based on these results, the Department is not proposing any modifications to LAP. There remains a lack of consensus on key issues.

- The Commission may want to investigate a narrowed focus for: 1) tag certainty for larger landowners and 2) tag incentives based on quality habitat.
- However, the Department suggests exploring an alternative process for input, should the Commission want to continue with rule making.
- If the Commission desires this, the Department can bring forth some ideas at the November meeting.

Commission discussion followed. The Commission opposes the sale of the tags.

**14-77** Commissioner Corkill moved and Commissioner Fischer seconded a motion to accept proposal 2 with the caveat to state that “Tags cannot be sold.” The motion was withdrawn by Commissioner Corkill.

Relative to this discussion there are three items to consider.

- Drop completely and the existing rule stays in place.
- Authorize the Department to investigate the policy part and bring forth some ideas at the November meeting.
- Attempt a strategy for the legislative session with interested individuals.

The Commission chose not to move proposal #2 forward and not make any changes to the current Landowner Appreciation Program. This decision was based upon a number of factors. The most important was feedback from both landowners and sportsmen indicating a significant split in opinion as to how each group would like to see program changes structured. It is important to note that both groups support the concept of the LAP program. Furthermore, both groups realize that landowners who maintain habitat important to wildlife deserve recognition. However, it appeared that reaching agreement on other key elements would be extremely difficult. The Commission felt that this lack of a clear path forward was significant enough to withhold its approval of proposal # 2.

### **Establish Season and Rules for a Fall 2014 and Spring 2015 Bear LAP Hunt**

Sharon Kiefer, Deputy Director, presented the proposal.

Background: House Bill 467 added black bear and turkey to the Commission's discretionary authority to issue additional control hunt tags to landowners of property valuable for habitat or propagation purposes where general hunting tags are limited (program called the Landowner Appreciation Program, LAP).

Negotiated rulemaking is in progress for the LAP program for deer, elk, and pronghorn but the new rule proposal is not well suited to the very limited geographic scope of bear controlled hunt areas and the limited number of tags available. In May, staff recommended adding black bear to existing LAP rules in the interim as a straightforward rule revision with limited scope regarding the number of landowners and bear hunters affected. The Commission deferred action on the staff proposal due to their concern that adopting a rule adding bear to the current LAP rules and setting a new bear LAP season would confuse stakeholders participating in the negotiated rulemaking process for deer, elk, and pronghorn.

Staff believes there is merit for consideration of a bear LAP hunt now that formal comment through negotiated rulemaking for the deer, elk, and pronghorn LAP rules has closed. Adopting a temporary and proposed rule to add black bear to existing LAP rules would allow landowner registration in August for participation in an LAP drawing for the September 1 through October 31 component of the fall 2014 controlled bear hunt and the spring 2015 controlled bear hunt. Only two bear controlled hunts in Controlled Hunt Area 22 (All of Units 22 and 31) and Controlled Hunt Area 32 (all of Units 32 and 32A) are affected by this proposal. Staff estimates that 34 landowners from a pool of 73 landowners, that are currently registered for deer, elk, and pronghorn LAP in these hunt areas, would desire to register eligible property to participate in a draw for bear LAP tags.

Action by the Commission establishing a LAP season for black bear would also be required in addition to rulemaking. Based on an additional ten percent of the number of controlled hunt black bear tags, there would be 20 tags released for the fall LAP black bear drawing and 16 tags released for the spring LAP black bear drawing. There would be no reduction in the existing number of tags for sportsmen (page 74 of current Big Game Seasons and Rules proclamation).

House Bill 467 provides the statutory authority for revisions of Commission rules and season setting via proclamation.

The 2014 legislative session offered public involvement opportunity and the Commission public process for the May meeting will provide additional opportunity. The legislative sponsor of House Bill 467 has communicated with Department staff and the Commission. An individual testified to the Commission in support of implementing Bear LAP at the July meeting.

**Staff Recommendation:** Motion from the Commission to:

Adopt the staff recommendation as proposed to amend IDAPA 13.01.04 to add black bear to the Landowner Appreciation Program;

and

Adopt a Black Bear Landowner Appreciation Season for September 1 through October 31, 2014 with 10 LAP tags in Controlled Hunt Area 22 and 10 LAP tags in Controlled Hunt Area 32. All other season restrictions as described in the 2014 Big Game proclamation for the Fall 2014 Black Bear Controlled Hunts apply.

**14-78** Commissioner Naillon moved and Commissioner Doerr seconded a motion to accept the staff recommendation both for the addition of black bear to the Landowner Appreciation Program and for a fall season. All Commissioners voted in favor.

## FISCAL

### FY16 Legislative Budget Request

Michael Pearson, Chief, Administration presented an update and requested the Commission's approval for the state fiscal year 2016 Legislative Budget Request (Appendix 47, Exhibit 66). The 2016 budget request package is due to the Governor's office on September 2, 2014. Mr. Pearson provided a brief overview of how the Department finished the most recent state fiscal year on June 30, 2014.

**14-79** Commissioner Doerr moved and Commissioner Corkill seconded a motion that the Commission approve the State Fiscal Year 2016 budget request to the Governor's office as presented. All Commissioners voted in favor.

### Amend Resolution Pertaining to Idaho Fish and Wildlife Foundation

Sharon Kiefer, Deputy Director, reported that in July, 2014, the Commission approved the amendment of the current lease agreements and refunding of the bond held by the Idaho Fish and Wildlife Foundation (IFWF) for the Jerome, Lewiston, and Salmon regional offices. Commission approval was expressed via adoption of a resolution.

Since the Commission's action, the final terms of refunding the bond have been updated. As a result of updated financial information, IFWF has requested that the Commission amend the July resolution with an updated aggregate principal amount, with all other terms of the existing resolution to remain in effect.

IFWF bond refunding is proposed to benefit the Department. Commission approval is required to complete the refunding process and amend current leases as necessary. Commission approval is executed via a Commission Resolution.

Staff Recommendation: The Commission moves to amend the July 10, 2014 resolution to reflect the updated aggregate principal. All other provisions of the existing resolution shall remain the same.

**14-80** Commissioner Clezie moved and Commissioner Anderson seconded a motion to accept the staff recommendation to amend the July 10, 2014 resolution to reflect the updated aggregate principal. All other provisions of the existing resolution shall remain the same. All Commissioners voted in favor.

## **REPORT**

### **Season Closure on Albino (White) Deer in Unit 39**

Jeff Gould, Chief, Wildlife, reported that a small number of albino deer have been reported in northwest Boise and in the foothills up towards Horseshoe Bend for over 10 years. On rare occasion, a white deer has been documented in the harvest. In July, the Department received a request to protect a white mule deer inhabiting northwest Boise within city limits and north into the adjacent foothills.

This rare deer is enjoyed by many residents and recreationists in the foothills trail system and has been featured in *The Idaho Statesman* newspaper. Recent observations indicate this deer is a yearling male and is growing a small set of 2 x 2 antlers. As long as the deer remains within city limits, it is protected by ordinance against discharge of firearms or shooting of projectiles (e.g., arrows), but if/when the deer wanders outside city limits, it would be vulnerable to legal harvest during hunting seasons in Game Management Unit 39. Current regulations do not distinguish mule deer legal for harvest based on coat color.

Mr. Gould stated that the public has requested protection of a white deer. A proposed rule change to reclassify white or albino deer separately would be required before the deer hunting season in Unit 39 could be closed to the take of white deer. The negotiated rule-making process would not be completed in time to provide protection of this animal during the upcoming hunting season. This agenda item was for information only.

## **LEGISLATION**

### **Legislative Update**

Sharon Kiefer, Deputy Director, briefed the Commission about the status of Department legislation ideas (Appendix 47, Exhibit 67) that were submitted to the Executive Agencies Legislation System ((EALS) for Governor approval. At this time the Department has not received approval for the concepts submitted. Ideas approved by the Governor's office must next be drafted as legislative bills and submitted to EALS by September 17 for another round of approval. At the time of bill submission, the Department must also indicate a committee preference for bill introduction but it is not binding on the Legislature.

Chairman Trevey requested that the Commission be part of the communication strategy process regarding the revenue increase.

## **REPORT**

## **Status Report About Wilderness Predation Management Evaluation**

Kathleen Trever, Deputy Attorney, provided a brief update on the Middle Fork Zone related to litigation. The Department will not take any control actions this year in order to meet the state sovereignty. A joint IDFG/FS coordination meeting is scheduled for late October.

Jeff Gould, Chief, Wildlife, reported on the Wilderness Predation Management.

In response to concerns about elk population trend and the impacts of predation, the Department completed a Predation Management Plan for the Middle Fork Elk Management Zone in February 2014. The Fish and Game Commission also approved the Department's revised Elk Management Plan 2014 – 2024 in January 2014. To more precisely understand both elk population status throughout the Middle Fork Elk Zone and the influence of predation and other factors on the elk population, the Department will be intensifying efforts to monitor elk mortality factors and wolf numbers in the zone. The increased focus on elk monitoring in the Middle Fork Zone is part of a larger, long-term statewide monitoring program that will include representative habitats and elk populations throughout the state. This winter, wildlife staff will capture elk and deploy 400 new satellite collars in 7 study areas. These radio-collared elk will be monitored closely, and mortalities reported through the satellite collar technology will be investigated promptly to determine cause of death. New radio collars will be supplemented annually to maintain an adequate sample. Data from this long-term monitoring program will improve our elk population estimate and enhance our understanding of elk survival and productivity across a range of habitats with different influencing factors.

The Middle Fork Zone was chosen as one of the representative areas to look at long-term elk survival, cause-specific mortality, habitat use, and movements. This area is important due to its remote character and its comparatively lower harvest of elk, as well as lower harvest of black bears, mountain lions, and wolves.

Elk Capture Plans – The most efficient and effective method to capture elk in the Middle Fork Zone (Frank Church River of No Return Wilderness - FCRNRW) is to use a helicopter to net gun or dart elk. Captured elk will be fitted with radio collars, physical condition will be evaluated, and samples will be collected to further assess health status. All captured elk will be released on site.

Mr. Gould stated that the Director's Office, Wildlife Bureau staff are communicating with the U.S. Forest Service leadership regarding the Department wildlife monitoring and management plans relevant to the FCRNRW. In addition to communicating our management needs and plans, Department staff is requesting cooperation of the USFS with habitat improvement actions to benefit elk (e.g., noxious weed control), and trail maintenance (clearing down timber) to improve non-mechanized access to the wilderness.

## **LANDS**

### **BPA Southern Idaho Wildlife Mitigation Update**

James Unsworth, Deputy Director, reported that the Department is nearing a settlement. Dr. Unsworth thanked Gregg Servheen, Jeff Gould and Kathleen Trever for their work in finalizing the agreement.

Jeff Gould provided a summary of the proposed settlement between Idaho and Bonneville Power Administration (BPA) (Appendix 47, Exhibit 68). Mr. Gould reported that BPA and IDFG are working toward a 10-year wildlife mitigation agreement to permanently resolve certain construction, inundation, and operational impacts to wildlife and wildlife habitat affected by the FCRPS dams in southern Idaho.

The proposed agreement will address one-half of the estimated losses, or 17,310 acres. BPA has already funded 8,722 acres for IDFG. BPA would make funding available for IDFG to acquire or protect at least 8,588 additional acres.

Idaho and BPA are currently drafting agreement terms and conditions and discussing the proposed agreement with regional sovereigns, partners, and customers. Once a draft agreement is available, a 30 day public comment period will be provided. Final signing of the Agreement is targeted for latter part of September.

## MISCELLANEOUS

### Executive Session

**14-81** Commissioner Doerr moved and Commissioner Fischer seconded a motion to hold an executive session pursuant to subsections (b)(c)(f) of Idaho Code Section 67-2345 to discuss personnel and legal. Roll Call Vote: Ayes: Lane Clezie, Will Naillion, Mark Doerr, Fred Trevey, Kenny Anderson, Blake Fischer and Brad Corkill. The Commission discussed pending litigation and personnel.

The executive session ended at 7:02 p.m. with no official action take.



Fred Trevey  
Chairman



Virgil Moore  
Secretary