

**Idaho Fish and Game Commission
Special Meeting – August 11, 2015
Idaho Department of Fish and Game
Conference Call
Boise, Idaho**

August 11

MISCELLANEOUS

Opening Comments

Chairman Mark Doerr called the meeting to order at 9:00 a.m. with Commissioners Brad Corkill, Fred Trevey, Blake Fischer, Lane Clezie, Kenny Anderson and Will Naillon participating.

Chairman Doerr stated that at the July 30 meeting Commissioner Corkill requested that Commissioners Trevey and Kenny Anderson participate on this conference call regarding agenda item 4. A. Bear Bait Distance From Road.

Consent Calendar

- Minutes, May 19-20-21 and June 15, 2015

15-57 Commissioner Corkill moved and Commissioner Clezie seconded a motion to accept the minutes listed in the consent calendar. All Commissioners voted in favor.

RULES

Bear Bait Distance From Road

Sharon Kiefer, Deputy Director, presented the proposal.

This agenda item was discussed at the July 30, 2015 meeting, including review of the public input. This agenda item was deferred for Commission action to allow input from Commissioners in the Upper Snake and Clearwater regions, particularly in regard to mixed public concerns about grizzly bears and pet conflicts.

The Department is advancing a rule proposal through the negotiated rulemaking process that would reduce the distance bear baits must be placed from roads or trails from the current requirement of a minimum of 200 yards to 200 feet. The current rule in the Idaho Administrative Procedure Act (IDAPA 13.01.17.100.02) requires that all bear baits be located at least 200 feet from any water (lake, pond, reservoir, year round free flowing spring and year round free flowing stream), and at least 200 yards from any maintained trail or any road. A proposed change to this rule would make the distances consistent so that baits may be located at least 200 *feet* from roads and maintained trails rather than the current minimum distance of 200 yards.

In addition, the proposed rule change would revise “any roads” to better reflect intent of distance from maintained roads that are being consistently used by full size vehicles. Staff suggests the following definition to replace “any roads” in the bear baiting rule which provides alternative definition of established roadway when roads have not been designated for such use as described but staff is continuing to research alternative definitions of roads:

No bait site may be located within two hundred (200) feet of any water (lake, pond, reservoir, year round free flowing spring and year round free flowing stream), or within two hundred (200) ~~yards~~ feet from any maintained trail or any ~~road~~ **established roadway or designated road at least 50 inches wide that is established, built, and maintained for long-term use by full-sized automobiles.**

Incorporated terms already defined in IDAPA rules (IDAPA 13.01.08.411.03):

“Established roadway” is any road that is established, built, maintained, approved or designated by any governmental entity or private landowner for the purpose of travel by full-sized automobiles. An established roadway shows evidence of repeated use by full-sized automobiles, and may include a traveled way of natural earth with depressed wheel tracks and little or no vegetation in the wheel tracks.

“Full-sized automobile” is defined as any motorized vehicle with a gross weight in excess of one thousand five hundred (1,500) pounds.

Temporary rule-making authority has not been granted for this proposed rule change. If a change is adopted by the Commission, the proposed rule would not go into effect until approved by the next legislative session, i.e. the rule would become effective in spring, 2016.

15-58 Commissioner Naillon moved and Commissioner Corkill seconded a motion for No bait site may be located within two hundred (200) feet of any water (lake, pond, reservoir, year round free flowing spring and year round free flowing stream), or within two hundred (200) ~~yards~~ feet from any maintained trail or any ~~road~~ **established roadway or designated road at least 50 inches wide that is established, built, and maintained for long-term use by full-sized automobiles.** And no bait site may be located within ¼ mile of any designated campground or picnic area, administrative site, or dwelling.

Commissioner Naillon modified his motion, at Commissioner Corkill’s suggestion (seconding the modified motion) to keep the distance from designated campgrounds, etc. at ½ mile.

The Commission was advised that the PARF for this action did not include rulemaking to modify distance from campgrounds and other areas.

The motion failed: 2Ayes (Corkill, Naillon) 5 Nays (Trevey, Fischer, Doerr, Clezie, Anderson).

15-59 Commissioner Fischer moved and Commissioner Anderson seconded a motion to adopt as a proposed rule an amendment to IDAPA 13.01.07.100.02a to read:

No bait site may be located within two hundred (200) feet of any water (lake, pond, reservoir, year round free flowing spring and year round free flowing stream), or within two hundred (200)

yards from any maintained trail or any ~~road~~ established roadway that is open to the general public for motorized traffic and capable of being traveled by full-sized automobiles. And no bait site may be located within one-half (1/2) mile of any designated campground or picnic area, administrative site, or dwelling.

The motion passed: 6 Ayes (Trevey, Fischer, Doerr, Clezie, Anderson, Naillon), 1 Nay (Corkill).

Commissioners Fred Trevey and Kenny Anderson left the meeting at 10:10 a.m.

FISCAL

FY17 Budget Approval

Michael Pearson, Administration, Chief, provided an update and requested the Commission's approval for the State Fiscal Year 2017 Legislative budget Request. The 2017 request package is due to the Governor's office on September 1, 2015.

15-60 Commissioner Fischer moved and Commissioner Naillon seconded a motion to approve the State Fiscal Year 2017 budget request as presented. All Commissioners voted in favor.

RULES

Season Setting: 2015 Sage-grouse Season

Ann Moser, Wildlife Staff Biologist presented the proposal for the 2015 sage-grouse seasons. The 2015 season will run from September 19 to September 25, with a daily bag limit of one bird, and a possession limit of two birds. The 2015 season will take place in the same areas as last year's hunt with the exception of re-opening an area in eastern Owyhee County and western Twin Falls County.

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 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 2015, 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 (2013-2015) 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.

Public Involvement Process:

We solicited for public input on our sage-grouse season proposals on our website. Initially, we proposed to maintain the same season as last year, but we received a late recommendation from the Jarbidge LWG and Magic Valley Region to re-open Zone 3A. So, effectively there were 2 comment periods.

The first comment period was from July 17-August 2. We had 177 respondents, 75% of which supported to maintain the same season as last year.

The second comment period was from August 3-9. We asked if people supported Option 1 to maintain same season as last year or Option 2 to re-open Zone 3A to hunting. We had 59 respondents, 69% of which supported re-opening Zone 3A to hunting.

15-61 Commissioner Corkill moved and Commissioner Fischer seconded a motion to the adopt staff recommendations for the 2015 sage-grouse seasons as proposed. All Commissioners voted in favor.

Season Setting: 2015/2016 Waterfowl Season

Jeff Gould, Wildlife, Chief, presented the 2015-2016 Waterfowl proposal (Appendix 48, Exhibit 51).

Idaho's waterfowl seasons are set within a framework established by the U.S. Fish and Wildlife Service (USFWS), after they consulted with all state fish and wildlife agencies.

Since 1997, LIBERAL (107 days; 7-bird bag) duck seasons have been prescribed for the Pacific Flyway, and the IDFG Commission has adopted a 105-day season and a 2-day youth hunt. Data collected in 2015 show that breeding habitat conditions and populations are at levels that can support a 107-day season for all waterfowl, except scaup (86days).

- For ducks and Canada geese, those 107 days can only occur between September 26, 2015 and January 31, 2016.
- For white-fronted goose and light goose those 107 days can only occur between September 26, 2015 and March 10, 2016.

The Department's recommendation is to take the maximum allowed hunt days and bags allowed by federal framework. The proposed daily duck bag limit would be 7 ducks; but not more than 2 female mallards, 3 scaup, 2 redheads, 2 pintail, and 2 canvasback. The proposed daily bag limit for Canada geese would be 4, the proposed daily bag limit for white-fronted geese would be 10, and the proposed daily bag limit for snow and Ross's geese would be 20. The proposed possession limit would be 3 times the daily bag limit.

15-62 Commissioner Naillon moved and Commissioner Corkill seconded a motion to adopt the staff recommendations on the 2015-2016 waterfowl regulations. All Commissioners voted in favor.

Crossbow Method of Take for Forest Grouse

Jeff Gould, Chief, Wildlife presented the proposal.

Currently, use of a trap, snare, net, or crossbow is not a legal method of take for forest grouse. Hunters in the field using a crossbow for other species, such as disabled hunters hunting with a Disabled Persons Archery Hunter Permit, have desired to be able to use a crossbow to take forest grouse when they are already in the field pursuing big game species in the hunts that permit crossbow use.

The Commission has authority to adopt methods of take for fish and wildlife species via rulemaking.

The Commission has periodically heard from sportsmen interested in the opportunity to take forest grouse with a crossbow over the last several years. Disabled hunters with a disabled archery permit to allow crossbow use in archery hunts have been particularly interested in this opportunity.

Commission discussion followed.

Director Moore suggested that the Commission defer making the motion until the end of the meeting so that Sharon Kiefer and Greg Wooten can draft the new language for consideration.

Sharon Kiefer presented Options 1 and 2 for consideration (Appendix 48, Exhibit 53). (Sharon I will need a copy of the options if you want to include as an exhibit)

15-63 Commissioner Fischer moved to table the discussion and not make any changes to the crossbow method of take for forest grouse. Motion failed no second.

15-64 Commissioner Naillon moved and Commissioner Corkill seconded a motion to accept Option 1.

The motion failed: 2 Ayes (Doerr and Naillon) 3 Nays (Corkill, Fischer, Clezie).

15-65 Commissioner Corkill moved and Commissioner Clezie seconded a motion to

b. With a trap, snare, net, crossbow, or firearms EXCEPT a shotgun using shells not exceeding three and one-half (3-1/2) inches maximum length, slingshot, hand-held or thrown missiles, EXCEPT forest grouse. Forest grouse shall not be taken with a trap, snare, net, or crossbow. Crossbow may be used to take forest grouse by a person who possesses a Disabled Persons Archery Hunting Permit or a Special Weapon Reasonable Modification Hunting Permit

authorizing use of a crossbow or by a person hunting in an area where crossbow is a lawful method of take for big game.

The motion passed: 4 Ayes (Corkill, Doerr, Clezie, Naillon) 1 Nay (Fischer).

Proposed Rules and Season Setting: Coho Salmon

Jim Fredericks, Chief, Fisheries presented the proposal for a Coho Salmon fishery (Appendix 48, Exhibit 52) and IDAPA Rule change to allow possession of coho salmon with an intact adipose fin.

A sport fishery for coho salmon was conducted in 2014; the first coho-directed fishery in over 30 years. The abundance of Snake River coho salmon is not predicted. Based on a comparison of 2015 forecasts for Columbia River coho salmon with 2014 forecasts and actual returns, sufficient numbers of coho are anticipated to return to the Clearwater River to allow some sport fishing opportunity on the Clearwater, Middle Fork Clearwater and North Fork Clearwater rivers.

Most coho salmon entering the Clearwater River are not adipose fin-clipped, but are of hatchery origin and sufficiently abundant to afford some harvest opportunity. Current rules allow that only salmon marked by clipping the adipose fin may be harvested (kept) during salmon seasons. A change to two existing rules is needed to allow any nontribal harvest and possession of coho salmon in a season anticipated to open in September.

15-66 Commissioner Fischer moved and Commissioner Clezie seconded a motion to approve the 2015 coho salmon fishing season and adopt the proposed rules. All Commissioners voted in favor.

LANDS

Walker Land Acquisition

Gregg Servheen, Wildlife Program Coordinator reported that this 760-acre property is located on the Bear River approximately 5 miles northwest from the town of Georgetown, ID and borders the existing Georgetown WMA. The Department proposes acquiring fee-title of the property to preserve winter habitat, a wildlife travel corridor and to provide calving, fawning, and nesting habitat in the riparian corridor and mountain brush communities. Additional benefits would include improved nesting cover for waterfowl and upland game, and opportunity to improve stream habitat in the Bear River. This property includes approximately 2 miles of the Bear River and also adjoins the recently acquired McCammon (2007) and RMEF (2012) properties.

The property is currently dryland grazing and agricultural land, and has a 4 cfs water right.

This property was previously presented to the Commission during Executive Session in November of 2013.

Acquisition costs are \$891,000 of Bonneville Power Administration and Bear River Mitigation funds.

15-67 Commissioner Clezie moved and Commissioner Fischer seconded a motion to proceed with the acquisition of the Walker property.

15-68 Commissioner Clezie modified his motion and Commissioner Corkill, seconded the modified motion, to proceed with the acquisition of the Walker property as presented by the Department conditional to the full funding for acquisition provided by Bonneville Power Administration and Bear River Mitigation funds. The Commission Secretary, Virgil Moore will sign when funding is confirmed and will notify the Commission when completed. All Commissioners voted in favor.

LEGISLATION

Approval of Public Sportsman's Survey

Ed Schriever, Deputy Director, stated that with the approval of Governor Otter, the Commission and Department advanced a fee proposal to increase Department revenue to the 2015 Legislature. The proposal received legislative support to be printed as a bill (House Bill 32) and was heard by the House Resources and Conservation Committee for discussion. At the request of Representative Moyle, Chairman Raybould held the bill from further action. While HB32 was being held, various legislators discussed alternate versions that included implementation of a bonus point system and issuance of special auction tags for a variety of big game species.

The Department and Commission remain committed to pursuing legislation to increase Department revenue sufficient to address erosion of spending power in operational funds due to inflation since our last resident fee increase. Additional revenue could also be used to enhance existing high priority programs, implement new projects or programs and/or increase the reserve account.

The development of a successful legislative fee proposal in 2016 includes addressing those issues or programs that generated legislative interest as evidenced by draft legislative proposals modifying HB32 – including:

- a. Bonus Points – or alternative mechanisms to address low draw odds in some highly desirable controlled hunts
- b. Auction Tags

Staff developed a draft survey to generate unbiased opinions of sportsmen and women to determine their opinions related to controlled hunt draw odds (Bonus Points) and broader implementation of Auction Tags. Staff provided the Commission with the draft survey following their July 30, 2015 meeting and requested comments and suggested edits to the draft be routed to Deputy Director Schriever by August 7.

Final survey results will be available by the November Commission meeting pending timely implementation of the survey.

Consensus of the Commission is to proceed with the survey.

Legislative Update

Sharon Kiefer, Deputy Director, briefed the Commission about the status of department legislation ideas that were submitted to the Executive Agencies Legislation System (EALS) for Governor Office approval. Ideas approved by the Governor's Office must next be drafted as legislative bills and submitted to EALS by September 14 for another round of approval. At the July meeting Deputy Director Kiefer reported that the Commission gave policy approval for the Department to move ahead with 3 legislative proposals.

The Department has received approval to proceed with the proposal for:

- Clarify existing aircraft restrictions in Idaho Code 36-1101 include aircraft systems and;
- Raise the minimum age, necessary to possess a WMA Pheasant Permit to hunt pheasants on WMAs where pheasants are released, from 17 to 18.

The Department has not received approval at this time to proceed with the next step in the EAL process for the Fee Increase Bill to include Price Lock.

REPORTS

Update River Codes with the purchase of a Salmon/Steelhead Permit

Michael Pearson, Chief, Administration, reported that during the July 30, 2015 Commission meeting Department staff were asked to investigate options and the possibility of including river location codes with the sale of each Salmon/Steelhead permit. The Department currently prints a 2x4 card for river codes for Salmon and they are distributed to vendors when the regulations are sent out.

Upon Commission direction, the Department will request the license system vendor to modify the Salmon/Steelhead permit to include the river codes on the actual permit when printed after purchase.

Incidental Take of Mountain Lions

Jon Rachael, State Wildlife Manager, reported that at the July 2015 meeting, Commissioners requested information about the possibility of changing existing rules to allow mountain lions unintentionally captured by trappers to be tagged and retained by the trapper. Under existing regulations, gray wolves are the only big game animal for which there is a trapping season. Mountain lions are occasionally captured by trappers pursuing other species, particularly, but not exclusively, bobcats. Because foothold traps and snares are not legal methods of take for mountain lions, trappers that capture mountain lions incidentally must report such captures immediately. Trapped mountain lions must be released. Unreleaseable lions cannot be retained by the trapper and become property of the State. Such lion carcasses are frequently sold at the Department's annual fur sale.

The Commission and Department Staff have had periodic requests from trappers that we adopt rules to allow the opportunity for trappers to apply a valid tag and retain mountain lions captured as a “nontarget” animal in a foothold trap or snare legally set for furbearers, coyotes, or wolves. If the Commission chooses to proceed with rulemaking, a proposed rule will be drafted and a Notice of Intent will be filed in the Administrative Bulletin, initiating a 21-day public comment period.

This agenda item is for Commission information only at this time. Staff presented a brief overview of existing rules and rationale for restricting possession of nontarget mountain lions, as well as history of reported nontarget mountain lion captures, and considerations for modifying the existing rule to allow retention of nontarget mountain lions.

The Commission intent for further consideration is to allow trappers to apply a valid tag and retain a dead mountain lion captured as a “nontarget” animal in a trap or snare legally set for furbearers, coyotes, or wolves. Live mountain lions must be released.

The Commission desires for staff to provide more information for future discussion.

State Wildlife Action Plan

Jeff Gould, Chief, Wildlife, provided a brief update on the State Wildlife Action Plan. In 2001, Congress created the Wildlife Conservation and Restoration Program and State and Tribal Wildlife Grants Program, which for the first time, provided funding to state fish and wildlife agencies for the management and conservation of the highest priority “at-risk” species. With an emphasis on nongame species, game species are also eligible for funding if deemed to be in the “greatest need of conservation.” Funding was distributed to the States with the condition that each state will develop a “State Wildlife Action Plan” to provide strategic guidance on implementing proactive, nonregulatory, incentive-based solutions to conserve fish and wildlife.

To be eligible to receive funding, Congress also required that all States commit to reviewing and, if necessary, revising their State Wildlife Action Plans within 10 years. As such, the Idaho Department of Fish and Game (IDFG) is currently undertaking a comprehensive review and revision of the Idaho State Wildlife Action Plan (formerly known as the Comprehensive Wildlife Conservation Strategy), first completed in 2005 pursuant to the creation of the Wildlife Conservation and Restoration Account.

Since the May 2015 Commission Meeting, the IDFG Operations Team created a State Wildlife Action Plan (SWAP) Executive Team comprised of Sharon Kiefer, Jeff Gould, Rex Sallabanks, Rita Dixon, Chip Corsi, Steve Schmidt, and Toby Boudreau to provide planning oversight. After reviewing the initial draft SWAP materials released June 1, 2015, the Executive Team decided that its vision for the final SWAP is to see it focused on the highest priority Species of Greatest Conservation Need (SGCN), the most important threats to those SGCN, and the strategies to address those threats. The team asked for more narrative, less tabular information in the section plans, and one completed section for review to serve as a model for the remainder of the plan.

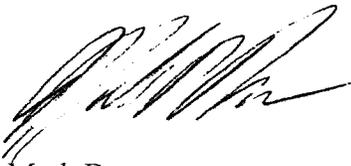
The completed section will be submitted to the Executive Team for review the week of August 3, 2015. Following Executive Team feedback, the core SWAP planning team will revise the remaining 13 sections and complete the draft SWAP for review by the Commission in September. The public input period will be determined after the format is finalized and all sections are completed.

Elk Monitoring Update

Jeff Gould, Chief, Wildlife, updated the Commission on the elk monitoring plan for the Middle Fork Zone.

Adjournment

The meeting adjourned at 12:10 p.m.



Mark Doerr
Chairman



Virgil Moore
Secretary