

**Idaho Fish and Game Commission  
Special Meeting -- June 22, 2006  
Boise, Idaho**

Present in the Director's Office: Director Steven Huffaker; Deputy Attorney General Dallas Burkhalter; Chief of Fisheries Virgil Moore; Anadromous Fish Manager Sharon Kiefer; Anadromous Fisheries Coordinator Bill Horton; Chief of Communications Roger Fuhrman; Desktop Publishing Specialist Niels Nokkentved; Chief of Administration Jim Lau; Wildlife Program Coordinator Gregg Servheen; Office Specialist David Smith; Roger Phillips with the *Idaho Statesman*; and Senior Financial Management Analyst Maria Barratt with DFM.

A special meeting of the Idaho Fish and Game Commission was held by telephone conference. The meeting was called to order by Chairman Cameron Wheeler at 8:00 a.m. with Commissioners Alex Irby, Wayne Wright, Tony McDermott, Gary Power and Marcus Gibbs. Commissioner John Watts joined the call at 8:30 a.m.

**RULES**

**Spring Chinook Update and Fishery Proposal**

Sharon Kiefer presented the Spring and Summer Chinook Salmon Run and Fisheries Update (Appendix 39, Exhibit 67) to the Commission.

Ms. Kiefer reported that the Lower Granite Dam return through the 20<sup>th</sup> of June was almost 24,000 fish. The ten year average for the same period of time is considerably higher at 51,625 fish. Last years return through the 20<sup>th</sup> of June was 27, 194 fish. She stated that we did see an increase in the Bonneville Dam count during the spring Chinook period, which is an increase over what we had in 2005. To date that has not translated to an increase over 2005 returns in the Snake Basin which is a little disappointing.

Staff proposal to modify the Spring Chinook Fishery:

To avoid the risk of overharvest of the state harvest share and to ensure extended tributary fishing opportunity, staff recommends closing the mainstem Salmon River, from the Hammer Creek boat ramp upstream to a posted line at the mouth of the Little Salmon River, to spring Chinook salmon fishing at the close of fishing hours on Saturday, June 24.

**06-47** Commissioner Gibbs moved and Commissioner Irby seconded a motion to **ADOPT THE STAFF PROPOSAL TO MODIFY THE SPRING CHINOOK FISHERY**. The motion carried in a unanimous vote.

**Summer Chinook Update and Fishery Proposal**

Sharon Kiefer, Anadromous Fish Manager, updated the Commission members on the Summer Chinook and Fishery Proposal (Appendix 39, Exhibit 67).

Staff Proposal for a Summer Chinook Fishery:

**Fishing Rules:** Adopt rules in “Idaho 2005 Spring Chinook Salmon Seasons and Rules” except modified as follows:

**Area open for fishing:**

Mainstem South Fork Salmon River from the mouth of Goat Creek upstream to a posted boundary approximately 100 yards downstream from the South Fork Salmon River salmon weir and trap.

**Daily, Possession, and Season Limits:**

Daily = 1                      Possession = 3                      Season (cumulative, statewide) = 10

**Season:**

Thursday, June 29 until further notice.

**06-48** Commissioner Irby moved and Commissioner Powers seconded a motion **THAT WE ACCEPT THE STAFF PROPOSAL FOR SUMMER CHINOOK FISHERY.** The motion carried in a unanimous vote.

### Legislation

**Implementation of Senate Bill 1385**

Ms. Kiefer briefed the Commission on rule making to implement Senate Bill 1385. Senate Bill 1385 added additional certification for a disability license that is tied to actual physical disability determined by a physician. This rule making will be modifying Chapter 13.01.04 Rules Governing Licensing (Appendix 39 Exhibit 68).

The staff provided the Commission with a draft rule on May 18, 2006 and proceeded with a follow up letter to the sponsors of SB1385 dated May 22, 2006 that included a copy of the draft rule. The letter to the sponsors requested any comments or feedback. A follow up letter was sent to the sponsors on June 15, 2006 indicating we would take up the rule making proposal on June 22, 2006. The Department did not receive any formal feedback from the three sponsors. Ms. Kiefer visited briefly with Senator Keough at the JFAC meeting in Jerome. She indicated that at first blush the draft rule appeared to meet the intent of the statute but she wanted to talk with her constituents. No comment was received back from Senator Keough.

Chairman Wheeler asked for comments from Commissioner Wright. Commissioner Wright has been involved in this process. He is concerned with the definition of permanent disability. He feels it is somewhat oblique or obscured. Permanent disability, despite the fact that it says permanent may only last one or two years. So if physician certification is only required once, there will be a number of people who have a permanent disability that could be taken off that disability status at some point in the future. Ms. Kiefer stated that the Department has provided a definition for permanent disability and clearly remains in the hands of the physician and how he interrupts that definition.

**Permanent Disability:**

Permanent disability is defined as a medically determinable physical impairment, which a physician has certified that the condition has no expectation for a fundamental or marked change at any time in the future.

Commissioners Wright and Watts had originally suggested that individuals be recertified every 5-10 years by a physician due to the fact that a disability could change. Director Huffaker stated that the sponsors of the legislation and the intent of the legislation was for permanently disabled people. The example

legislators were using was an amputee. The sponsors of the bill felt that disabled is disabled and once an individual is classified permanently disabled they wanted them to be able to buy this license and not be hassled.

Chairman Wheeler stated that the Commission is fully aware that there could be some abuse of the disability rule. He would like the minutes to reflect Commissioner Wright's comments regarding the definition of disability. He feels the definition is vague and open to interpretation. In some cases a permanently disabled person does get better and no longer meet guidelines.

Ms. Kiefer stated that we made that point with the Legislature. And if we felt this was becoming a problem, we made it very clear that we would be back to the Legislature with these concerns.

**06-49** Commissioner Gibbs moved and Commissioner Irby to **ADOPT STAFF RECOMMENDATIONS FOR THE IMPLEMENTATION OF SENATE BILL 1385**. The motion carried in a unanimous vote.

## LANDS

### Crystal Lake Public Access

Gregg Servheen updated the Commission on the Crystal Lake easement (Appendix 39, Exhibit 69).

The Crystal Lake public access area (the former L.P. Slough) is a 35 acre easement located approximately one mile east of Priest River off of US Highway 2 along the Pend Oreille River. Crystal Lake has been an extremely popular fishing area for anglers in the area for many decades. It is close enough to Priest River to provide a "bicycle fishery" for kids in the Priest River area. Crystal Lake supports a diverse warm water fishery for black crappie, yellow perch, largemouth and smallmouth bass, pumpkinseed and bluegill sunfish and brown bullhead. Public access to fish Crystal Lake has been denied in recent years. The donation of this easement by the current owner will secure long term public access for the fishing public in perpetuity. Long term costs will include some maintenance and no capital improvements.

The Lands Committee recommendation is to accept the donation of the easement due to the minimal management costs. The County supports the Department accepting the donation. The project is ready to go and will require a signature. The Director stated that he can sign for the Commission as secretary.

**06-50** Commissioner Irby moved and Commissioner McDermott seconded to **ACCEPT THE PROPOSAL BY THE STAFF TO ACCEPT THE DONATION OF THE CRYSTAL LAKE ACCESS TO THE DEPARTMENT**. The motion carried in a unanimous vote.

The meeting adjourned at 8:30 a.m.

---

Cameron Wheeler, Chairman

---

Steven M. Huffaker, Secretary