

Idaho Department of Fish and Game:
Opportunities Exist to
Improve Lands Program and
Strengthen Public Participation Efforts

January 2001

Office of Performance Evaluations
Idaho State Legislature



Report 01-02

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At the direction of the Joint Legislative Oversight Committee, we have evaluated the Department of Fish and Game's lands program and its public involvement efforts. This evaluation is the last in a series of evaluations related to operations of the department.

I respectfully submit our completed evaluation for your review and consideration. Our review revealed that the department manages about 373,000 acres of land statewide, of which it owns about 53 percent. These landholdings are generally consistent with its statutory charge. However, we recommend the department continue efforts to dispose of properties that could be sold (at an estimated value of \$500,000) or exchanged, and periodically review its land holdings to identify unneeded properties. In addition, recent funding increases should help address outstanding land management needs.

Also, we conclude that the department's method of estimating fees-in-lieu-of-taxes has resulted in underpayments and overpayments to counties. The department has paid a total of \$1.5 million in fees-in-lieu-of-taxes since 1992. We recommend the department change the way it calculates the fees to ensure more accurate payments in the future.

With regard to the department's public involvement efforts, we conclude that the department and commission have gone beyond Idaho statutory requirements for soliciting input from the public. However, the department has done little to communicate back with those who have provided input, and public satisfaction with the department's input efforts appears to be mixed. We recommend the department designate staff to coordinate public involvement activities, begin following-up with those who provide input, and regularly evaluate its efforts.

Throughout this evaluation we received the full cooperation of the department and members of the Fish and Game Commission. This report was researched and written by Jim Henderson (lead), Ned Parrish (lead), and Lewissa Swanson, with assistance from other Office of Performance Evaluations staff.

Respectfully submitted,


Nancy Van Maren

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Introduction, Methods, and Summary of Conclusions

In June 2000, the Joint Legislative Oversight Committee directed the Office of Performance Evaluations to examine four issues related to the Department of Fish and Game. This report addresses two of these issues, the department's ownership and management of lands and the department's (and Idaho Fish and Game Commission's) efforts to solicit public input in making decisions about policies, management plans, or regulations. Concerns centered around the amount and location of department lands, the costs of land management activities, and fees-in-lieu-of-taxes. Concerns about the department's and the commission's efforts to obtain and adequately consider public input before making decisions about fish and wildlife management were also raised.

To address these issues, we asked:

Land Ownership and Management

- How much land does the Department of Fish and Game own or control, and where are these lands located? How much land has the department acquired and disposed of in the past five years? What were the goals of each acquisition and to what extent are these goals being accomplished?
- How much has the department spent to manage these lands over the past three years?
- Have sharecropping and grazing agreements been managed in the best interests of the state?
- How much has the department paid to counties in fees-in-lieu-of-taxes over the past five years? Have these payments been consistent with requirements in the Idaho Constitution and Idaho Code?

Concerns were raised about the amount and location of department lands and related costs.

Questions were also posed about Fish and Game's efforts to adequately consider public input.

Public Participation

- What opportunities has the department provided for public input when setting regulations, developing management plans, and developing other policies? How satisfied are license holders with the opportunities available to provide input, and with the department's and commission's use of the input provided?
- How could the public participation process be improved? What may be learned from experiences in other states and Idaho state agencies?

Evaluation Methods

To review the department's lands program, we reviewed the Idaho Constitution, Idaho Code, and administrative rules. We spoke with department staff and county officials, analyzed the department's lands database, and compared information in the database with information obtained from the Idaho Department of Lands and selected counties. We reviewed department budget information and information from the Statewide Accounting and Reporting System (STARS). We visited selected wildlife management areas and other department lands and spoke with regional supervisors and managers responsible for managing the lands we visited.

To examine the department's and commission's efforts to solicit public input, we reviewed Idaho Code and administrative rules. We spoke with department staff and members of the Fish and Game Commission, attended public meetings, and reviewed available documentation for a sample of issues for which the department and commission solicited input. We also reviewed current public involvement literature and interviewed public involvement staff from other state wildlife agencies and Idaho state agencies that also solicit a great deal of public involvement.

We also surveyed a randomly selected sample of 1999 resident license holders. The survey included questions concerning both the department's lands programs and public input. Questionnaires were sent to 579 individuals statewide and

As part of our review, we surveyed a sample of 1999 license holders.

received from 258 individuals, for a response rate of 45 percent.¹ Overall, the margin of error for the survey was ± 6 percent at a 95 percent confidence interval.

Summary of Conclusions

Lands Program. The department has land holdings throughout the state, has followed the procedures proscribed by law when acquiring and disposing of property, and has acquired land consistently with its statutory charge and its management plans. However, we found that while the department has sold most of its surplus properties, it retains properties with an estimated value of \$500,000 that could be sold and additional properties that could be exchanged for lands more valuable to the department. Recent increases in funding for land management due to departmental fee increases could help address management needs on department lands. Although the department has adopted adequate written guidelines for sharecropping and grazing agreements, the department has been unable to conform to one requirement set out in those guidelines. In addition, we found the department's method of estimating fees-in-lieu-of-taxes is overly simplistic and may result in underpayments and overpayments to counties. We recommend a number of changes to address these findings.

Public Input Efforts. The department and commission have used a variety of methods to gather public input and have generally gone beyond what is required by law. However, despite these efforts, public satisfaction with the processes is mixed. We found the department's public involvement efforts have not been centrally coordinated and that the department has limited technical assistance and guidance available to staff who plan and implement public involvement activities. We also found that the department has done little to explain the input process to the public or to follow-up with those who have provided input to explain how it factored into decisions. Further, the department has not regularly evaluated the effectiveness of its public input efforts. We recommend a number of changes to address these findings.

¹ All 1999 resident license holders age 18 or older were included in the population from which the sample was selected.

Summary of Report Findings and Recommendations

1. The Department of Fish and Game manages approximately 373,000 acres of land, 53 percent of which are actually owned by the department. *Page 2.*
2. The Department of Fish and Game's land holdings are consistent with its statutory charge. *Page 3.*
3. The Department of Fish and Game owns or otherwise manages land throughout the state. *Page 3.*
4. The majority of license holders surveyed reported having visited a wildlife management area or other Department of Fish and Game lands within the previous two years. *Page 6.*
5. Since 1995, the Department of Fish and Game has acquired ownership or other interest in nearly 100,000 acres of land, of which 80,000 acres were donated and about 20,000 acres acquired at a total cost of \$8.1 million. *Page 6.*
6. The Department of Fish and Game's process for acquiring property conforms to the requirements of Idaho Code. *Page 8.*
7. Recent land acquisitions have conformed with the Department of Fish and Game's long range plan for land acquisition. *Page 10.*
8. A majority of survey respondents rated the Department of Fish and Game favorably in habitat acquisition, but less favorably in acquiring hunting and fishing and access areas. *Page 11.*
9. The Department of Fish and Game has disposed of 674 acres for \$1.3 million, and another 199 acres of surplus land with an estimated value of approximately \$500,000 remain. *Page 12.*

10. The process the Department of Fish and Game has followed to dispose of surplus property has gone beyond Idaho Code requirements. *Page 14.*
 - **We recommend the Department of Fish and Game continue its efforts to dispose of surplus and nonessential property.** *Page 15.*
 - **We recommend the Department of Fish and Game periodically update its 1996 assessment of land holdings to identify those that could be sold or exchanged.** *Page 15.*
11. The Department of Fish and Game has increased funding for land management for fiscal year 2001, which may help address outstanding management needs. *Page 16.*
12. The Department of Fish and Game's controls over sharecropping and grazing agreements appear adequate to protect the state's interests, although the department has been unable to adhere to one control provision in all cases. *Page 19.*
 - **We recommend the Department of Fish and Game review its guidelines to clarify the steps to be taken when bids received do not meet the department's required share.** *Page 21.*
13. Grazing and sharecropping agreements signed prior to 1995 have not been modified to conform to the Department of Fish and Game's guidelines, and some have no expiration dates and lack other specific terms. *Page 21.*
 - **We recommend the Department of Fish and Game amend the three grazing agreements to provide specific terms and expiration dates, and that the department terminate the 1993 sharecropping agreement and ensure subsequent agreements conform to its guidelines.** *Page 22.*
14. The Department of Fish and Game's use of the statewide average tax per acre in calculating fees-in-lieu-of-taxes has resulted in underpayments and overpayments to counties. *Page 24.*

- **We recommend the Department of Fish and Game develop a method to accurately calculate fees-in-lieu-of-taxes due to each county.** *Page 26.*
15. The Department of Fish and Game and Idaho Fish and Game Commission have used a variety of methods to gather input that have gone beyond what is statutorily required. *Page 31.*
 16. Despite the Department of Fish and Game's and Fish and Game Commission's efforts, public satisfaction with the public input process is mixed. *Page 31.*
 17. The Department of Fish and Game's public input efforts lack centralized coordination and technical materials and staff resources dedicated to the public input process. *Page 34.*
 18. The Department of Fish and Game has done little to follow-up with those who have provided input about proposed regulations and policies, and its communication with participants has been otherwise lacking. *Page 35.*
 19. The Department of Fish and Game has not regularly evaluated the effectiveness of its public input efforts. *Page 37.*
- **We recommend the Department of Fish and Game dedicate staff to coordinate public involvement efforts and provide technical assistance to staff.** *Page 38.*
 - **We recommend the Department of Fish and Game develop written guidance to assist department staff in planning, implementing, and evaluating public input efforts.** *Page 39.*
 - **We recommend the Department of Fish and Game develop ways to communicate the public input process to the public.** *Page 39.*
 - **We recommend the Department of Fish and Game regularly follow-up with those who have provided input to explain how the input received factored into management and commission decisions.** *Page 40.*
 - **We recommend the Department of Fish and Game regularly evaluate its public involvement efforts.** *Page 40.*

20. Survey responses suggest that about 20 percent of those providing public input were satisfied with the method they used to provide input to the Department of Fish and Game. *Page 41.*

- **We recommend that, as part of its overall evaluation efforts, the Department of Fish and Game gather information from stakeholders about their satisfaction with the methods used to gather input. *Page 42.***

21. Additional methods of soliciting public input have been found effective by wildlife agencies we reviewed. *Page 42.*

- **We recommend the Department of Fish and Game and the Fish and Game Commission consider using public involvement methods that have been found effective in other state wildlife agencies. *Page 43.***

Chapter 1

Description of Department Lands Program and Opportunities for Improvement

As noted, concerns were raised about the department’s ownership and management of lands and the adequacy of fees-in-lieu-of-taxes. To respond to these concerns, we reviewed land holdings of the Department of Fish and Game and the department’s process for acquiring and disposing of property, and visited selected holdings. In general, we found that the department has land holdings throughout the state, has followed the procedures proscribed by law when acquiring or disposing of property, and has acquired land consistently with its statutory charge and its management plans. Recent additional funding allocations may address concerns raised about management of department lands. The department’s use of statewide average taxes per acre rather than actual values and tax rates to calculate fees-in-lieu-of-taxes may have resulted in underpayments and overpayments to counties. We recommend that the department continue its efforts to dispose of its non-essential and surplus property, periodically review its land holdings, amend its guidelines for sharecropping and grazing agreements to provide more flexibility, and develop a method to more accurately calculate fees-in-lieu-of-taxes.

The department owns and otherwise manages land throughout the state.

Under Idaho Code, the Fish and Game Commission may acquire land for the following purposes:

- For fish hatcheries, nursery ponds, or game animal or game bird farms;
- For game, bird, fish, or fur-bearing animal restoration, propagation, or protection; and

Statutes authorize the commission to acquire lands for a variety of purposes.

- For public hunting, fishing, or trapping areas or access to areas where the public may hunt, fish, or trap in accordance with provisions of law or the commission’s regulations.¹

The department owns just over half of all land it manages.

To determine how much land the Department of Fish and Game owns or otherwise manages, where those lands are located, and for what purposes they are used, we spoke with department staff, reviewed the department’s lands database, and compared department data for selected counties with county and Idaho Department of Lands data.

We found:

- **The Department of Fish and Game manages approximately 373,000 acres of land, 53 percent of which are actually owned by the department.**

¹ IDAHO CODE § 36-104(b)7 (Supp. 2000).

Table 1.1: Owned or Managed Lands: Number of Acres by Types of Interest as of November 15, 2000

<u>Region</u>	<u>Owned</u>	<u>Agreement/ License</u>	<u>Leased</u>	<u>Conservation Easement</u>	<u>Other^a</u>	<u>Total Acres</u>
Panhandle	26,208	5,800	620	104	128	32,861
Clearwater	78,273	195	9,648	65	41	88,223
Southwest	34,523	15,392	17,817	15,039	382	83,153
Magic Valley	7,698	34,533	803	11	717	43,763
Southeast	9,461	1,786	4,530	0	385	16,162
Upper Snake	39,553	54,540	12,132	722	319	107,265
Salmon	1,188	159	0	321	43	1,711
Total Acres ^b	196,904	112,405	45,551	16,262	2,016	373,137
Percent of Total^b	53%	30%	12%	4%	1%	100%

^a Includes access easements, special-use permits, and lands managed under letters or memoranda of agreement.

^b Does not sum due to rounding.

Source: Office of Performance Evaluations’ analysis of Department of Fish and Game data.

As shown in Table 1.1, the department holds title to approximately 197,000 acres (53 percent of all land managed). Another 112,000 acres (30 percent) are managed under agreements or licenses, and approximately 45,500 acres (12 percent) are managed under leases.² Conservation easements and other types of property interest make up the other 5 percent of the lands under department management.

Approximately 82 percent of department land has more than one use. For example, land used for waterfowl habitat may also be used as a fishing area. We reviewed properties by their principal use. We found:

- **The Department of Fish and Game’s land holdings are consistent with its statutory charge.**

As Table 1.2 shows, approximately 362,000 acres, or about 97 percent of department land, is principally used for big game, upland game, and waterfowl habitat. Approximately 10,000 acres of land (2.6 percent) is used for hunting and fishing access areas and fishing areas. Another 819 acres (0.2 percent) is used for fish hatcheries.

We reviewed department land holdings in each fish and game region and each county.

We found:

- **The Department of Fish and Game owns or otherwise manages land throughout the state.**

Most department land (about 80 percent) is located within a statewide network of 31 wildlife management areas that provide habitat for big game, waterfowl, and upland game. Wildlife management areas also provide hunting and fishing opportunities as well as non-consumptive public recreational uses, such as

The remaining lands are managed under various agreements, leases, and conservation easements.

The department has acquired land primarily to protect habitat for big game, upland game, and waterfowl.

² Lands managed under an agreement are those in which the department has entered into an agreement to manage lands with the owner of the property (usually a federal agency). A license is “...A personal privilege to do some particular act or series of acts on land without possessing any estate or interest therein.” *Black’s Law Dictionary*, 6th ed. (St. Paul: West Publishing Co., 1991), 919–920.

Table 1.2: Owned or Managed Lands: Number of Acres by Principal Use as of November 15, 2000^a

<u>Region</u>	<u>Big Game Range</u>	<u>Upland Game Habitat</u>	<u>Waterfowl Habitat (Wetlands)</u>	<u>Fishing Area</u>	<u>Sportsman Access</u>	<u>Fish Hatchery</u>	<u>Administrative</u>	<u>Total Acres</u>
Panhandle	16,468	24	15,370	242	657	87	13	32,861
Clearwater	86,558	82	93	1,021	328	122	19	88,223
Southwest	64,000	2,970	13,396	1,648	827	69	243	83,153
Magic Valley	1,630	34,088	5,369	1,216	1,296	152	11	43,763
Southeast	8,591	705	5,763	360	611	123	9	16,162
Upper Snake	86,676		19,368	231	752	234	4	107,265
Salmon	1,012			194	458	32	15	1,711
Total Acres ^b	264,934	37,870	59,358	4,912	4,930	819	314	373,137
Percent of Total	71.1%	10.1%	15.9%	1.3%	1.3%	0.2%	0.1%	100.0%

^a About 82 percent of department land has more than one use. For example, property acquired for waterfowl habitat may also be used as a fishing area.

^b Does not sum due to rounding.

Source: Office of Performance Evaluations' analysis of Department of Fish and Game data.

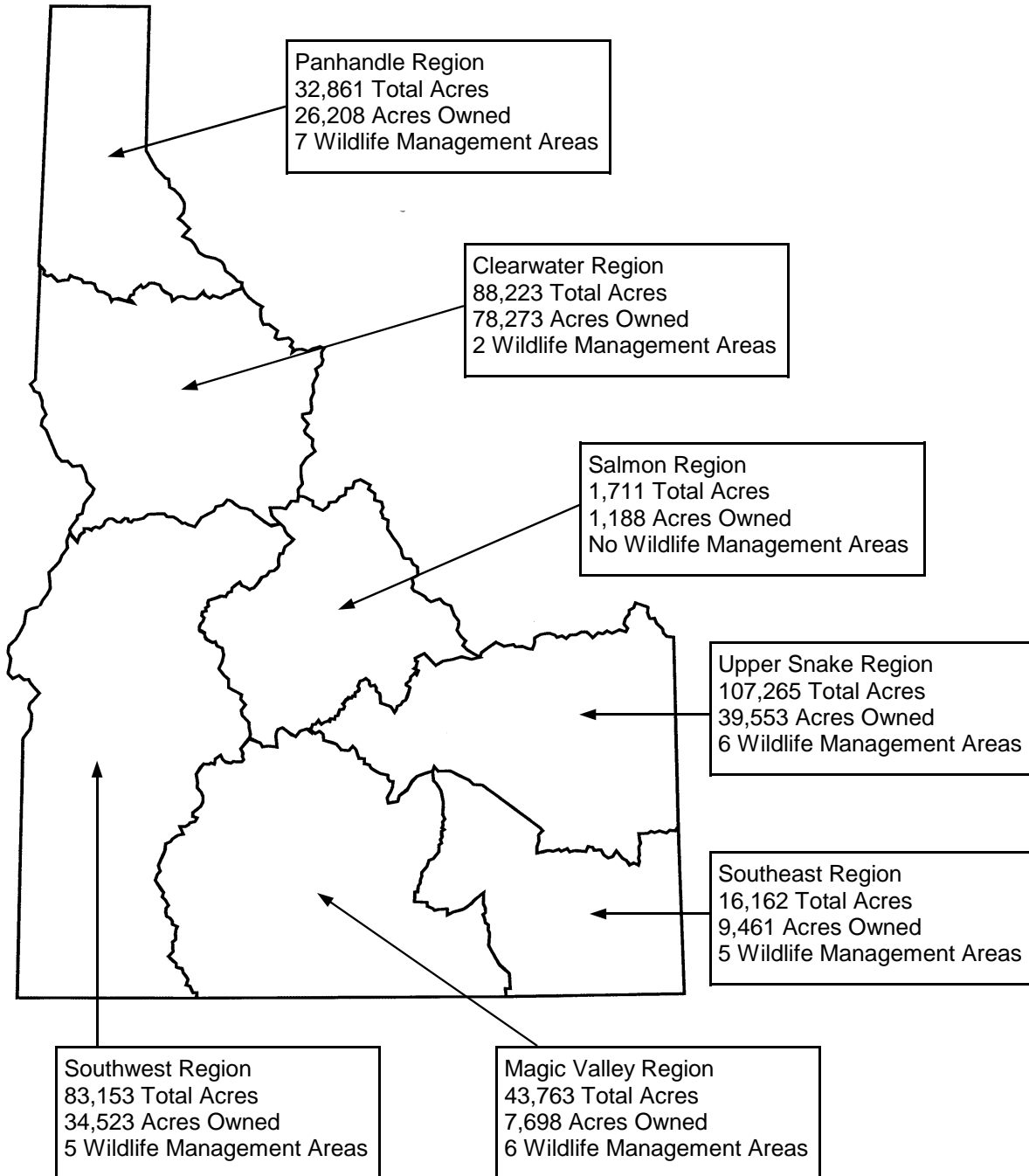
viewing wildlife, hiking, camping, and horseback riding. Figure 1.1 shows the number of acres owned or otherwise managed by the department and the number of wildlife management areas within each of the seven regions.

The department owns or manages lands in 43 of Idaho's 44 counties.

Further illustrating the dispersion of department lands, Appendix A shows that department-owned or managed land is found in 43 of Idaho's 44 counties. The size of department land holdings per county ranges from about 13 acres in Butte County to more than 82,000 acres in Nez Perce County. Oneida County is the only Idaho county in which the department does not own or otherwise manage land.

We conducted a survey of randomly selected 1999 fishing and hunting license holders to determine, among other things, how many of those surveyed had visited a wildlife management area or other department lands.

Figure 1.1: Owned or Managed Lands, by Region, as of November 15, 2000



Source: Office of Performance Evaluations' analysis of Department of Fish and Game data.

About 56 percent of license holders surveyed had visited department lands in the previous two years.

Since 1995, the department has acquired an interest in nearly 100,000 acres of land, most at no cost to the state.

We found:

- **The majority of license holders surveyed reported having visited a wildlife management area or other Department of Fish and Game lands within the previous two years.**

Of 256 survey respondents, 144 (56 percent) stated they had visited wildlife management areas or other department lands between July 1998 through October 2000. The most common use was fishing (106 persons), followed by wildlife viewing (86), hunting (72), and camping (71). Another 19 persons reported using fish and game lands for “other” purposes.³

Recent acquisitions have conformed to statutory requirements and long range plans.

To determine the quantity, type, and cost of property acquired in recent years, we reviewed the department's land acquisitions since 1995.

We found:

- **Since 1995, the Department of Fish and Game has acquired ownership or other interest in nearly 100,000 acres of land, of which 80,000 acres were donated and about 20,000 acres acquired at a total cost of \$8.1 million.**

As shown in Table 1.3, the department has acquired ownership or other interest in 99,482 acres since 1995. Nearly two-thirds of this land was acquired in 1995 when the federal Bonneville Power Administration transferred title to nearly 60,000 acres to the department at no cost. These acres became a part of the Craig Mountain Wildlife Management Area. In fact, nearly 80,000 of the almost 100,000 acres the department has acquired in recent years did not involve cost to the state.

Since 1995, the department has acquired ownership of 27 parcels of land totaling nearly 67,000 acres. The department actually

³ Since respondents were allowed to report multiple uses, the number of activities for which respondents reported using department land exceeded the number of visits.

Table 1.3: Land Acquisitions by Cost and Type of Interest Acquired, Calendar Years 1995–2000

	Acres Acquired	State Funds	Other Funds ^a	Total
Deeded Ownership				
Purchased	6,565	\$1,370,967	\$ 4,586,836	\$5,957,803
Donated	60,043			
Conservation Easements				
Purchased	12,460	1,213,714	894,400	2,108,114
Donated	431			
Agreement/Licenses				
Purchased	5	5,140	100	5,240
Donated	7,079			
Leases				
With initial costs	809	1,217	4,130	5,347
Without initial costs	11,951			
Other ^b				
Purchased	57	750	23,600	24,350
Donated	84			
Total ^c	99,483 ^d	\$2,591,788	\$5,509,066	\$8,100,854

^a Other funds include federal funds and contributions from non-profit organizations.

^b Other types of interest include access easements, special use permits, and lands managed under letters or memoranda of understanding.

^c Does not sum due to rounding.

^d 79,588 (80 percent) of these acres were acquired without cost.

Source: Office of Performance Evaluations' analysis of Department of Fish and Game data.

incurred costs for 21 of these transactions, totaling about 6,600 acres. Also since 1995, the department has acquired 16 conservation easements on about 13,000 acres, 9 of which were donations totaling 400 acres. A conservation easement is a non-possessory interest in the property of another that preserves the natural characteristics of the property.

Table 1.3 also shows that about two-thirds of land acquisition costs were not funded by department sources. About \$5.5 million of the total \$8.1 million in costs were covered by federal and private funds. Of the acquisitions in which the department incurred costs, the department paid, on average, \$900 per acre for the land it purchased and about \$170 per acre for conservation

About two-thirds of the \$8.1 million spent to acquire property came from sources other than license fees.

easements. Acquisition of leases, agreements, and other interests in land averaged about \$40 per acre.

To determine if the department complied with applicable laws when acquiring property, we reviewed Idaho Code, agency records, and Fish and Game Commission minutes, and interviewed department officials about the department's acquisition procedures.

We found:

- **The Department of Fish and Game's process for acquiring property conforms to the requirements of Idaho Code.**

Idaho Code establishes a land acquisition process, which is reflected in department policy.

As noted earlier, Idaho Code provides that the department may acquire property for several enumerated public purposes. Idaho Code also requires that, prior to purchasing property, the department make a good faith effort to meet its objectives through acquisition of a conservation easement. In addition, statutes require the department to notify the board of county commissioners of the county in which a proposed acquisition is located whenever the proposed acquisition exceeds 15 acres. If the county commissioners so request, the Fish and Game Commission must hold a public hearing and give serious consideration to the information obtained at the hearing before making a decision to purchase the property.⁴

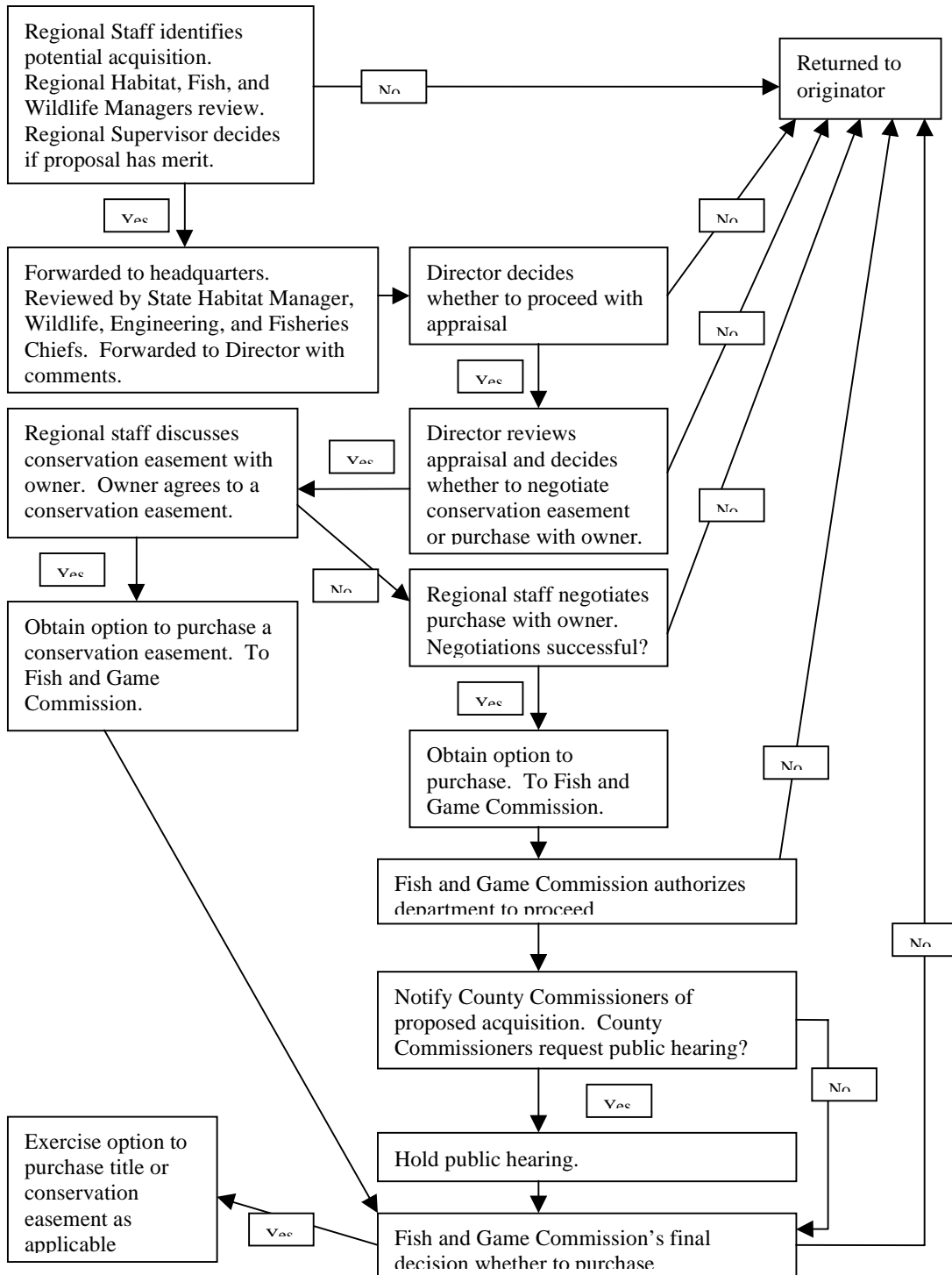
To guide its land acquisition process, the department has adopted a formal policy, which is illustrated in Figure 1.2.⁵ As the figure shows, the process incorporates the statutory requirements to pursue a conservation easement before purchasing land. It also incorporates notification of county commissioners and the holding of a public hearing if requested. Further, the process includes multiple levels of technical and managerial review and notification of legislative germane committee chairs prior to acquisition.

We examined the department's acquisitions to see if they have conformed to stated goals and objectives for land acquisition. We also reviewed the department's long-range plan and discussed acquisition priorities with department officials.

⁴ IDAHO CODE § 36-104(b)7 (Supp. 2000).

⁵ Department of Fish and Game Policy No. 14-05, *Land Acquisition Procedure*, 1990.

Figure 1.2: Department of Fish and Game Land Acquisition Procedure



Source: Department of Fish and Game Policy No. A-14.05 and Office of Performance Evaluation's interviews with Department of Fish and Game staff.

We found:

- **Recent land acquisitions have conformed with the Department of Fish and Game’s long range plan for land acquisition.**

Consistent with its plan, the department has focused on acquiring wetlands and big game winter range.

According to the department’s long range plan, as adopted by the Fish and Game Commission in 1991, “The Department will focus land acquisition efforts on critical habitats, particularly wetlands; access to waterways; and land adjacent to existing wildlife management areas.”⁶ Department officials told us that department acquisitions, in practice, focus on: (1) wetlands, because there are few remaining wetlands; and (2) big game winter ranges, which are considered critical habitat because the size of Idaho’s big game herds are largely defined by the availability of winter range.

The department has also acquired lands to expand existing wildlife management areas.

As noted previously, the department has acquired an interest in nearly 100,000 acres of land since 1995. As shown in Table 1.4, more than 85,000 of these acres are used principally for big game range and another 13,000 acres are used principally for wetlands. Additionally, the department acquired 329 acres for public fishing areas and 458 acres of hunting and fishing access. The table also shows that since 1995, the department has expanded its existing wildlife management areas by more than 85,000 acres and added two new wildlife management areas consisting of nearly 4,000 acres of wetlands.⁷ Consequently, acquisitions since 1995 appear to conform to the department’s acquisition priorities for habitat, access areas, and wildlife management areas.

In our survey of a randomly-selected sample of 1999 fish and game license holders, we asked sportsmen to rate the department’s performance in acquiring land for habitat, hunting and fishing areas, and access to hunting and fishing areas.

⁶ Idaho Department of Fish and Game, *Policy Plan 1990–2005: A Vision for the Future* (1991), 6.

⁷ In 1999, the department purchased property for the Boundary Creek Wildlife Management Area in Boundary County and entered into an agreement to manage federal lands in Madison County as the Deer Parks Wildlife Management Area.

Table 1.4: Land Acquisitions: Number of Acres by Principal Use, Calendar Years 1995–2000^a

Year	Administrative	Big Game Range	Upland Game Habitat	Waterfowl Habitat (Wetlands)	Fish Hatchery	Fishing Area	Sportsman Access	Total Acres
1995 ^b	3	59,991	8	2,531		135	48	62,716
1996		9,475		4,610			327	14,412
1997		4,062		433	1	5	77	4,578
1998	2	11,171	24	1,077	2	137	6	12,419
1999		756		4,550		52		<u>5,358</u>
Total Acres^c	5	85,455	32	13,200	3	329	458	99,483

Acres of Wildlife Management Area (WMA) Lands Included in the Above

New WMA				3,961				3,961
Added to WMA		73,105		8,385				<u>81,490</u>
Total WMA acres								85,451

^a As of November 15 there have been no land acquisitions during calendar year 2000.

^b 1995 acquisitions include a single transaction conveying 59,991 acres of big game habitat from the federal Bonneville Power Administration to the state at no cost.

^c Does not sum due to rounding.

Source: Office of Performance Evaluations' analysis of Department of Fish and Game data.

We found:

- **A majority of survey respondents rated the Department of Fish and Game favorably in habitat acquisition, but less favorably in acquiring hunting and fishing and access areas.**

As shown in Appendix B, approximately 55 percent of license holders responding rated the department's performance in acquiring properties that provide habitat as "good" or "excellent." On the other hand, 49 percent of respondents rated the department's acquisition of hunting and fishing areas as "good" or "excellent;" a majority (51 percent) rated this area of the department's performance as "poor" or "fair." An even higher

55 percent of license holders surveyed rated the department high in acquiring wildlife habitat.

However, 61 percent of license holders rated the department's efforts to acquire access to hunting and fishing acres as "fair" or "poor."

In 1996, the department reviewed its land holdings, and identified lands for sale or exchange.

percentage of respondents (61 percent) rated the department's performance in acquiring access to hunting and fishing areas as "poor" or "fair." These results may suggest that sportsmen feel more emphasis should be placed on acquiring lands for hunting and fishing and improving sportsmen's access to other public and private lands. In the written comments received from survey respondents, a number of sportsmen noted a lack of hunting or fishing areas or lack of access to private land for hunting or fishing.

The department retains some lands that could be sold or exchanged.

In 1996, the Department of Fish and Game conducted a study of the lands it owned at the time.⁸ Regional supervisors classified each land parcel in one of four categories established by the department to indicate the parcel's importance to the department's goals and objectives or its value to the public for fishing and hunting use. For our review, the department categorized lands purchased since the 1996 study using the same categories—critical, essential, non-essential, and surplus.⁹

Table 1.5 provides a breakdown of the department's categorization of its deeded land holdings. As shown in the table, 98.7 percent of all department properties have been determined to be critical or essential. The remaining lands were classified as non-essential or surplus, and were designated by the Fish and Game Commission for sale or exchange.

We reviewed the department's efforts to dispose of property it had determined to be surplus or nonessential. We did not review department classifications to determine if additional properties could be classified as "surplus." We found:

- **The Department of Fish and Game has disposed of 674 acres for \$1.3 million, and another 199 acres of surplus land with an estimated value of approximately \$500,000 remain.**

⁸ *Idaho Fish and Game Commission Report: IDFG Land Management Program*, October 1996. Copies of this analysis are available from the Department of Fish and Game.

⁹ Each of the newly-acquired properties were classified as critical or essential.

Table 1.5: Department of Fish and Game Land Holdings by Classification as of November 15, 2000

<u>Classification</u>	<u>Acres^a</u>	<u>Percent of Total^a</u>	<u>Department of Fish and Game Definition (1996)</u>
Critical	171,024	86.9%	The loss of this land parcel would prevent or make it very difficult for the department to achieve management plan goals and objectives. The land provides the only access to a particular water body or land area for the purpose of public hunting or fishing.
Essential	23,181	11.8	The land parcel is important to reaching species plan management goals and objectives. It provides important and heavily-used hunting and fishing recreation.
Non-essential	2,501	1.3	The department can probably reach species plan goals and objectives without owning the property. However, some of these lands should remain in some form of public ownership because commercial or residential development would have significant negative impacts on wildlife or fisheries values. Many of these properties provide opportunities for exchanges with another public agency and could be used to acquire lands that are more critical to the department mission.
Sale list (surplus)	199	0.1	The loss of this land would not hinder management goals. Land parcels in this category have been declared surplus and or in the process of being sold or are immediately available to be placed on the surplus list.
Total	196,904	100.0%	

^a Does not sum due to rounding.

Source: Office of Performance Evaluations' analysis of Department of Fish and Game data.

In 1996, the department identified 22 parcels totaling 873 acres that could be sold. At that time, the department estimated the value of these properties at \$1.8 million.¹⁰ Since then, the department has sold 10 of those parcels, totaling 674 acres (77 percent of the total acreage) for \$1.3 million. According to department staff, the department disposed of the most valuable of

Since 1996, the department has disposed of three-quarters of the property identified for sale.

¹⁰ The properties were not formally appraised. Instead, values were estimated by regional staff from informal inquiries into local land values. The proceeds from the sales already completed indicate that these estimates were reasonable.

Due to the complexity of land exchanges, the department has not yet disposed of any lands identified for exchange.

its surplus property. Based on 1996 estimates, an additional \$507,000 in surplus property remains.¹¹

The department also identified 21 properties totaling approximately 2,500 acres as “nonessential,” that could be exchanged with other agencies for properties that better met the department’s goals. According to department officials, property exchanges with other public agencies are difficult and time consuming.¹² As a result, although the department has pursued exchange of these properties, it still holds title to all of the property identified as non-essential in 1996. Currently, the department is engaged in negotiations with federal agencies and private parties to exchange two department parcels (one non-essential and one surplus) for big game range on the Boise front. Department officials estimate that this transaction is still several months from completion.

To assess the department’s process for disposing of surplus property, we spoke with department officials and reviewed Idaho Code and department records.

We found:

- **The process the Department of Fish and Game has followed to dispose of surplus property has gone beyond Idaho Code requirements.**

Idaho Code requires that agency-owned lands declared surplus be transferred to the state Board of Land Commissioners for disposal.¹³ Statutes also require that state agencies receive full value when properties are transferred to a governmental entity or sold.

¹¹ This estimate does not include the value of a 2.07 acre parcel for which a value has not been determined.

¹² Some reasons for this include: different agency priorities; the difficulty in identifying a suitable parcel of like value for which to exchange; and the fact that many of these properties were acquired with federal funds that must be recouped unless the acquired property also qualifies under the same federal program.

¹³ IDAHO CODE §§ 58-331 through 58-335B (Supp. 2000). When disposing of surplus property, the board must first determine whether the property could be used by another government entity and, if not, offer the property for sale by public auction. If a public auction is not successful, the board may enter negotiations with any interested party to sell the property.

The process the department followed was consistent with these requirements. The department ordered professional appraisals to determine the properties' value and then transferred them to the Board of Land Commissioners. In addition, to help maximize its return on the property, department officials worked with the Department of Lands staff throughout the disposal process by:

- Advertising in local newspapers and on the Internet beyond that required by law; and
- Notifying real estate agents and multiple listing services and offering a finder's fee to any real estate agent who represented a successful bidder.

To fully realize the benefits identified in the department's 1996 study of its land holdings:

We recommend the Department of Fish and Game continue its efforts to dispose of surplus and nonessential property.

Based on department estimates, the sale of surplus lands could result in gross proceeds of \$500,000. By disposing of this property, the department could also avoid fees-in-lieu-of taxes and other costs of ownership. In addition, exchanging non-essential lands could allow the department to obtain lands better suited to its goals and objectives.

In addition, because the 1996 study appears to have been a beneficial mechanism for the department to critically assess land holdings in light of potential changes in department priorities and policies:

We recommend the Department of Fish and Game periodically update its 1996 assessment of land holdings to identify those that could be sold or exchanged.

Such a study could provide valuable information to commission members appointed since the previous study, to the new director, and to new regional supervisors. In addition, examining the department's land holdings would help ensure that the department holds the minimum property needed and avoid unnecessary costs associated with ownership.

The department could generate an estimated \$500,000 and obtain critical habitat by continuing efforts to sell or exchange unneeded lands.

Increased department expenditures could help address outstanding land management needs.

To assess the department's land management activities and costs, we reviewed expenditure data from the Statewide Accounting and Reporting System (STARS) for fiscal years 1998 through 2000 and examined budget information for the current fiscal year. We also reviewed wildlife management area plans, visited selected wildlife management areas and other department lands and spoke with regional habitat managers responsible for managing the lands we visited. We also surveyed randomly-selected license holders to rate the department's performance in maintaining facilities that meet the needs of sportsmen and managing its lands overall.

We found:

- **The Department of Fish and Game has increased funding for land management for fiscal year 2001, which may help address outstanding management needs.**

As shown in Table 1.6, the total spent on land management activities for fiscal years 1998 through 2000 remained fairly constant, whether expressed in real dollars, average cost per acres, or as a percent of the department's total expenditures. Department expenditures for land management activities totaled between \$3.7 and \$3.9 million during this period, and average per acre expenditures for management ranged between \$10 and \$11. This comprised seven or eight percent of the department's total expenditures each fiscal year.

About two-thirds of the department's land management costs has gone to cover personnel expenses associated with managing lands. About 40 full-time positions are allocated to land management activities statewide, representing about eight percent of the department's 503 full-time positions authorized for fiscal year 2001.¹⁴ Part-time and temporary employees, not included in

In recent years, the department has spent between \$3.7 and \$3.9 million annually on land management.

About 40 full-time personnel account for two-thirds of land management costs.

¹⁴ Each region, which consists of one or more habitat districts, has a regional habitat manager who oversees department lands within the region and supervises other staff involved in land management. Regional habitat biologists, working under the supervision of the regional habitat managers, are responsible for smaller habitat districts and supervise part-time habitat technicians.

Table 1.6: Department of Fish and Game Expenditures for Land Management, Fiscal Years 1998–2000 With Projected Data for Fiscal Year 2001

Fiscal Year	Land Management Expenditures ^a	Total Department Expenditures	Land Management Percent of Total	Acres Managed (As of January 1) ^a	Average Expenditure Per Acre
1998	\$3,857,962	\$49,964,585	8%	354,756	\$10.87
1999	3,670,279	50,584,701	7	367,125	10.00
2000	3,839,276	53,619,602	7	372,318	10.31
2001 ^b	4,581,969	58,731,300	8	372,318	12.31

^a Does not include fish hatcheries.

^b Projected data.

Source: Office of Performance Evaluations' analysis of Department of Fish and Game and the Statewide Accounting and Reporting System data.

the full-time position allocation, perform land management tasks as well.

In fiscal year 2001, due to the department's license fee increase, expenditures for land management are expected to increase by about \$750,000 overall (a 20 percent increase), or by about two dollars per acre managed. However, land management expenditures for personnel, operating expenditures, and capital outlay are expected to remain roughly proportional to prior years and remain at about 8 percent of all department expenditures.

These additional expenditures should help the department address outstanding land management needs. According to habitat managers of the wildlife management areas we visited, funding levels in recent years had not been adequate to accomplish all of the management areas' habitat restoration, wildlife management, and public accommodation goals. Additionally, some of these managers expressed concern that because funding was inadequate, they were not able to control noxious weeds as is required by statute.¹⁵

Land management expenditures are expected to increase by about 20 percent this year, due to the recent fee increase.

¹⁵ IDAHO CODE § 22-2441 (Supp. 2000). This section requires all landowners to control and eradicate weeds that have been designated by the Director of the Department of Agriculture as "noxious."

We observed several instances of poor maintenance on department lands.

If fact, during our visits to five wildlife management areas we observed examples of poor maintenance. At three of the five wildlife management areas we visited, we observed roads, open and intended for use by the general public, that were poorly maintained. These roads were not graveled, had deep wheel ruts from vehicle passage during wet weather, and/or had large rocks in the roadbeds making passage difficult by even high-clearance vehicles during dry weather. We also observed noxious weeds on three of the five wildlife management areas we visited.

License holders surveyed rated facility maintenance favorably, but overall land management less favorably.

License holders responding to our survey provided mixed ratings of the department's management of its lands. Appendix B shows that while 52 percent of respondents to our survey rated the department's performance in maintaining facilities on department lands that meets the needs of sportsmen as "good" or "excellent," 57 percent rated the department's overall management of its lands as "poor" or "fair." In addition, some survey respondents provided written comments about the department's acquisition and management of land. For example:

- Four respondents suggested there should be more access for handicapped or elderly;
- Four respondents complained of poor of maintenance of facilities, restrooms, or weed control; and
- Three commented that the department should improve management of its current holdings before acquiring additional lands.

Given the limits of our review, we did not assess the importance of the shortcomings we observed when compared to other department programs and priorities.

Grazing and sharecropping agreements are reasonable but written guidelines should be reviewed.

The department has established a number of agreements that allow private parties to graze livestock or raise crops (or both) on department lands in exchange for goods or services.¹⁶ The

¹⁶ In exchange for crops grown on department land, the department's share of the crop may be left in the field as food for wildlife, harvested and used for wildlife food elsewhere, or exchanged for maintenance work, supplies, public access across private lands, or planting wildlife food plots. In exchange for grazing on department land, the department may receive a cash payment, maintenance work, supplies, public access across private land, or wildlife food plots.

benefits of these agreements may include public access across private lands, improved forage and habitat, weed control, reduction of depredation on private lands, and nesting cover.

Concerns were raised that these agreements have not always adequately protected the state's interests. In particular, concerns centered on a 1990 agreement that appeared to give the sharecropper a great deal in exchange for very little. To address these concerns, we reviewed the 1990 sharecropping agreement in question and spoke with the habitat manager responsible for that region. We also reviewed other sharecropping and grazing agreements, reviewed the department's written guidelines for these agreements, and spoke with department officials.

We found:

- **The Department of Fish and Game's controls over sharecropping and grazing agreements appear adequate to protect the state's interests, although the department has been unable to adhere to one control provision in all cases.**

Currently, the department has seven sharecropping agreements, seven grazing agreements, and one combination of the two. Statewide, sharecropping agreements involve farming about 675 acres of land, and grazing agreements allow approximately 1,600 animal-unit-months grazing on about 10,000 acres.¹⁷ Virtually all of the benefits derived from these arrangements are non-monetary: the department estimates the cash value of these benefits at about \$75,000 annually.

As noted, concerns about the department's management of sharecropping and grazing agreements centered on an agreement executed in 1990. The agreement allowed the sharecropper to keep 95 percent of the alfalfa crop grown and allowed 600 animal-unit-months of grazing compared to other agreements we reviewed which allowed the sharecropper to retain between 70

The department has established agreements with private parties to grow crops or graze livestock on department lands.

Sharecropping agreements involve about 675 acres, grazing agreements, about 10,000 acres.

¹⁷ One animal-unit-month is the forage necessary to feed one cow or a cow with a calf less than six months of age. Five sheep (or five ewes with lambs) grazing for one month also equate to one animal-unit-month and a horse grazing for one month equates to one and one-half animal-unit-months.

and 75 percent of the crop with no grazing rights. However, our review of the agreement showed that, unlike others, it required the sharecropper to make a significant initial capital investment in a well and irrigation system that remains with the department at the agreement's termination. The high rate of crop retention and allowed animal grazing was intended to allow the sharecropper to recover his initial investment over time. Further, the agreement expired December 31, 2000, and the department has notified the sharecropper that the agreement will not be renewed.

In 1995, partly as a result of criticisms of the 1990 agreement, the department adopted formal written guidelines governing sharecropping and grazing agreements. These guidelines established the following controls:

In 1995, the department adopted formal written guidelines governing sharecropping and grazing agreements.

1. All agreements must conform to approved area management plans, the department's policy plan, and the respective species management plans;
2. Selections of sharecroppers and grazing lessees are to be made using a competitive bidding process. Selection from among multiple bidders will be determined by the bid that provides the greatest benefit to the department and to fish and wildlife resources;
3. In the case of sharecropping agreements, the department's share must be at least one-third (33 percent) of the crop.
4. In the case of grazing leases, the minimum acceptable bid will be the rate established annually by the Idaho State Land Board.
5. Agreement terms are to be limited to a maximum of three years, provide for limited renewal, and provide no automatic rights of renewal. One-year agreements may be renewed a maximum of three times and three-year agreements may be renewed one time.
6. Agreements must be in writing, and, if the department is to be compensated through maintenance or other work or supplies, the value of that work must be stated in the agreement; and
7. Agreements must be reviewed by regional staff, the regional supervisor, wildlife bureau staff, the department's legal counsel, and the department's purchasing office.

These guidelines established a number of protections to the state's interests in these agreements. Requiring adherence to management plans and providing for selection among competing bids based on benefits assures that the department's habitat objectives are overriding. Requiring detailed written agreements avoids misunderstandings. Soliciting bids for sharecropping and grazing agreements with minimum bid requirements ensures that all interested parties have the opportunity to participate and ensures an adequate return to the department. Limiting the terms of the agreements and the number of times they may be renewed gives the department flexibility and further assures that interested parties have the opportunity to participate even if initially unsuccessful.

While, the agreements entered into since 1995 have generally followed the department's guidelines, none of the six sharecropping agreements that were approved after the written guidelines were established provides the department one-third of the crop (Guideline 3). Five provide 25 percent and one provides 28 percent.

Nevertheless, the negotiated amounts in these six instances do not appear unreasonable. Prior to entering into these agreements, the department solicited competitive bids that would provide one-third of the crop. However, in each case no bids were received. As a result, the department negotiated lower rates. Similar arrangements between Kansas sharecroppers and the Kansas Department of Wildlife and Parks provide the department between 25 to 30 percent of the crop.

Therefore:

We recommend the Department of Fish and Game review its guidelines to clarify the steps to be taken when bids received do not meet the department's required share.

We reviewed existing agreements that were in place prior to the establishment of the 1995 guidelines. We found:

- **Grazing and sharecropping agreements signed prior to 1995 have not been modified to conform to the Department of Fish and Game's guidelines, and some have no expiration dates and lack other specific terms.**

While the guidelines protect the state's interest, not all provisions have been adhered to.

Although new sharecropping agreements do not provide the required state share, the amount received appears reasonable.

Four of five agreements signed before the 1995 guidelines should be amended.

Of the current agreements, five were entered into prior to the 1995 guidelines. Three of these are grazing agreements from the 1960s and 1970s. These agreements provide for development of wildlife habitat on and public use of private lands in exchange for grazing on department land. However, they do not provide specific terms regarding the numbers of animal-unit-months of grazing allowed and have no expiration dates. In fact, two of the three agreements have no termination clauses at all.

Both of the remaining agreements entered into prior to 1995 guidelines are sharecropping agreements. One, signed in 1993, provides only a 10 percent share of the crop to the department. It expires in 2003, but provides for termination upon sixty days notice. The other agreement provides the department a 30 percent share of the crop and was extended without ensuring it conformed to the guidelines. This agreement provides a greater share than those entered into after the guidelines were enacted and expires October 31, 2001.

Because four of the five current agreements that were in place prior to 1995 include clauses that may not protect the public's interest and do not soon expire:

We recommend the Department of Fish and Game amend the three grazing agreements to provide specific terms and expiration dates, and that the department terminate the 1993 sharecropping agreement and ensure subsequent agreements conform to its guidelines.

The Idaho constitution and statutes authorize the payment of fees to counties in lieu of property tax on department land.

The department's administration of fees-in-lieu-of-taxes should be improved.

Department-owned property, like other state, local, and federal government property, is exempt from local property taxes. However, in 1990, voters approved a constitutional amendment to allow the payment of fees-in-lieu-of-taxes to counties if authorized by statute.¹⁸ In 1992, a statute was enacted to require the department to pay annual fees-in-lieu-of-taxes.¹⁹ The Constitution and statutes specify that fees-in-lieu-of-taxes are to:

¹⁸ IDAHO CONST., Art. VII, § 4 (1993).

¹⁹ IDAHO CODE § 63-602A (1996).

- Not exceed the tax on the property when the department acquired it unless the tax rate for the property has been increased;
- Equal the amount of tax the property would generate if the property were assessed as agricultural property;
- Apply only to unimproved property owned in fee simple by the Department of Fish and Game; and²⁰
- Apply only to parcels of 10 acres or more.

As pertains to fees-in-lieu-of-taxes, Idaho Code also requires the department to:

- Determine and identify parcels of land subject to fees-in-lieu-of-taxes;
- Consult with the appropriate county treasurer to determine the amount of fees to be paid;
- Provide county assessors with a detailed listing identifying each parcel of improved property; and
- Pay the amount due by June 20 each year.

Since they became effective in 1992, the department has paid nearly \$1.5 million in fees-in-lieu-of-taxes to 41 of Idaho's 44 counties. As Table 1.7 shows, total annual payments have increased from about \$98,000 for 1992 to about \$257,000 for 1999. Because the number of acres of department-owned land within counties varies widely, the amount of fees paid also varies widely among counties. Appendix C shows the amount of fees-in-lieu-of-taxes paid during fiscal years 1996 through 2000 to each of the 41 counties that receives a fee. As shown, in fiscal year 2000, five counties received more than \$10,000 each and eight counties received less than \$100 each. Overall, payments ranged from less than \$10 to more than \$87,000.

For calendar year 1999, the department paid about \$250,000 in fees-in-lieu-of-taxes, bringing the total to nearly \$1.5 million.

To determine whether the department's payments have been consistent with statutory requirements, we reviewed department records and information from selected counties, and interviewed department, county, and tax commission officials.

²⁰ "Fee Simple" in this context means a clear and unconditional title to land. *Black's Law Dictionary*, 6th ed. (St. Paul: West Publishing Co., 1991), 614–615.

Table 1.7: Department of Fish and Game Fees-in-Lieu-of-Taxes for Calendar Years 1992–1999

<u>Year^a</u>	<u>Total Payments</u>	<u>Percent Change</u>
1992	\$ 98,113	-
1993	117,952	20%
1994	135,549	15
1995	186,851	38
1996	205,968	10
1997	220,759	7
1998	240,267	9
1999	257,050	7
Total	\$1,462,510	162%

^a The year for which fees were due based on lands owned during the year. Fees due for a given year must be paid by June 20 of the following year. For example, fees for land owned during 2000 must be paid by June 20, 2001.

Source: Office of Performance Evaluations' analysis of the Statewide Accounting and Reporting System data.

Department payments to counties increased 162 percent between 1992 and 1999.

We found:

- **The Department of Fish and Game’s use of the statewide average tax per acre in calculating fees-in-lieu-of-taxes has resulted in underpayments and overpayments to counties.**

As noted, Idaho Code specifies that fees-in-lieu-of-taxes be equal to the amount of property taxes the property would generate if assessed as agricultural property. For property tax assessment purposes, the State Tax Commission has divided agricultural land into seven categories.²¹ Each category of property is valued

²¹ The seven categories are: (1) irrigated agricultural land; (2) irrigated pasture land; (3) non-irrigated agricultural land; (4) meadow land; (5) dry grazing land; (6) forestland assessed under the productivity option; and (7) forestland assessed under the bare land plus yield tax option.

differently for assessment purposes.²² Property taxes are then calculated by multiplying a property's value for assessment purposes by the sum of the tax levy rates for all of the taxing districts in which that property is located.²³

As noted, Idaho Code requires that the department submit a detailed listing of its property to each county and, working in consultation with a given county treasurer, determine the fee to be paid to that county.²⁴ However, in practice, the department has submitted the total number of acres by property category rather than a detailed parcel list. Further, the department has not consulted with county officials in all cases. Instead, the department has used a statewide average tax per acre for each of the seven categories of agricultural land to calculate fees-in-lieu-of-taxes and then notified counties of the calculated amounts. The department then has allowed counties to accept the department's calculation and bill the department that amount, or make their own calculations and submit them to the department for payment. In 2000, 29 counties (71 percent) accepted the department's calculations. The other 12 (29 percent) submitted their own calculated amounts and were paid those amounts.

Using a statewide average tax per acre often does not approximate property taxes in the specific counties and taxing districts in which department property is located, because tax levy rates vary widely among and within counties. For example, for 1999, the average rural tax levy rates varied from approximately 0.55 percent of value for assessment purposes in Blaine County to 1.66 percent of value for assessment purposes in Butte County.²⁵ Furthermore, in one county, the Department of Fish and Game had property subject to five different tax levy rates based on the taxing districts in which the properties are located. Because they are based on statewide average values for assessment purposes and statewide average tax levy rates, statewide average taxes per acre for categories of agricultural land may not reflect the property taxes that a given property, of a given category, and in a given location would generate if assessed as agriculture property; therefore, they would not equate to the amount of fees-in-lieu-of-taxes required by law.

²² For assessment purposes, value is determined by county assessors using State Tax Commission rules.

²³ Tax levy rates are determined by the budget decisions of the governing boards of local taxing districts, such as boards of county commissioners, school boards, city councils, and other district boards.

²⁴ IDAHO CODE § 63-602A(3) (Supp. 2000).

²⁵ Idaho State Tax Commission, *1999 Annual Report*, (2000), 17.

The department has used an overly-simplified method of calculating fees-in-lieu-of-taxes, resulting in incorrect assessments.

Most counties have accepted department calculations.

Some counties have submitted alternative calculations, which have been paid without question.

County officials in two counties with the largest land holdings have calculated fees-in-lieu-of-taxes using the values and tax levy rates for each parcel involved, just as they calculate property taxes. These calculations resulted in the department paying the counties a total of approximately \$120,000 less than the amount estimated by the method the department used with other counties. Specifically:

In two counties, the department overestimated payments by a total of \$120,000.

- Nez Perce County. Using the statewide average tax per acre, the department calculated fees-in-lieu-of-taxes due to Nez Perce County at \$154,243. Using the same method used to calculate property taxes, county officials calculated the fee at \$87,586, which the department paid. As a result, the department paid \$66,657 less.
- Shoshone County. Using the statewide average tax per acre, the department calculated fees-in-lieu-of-taxes due to Shoshone County at \$85,832. Using the same method used to calculate property taxes, county officials calculated the fee at \$32,907, which the department paid. As a result, the department paid \$52,925 less.

In these two cases, the counties' estimates more closely approximated property tax otherwise due on the department's lands. However, because the department does not calculate fees based on varying tax levy rates, its calculations in these cases, and perhaps others, were inaccurate. Furthermore, without specific valuation and levy rate information in its records, the department is unable to determine if a county's calculation is correct. For example, in one county, the department determined that approximately 2,000 acres of its property was not subject to fees-in-lieu-of-taxes. However, the department paid fees-in-lieu-of-taxes on these acres when it paid a county-submitted bill that included all the department's land holdings in the county.

To ensure the department pays fees-in-lieu-of-taxes that accurately approximate the property taxes these fees were intended to replace:

We recommend the Department of Fish and Game develop a method to accurately calculate fees-in-lieu-of-taxes due to each county.

The department already has much of the information needed to accurately calculate fees-in-lieu-of-taxes for each county as

required by code. The department has a good inventory of its property within each county and regional staff has already classified department land within the seven categories of agricultural property.

On the other hand, implementation will involve several steps and some initial costs:

- The department will need to modify its lands database to conform to county records. At present, the department's database shows land acquisitions as whole parcels, while counties are required to divide parcels whenever they are located in different taxing districts.
- The department will need to work with county assessors to obtain valuation data and tax levy rates that apply to its lands.
- Because valuations and tax levy rates change from year to year, the department will have to consult with county officials annually to update its valuation and tax levy rate data as needed.
- Also, the department will need to modify its database as properties are acquired or disposed of throughout the year.

However, once the system is established, the department should be able to make annual updates and make its calculations with little more effort than at present.

More accurate calculations will initially require effort and expense.

Chapter 2

Assessment of Efforts to Solicit Public Input

In requesting this evaluation, the Joint Legislative Oversight Committee asked us to review the Department of Fish and Game’s and the Fish and Game Commission’s process for soliciting public input, and to determine whether the public is afforded adequate opportunities to participate. We focused our review on the department’s and commission’s efforts to involve the public when making decisions about proposed regulations, management plans, and policies, and did not review how the department responds to individual complaints.

We found the department and commission have generally done more than is required by law to gather public input. However, despite these efforts, satisfaction with Fish and Game’s efforts is mixed. We also found the department’s and commission’s public input efforts lack central coordination and are missing other key elements, such as follow-up with those who have provided input and evaluation of effectiveness. We recommend the department designate staff responsible for coordinating public input efforts, and take several other steps to improve the public input process. We also recommend the department and commission consider using a number of methods for gathering input that have been found effective when used by other states and other Idaho state agencies.

We evaluated the department’s and commission’s efforts to involve the public in decision-making.

The department and commission comply with statutory requirements, but public satisfaction with the input process is mixed.

A number of state statutes require the department and commission to provide opportunities for public input. For instance, as shown in Figure 2.1, Idaho Code requires the Fish and Game Commission to hold a minimum of four public meetings per year. As mentioned earlier, when considering land acquisitions in excess of 15 acres, the commission must hold public hearings if

Statutes require the department to solicit public input in some instances.

requested by county commissioners. Furthermore, like other agencies, the commission is subject to the requirements of the Administrative Procedures Act and must provide an opportunity for public comment when considering rule changes, such as those adjusting hunting and fishing regulations. Statutes also create two types of citizen committees to advise the commission, one concentrating on depredation issues and the other focused on winter feeding of wildlife.

To assess the department’s compliance with these statutory requirements, we interviewed department staff and reviewed documentation for a sample of issues recently addressed by the department and commission.

Figure 2.1: Public Participation Requirements for the Department of Fish and Game

<u>Requirements</u>	<u>Explanation of Requirements</u>
Public Hearings	<ul style="list-style-type: none"> • Commission to hold hearings for the purpose of hearing testimony, considering evidence and determining the facts when making decisions regarding the supply of Idaho’s fish and wildlife. Minimum of four per year (Idaho Code § 36-104). • Commission to hold hearing when requested by the Board of County Commissioners if the commission proposes to purchase land in excess of 15 acres (Idaho Code § 36-104). • Commission to hold hearing when requested by 10 or more county residents who are affected by land with restricted motor-propelled vehicle use (Idaho Code § 36-104). • Commission to hold hearing if funds to transplant bighorn sheep are from auction or lottery tags (Idaho Code § 36-408). • The department to grant one hearing per bighorn sheep transplant if any affected individual or entity expresses their written concern within 10 days of notification (Idaho Code § 36-106). • Commission to hold hearing before creating or enlarging a cooperative wildlife restoration project or migratory bird reservation (Idaho Code § 36-1807).
Advisory Committees	<ul style="list-style-type: none"> • Fish and Game advisory committee makes recommendations on depredation to the Commission and other issues as requested (Idaho Code § 36-122). • Winter feeding advisory committees make recommendations to Commission on emergency feeding in regions where winter feeding occurs (Idaho Code § 36-123).
Public Participation	<ul style="list-style-type: none"> • The Administrative Procedures Act requires an agency to receive public input during the rule making process (Idaho Code §§ 67-5221–67-5227).

Source: Office of Performance Evaluations’ review of Idaho Code.

We found:

- **The Department of Fish and Game and Idaho Fish and Game Commission have used a variety of methods to gather input that have gone beyond what is statutorily required.**

As shown in Figure 2.2, department staff and commission members have solicited public input in a number of ways. For instance, the commission has held public hearings prior to commission meetings to provide an opportunity for public comment, including input on proposed regulation changes. In addition, the department has frequently held open houses and “scoping meetings” to gather input from the public prior to developing proposals for commission consideration. The department has also surveyed license holders to solicit input on specific issues, and has used its website to disseminate information and solicit input on proposed policies. As shown, department staff and commission members have also attended meetings of various sportsmen’s groups to share information and gather input.

Department and commission efforts to solicit public input have gone beyond what is required by law. The department has held required hearings and established the advisory groups Idaho Code requires. The department and commission have satisfied Administrative Procedures Act requirements by holding public hearings on proposed changes to regulations prior to each commission meeting. In addition, however, as shown in Figure 2.3, the department has provided opportunities for the public to give input through regional scoping meetings and open houses, surveys, and ad hoc advisory groups. The methods used have varied by the issue under consideration, region, and the immediacy of a given situation.

To assess the level of satisfaction with the department’s public input process, we surveyed a sample of 1999 license holders.

We found:

- **Despite the Department of Fish and Game’s and Fish and Game Commission’s efforts, public satisfaction with the public input process is mixed.**

The department and commission have solicited input through public meetings, surveys, and the Internet.

Department efforts have exceeded statutory requirements.

Figure 2.2: Methods Used to Gather Public Input

<u>Method</u>	<u>Explanation</u>
Public hearing prior to or during commission meeting	A hearing mandated by Idaho Code. The public may attend and comment on any issue affecting fish and/or wildlife in Idaho, the department, or the commission. Attendees wishing to speak fill out a comment card; the chair of the commission establishes a time limit and calls on attendees.
Citizen's Advisory Committee	Department-facilitated group that brings together a diverse group of people to discuss how to approach an issue and/or brainstorm alternatives. Two types of citizen advisory committees are established in Idaho Code.
Open house and/or "scoping" meeting	A meeting that is held to gather ideas about a topic that may be held before a recommendation is developed and/or after a recommendation has been developed. A room is set up with staff at different displays relating to the issue being discussed.
Telephone, mail or Internet survey	A survey that is administered by mail, telephone, or the Internet regarding any issue affecting fish and/or wildlife in Idaho, the department, or the commission.
Website	A communication tool used by the department to inform the public and solicit input on any issue or issues affecting fish and/or wildlife.
Sportsmen's breakfast	A morning discussion between attendees, in the Clearwater region.
Radio talk shows	In six of seven regions, department staff appear on local radio shows and take telephone calls as time allows.
Community events	Community events and fairs at which department staff have booths. Staff talk openly with the public and usually have comment sheets available to record public input for integration into document for commission consideration.
Constituency forums	Sportsmen organizations' meetings attended by department staff and/or commissioners to solicit input.
"Kick Around Meetings"	Informal weekly meetings held by one commissioner in his region to get an understanding of hunters' and anglers' concerns.
Check stations	Locations where department staff may administer surveys and dispense information when people check in.
Newspaper columns and press releases	Public information to solicit input on issues, communicate needed information to the public, and/or announce upcoming events.

Source: Office of Performance Evaluations' analysis of public input methods used as provided through interviews with department staff, commissioners, and a review of case studies.

Figure 2.3: Examples of Public Input Solicited by Issue

<u>Issue</u>	<u>Methods</u>
2000 Turkey Outfitting and Guiding Policy	<ul style="list-style-type: none"> • Citizen's Advisory Committee/ Task Force: defined the goals of the task force and set up the process to be followed. • Survey: administered to 3800 randomly selected license holders from 4 license groups. • Open Houses: 11 held • Website: solicited input (department's and sportsmen's group) • Public Hearing: comments made at 3 commission meetings
Predator Policy	<ul style="list-style-type: none"> • Open Houses: 11 held • Constituency Forum: held in Southeast region with 5 panelists; approximately 30 attended. • Website: solicited input (department's and sportsmen's group) • Public Hearing: comments made at 2 commission meetings
2000 Big Game Regulations	<ul style="list-style-type: none"> • Open Houses: 28 held • Surveys: administered to 783 open house attendees • Public Hearing: comments made at 4 commission meetings • Follow up: Southwest region sent a letter to people who provided input
2000–2001 Fishing Regulations	<ul style="list-style-type: none"> • Open Houses: 17 held during the first round to discuss changes in regulations; 16 held in second round to discuss regulations • Open Comment: announced on radio show in Clearwater region and at the sportsman's breakfast • Public Hearing: comments made at 4 commission meetings
Response to the 2000 Fire Season	<ul style="list-style-type: none"> • Public Hearing: comments made at 1 commission meeting • Follow up: postcards sent to Salmon region license holders.

Source: Office of Performance Evaluations' analysis of Department of Fish and Game data and information provided from regional fish and wildlife managers, bureau staff, regional supervisors, and public input files.

Survey responses showed that public satisfaction with input efforts was mixed.

While 37 percent of survey respondents indicated they were satisfied with current opportunities to voice opinions to the department or commission, 19 percent were dissatisfied. The remaining 43 percent of respondents were neither satisfied nor dissatisfied with current opportunities to voice opinions to the department or commission. Survey respondents' ratings of the department's efforts to gather input were also mixed, with 44 percent of respondents rating the department's efforts to gather input when developing policies or regulations as "good" or "excellent" and 56 percent rating the department's performance as "fair" or "poor."

Sixteen percent of survey respondents had provided some type of input to the department in the previous two years.

Public satisfaction with the department's input efforts did not vary significantly between those who provided input and those who did not. Of those responding to the survey, 16 percent had provided input, whether participating in surveys, attending department open houses and meetings, or directly communicating with the department or commission.¹

Department efforts to gather public input are not centrally coordinated and lack other key elements.

To evaluate the department's efforts for gathering public input, we interviewed department staff and Fish and Game Commission members, spoke with advisory committee members, attended commission meetings, visited a number of the department's regional offices, and reviewed available records for a sample of issues.

We found:

- **The Department of Fish and Game's public input efforts lack centralized coordination and technical materials and staff resources dedicated to the public input process.**

¹ This figure may overestimate the level of participation in the department's public input process because individuals more likely to give input to the department were also more likely to respond to the survey. A greater percentage of hunters and overall license holders between the ages of 45–64 responded to the survey than did anglers and overall license holders in other age groups. The former were also more likely to have provided input to the department.

Currently, no one employee or group is assigned responsibility for coordinating public input gathering efforts throughout the department, and the department has no written guidance available for staff's use in planning and implementing public input opportunities. Instead, various bureaus and regions decide when to gather public input and how to go about it.² Each region or bureau undertakes the effort to determine how to alert the public to the upcoming opportunity for input, who specifically to notify, what will be involved, and how the input received will be condensed and forwarded for further consideration. The various bureau or regional staff involved write press releases, send letters of notification, handle logistical arrangements, and, when needed, host the gathering of public input.

The lack of centralized coordination and written resources may hinder the effectiveness of the department's public input efforts. Without central coordination, staff with varying primary responsibilities are called upon to organize public input opportunities. The Department of Water Resources has found that designating staff with technical training to coordinate public input has helped increase participation and reduce costs. For example, the public information officer at the department, who coordinates the department's public involvement efforts, cited an instance in which his last-minute efforts increased meeting participation from 3 registrants to 85 participants. He also cited one public event for which he was able to negotiate partnerships that provided a total of \$13,000 in benefit to the department at no cost. Further, without technical guidance to provide direction, staff may not give advance consideration to all the aspects involved, plan for budgetary needs, or know when best to solicit input or even which method of soliciting input would be most effective for a given situation.

We also found:

- **The Department of Fish and Game has done little to follow-up with those who have provided input about proposed regulations and policies, and its communication with participants has been otherwise lacking.**

Currently, various staff solicit public input, without central coordination.

In other agencies, staff with technical knowledge are assigned coordination of public input efforts, which can improve effectiveness.

² The department seeks input regarding the development and approval of hunting and fishing regulations on a fairly regular schedule.

In most cases, the department has not followed-up with those who provided input.

The department and commission have seldom followed-up with those who have provided input on policies, regulations, and management plans. In a few cases we learned of since 1997, the department communicated the results of public input to those interested. However, in most cases, the department had not responded directly to those who provided input on a given issue. In only two of the five cases of recent public involvement we reviewed had the department had any formal communication with those who voiced interest in the issue. In these cases, involving the 2000 big game regulations and this year's wildfires, follow-up letters were sent to interested parties in selected regions, but were not sent to all participants.³

Furthermore, the mechanisms needed to collect information for subsequent contact with interested parties are not in place in every case. For example, while at open houses the department has a sign-up sheet that attendants are not required to sign, at public hearings, only those making comments register their names with department personnel, which means not everyone who has demonstrated interest through attendance is recorded.

Almost three-quarters of respondents rated the department's efforts to follow-up with those who provided input as "fair" or "poor."

In our survey, license holders expressed dissatisfaction with the department's and commission's follow-up efforts. We asked respondents to rate the department's and commission's efforts to inform the public about how public input had factored into final policy or regulatory decisions. Of those responding, 72 percent rated the department and commission's performance in this area as "fair" or "poor." In addition, 74 percent of respondents rated the commission's consideration of public input when making decisions as "fair" or "poor." This low rating may be due, at least in part, to the department's and commission's failure to communicate the rationale for decisions made and how the public's input factored into these decisions.

Recent department research into its public input activities also showed that follow-up with the public was lacking. A committee of department employees, convened in 2000 to review the public

³ We also learned of two other instances in which the department provided follow-up to people who gave input. In 1997, the department included an insert in its now defunct magazine that described its deer and elk management plan and explained how the public's input influenced it. In addition, in 1999, one region provided feedback to those who provided input during the development of big game regulations.

input process, identified follow-up with stakeholders as “the greatest shortcoming in the department’s public input process.”⁴ Committee members wrote that they believed the lack of follow-up has led to the perception that the department does not listen to the input received.

Finally, although the department provides more opportunities for public input than required by code, department staff have provided limited information to explain the process to possible participants. For example, while the department has issued press releases to notify the public of upcoming meetings, they have not developed materials explaining the decision-making process and the points in the process at which the public may provide input. In addition, attendees at public hearings are told comments will be taken, but are not told what the process for speaking will be, whether they may ask questions, or who to contact for additional information or comment.

We also found:

- **The Department of Fish and Game has not regularly evaluated the effectiveness of its public input efforts.**

The department has done little to assess the effectiveness of its public input efforts. Participants are not provided evaluation forms that could communicate their levels of satisfaction with different opportunities to express opinions or comments. In addition, we learned of no formal staff review of the successes and shortcomings of a given input-gathering effort or assessment of how improvements could be made.

On the other hand, the department twice has convened a committee to look at the overall effectiveness of its efforts. The first committee, convened in 1997, drafted a number of recommendations, but did not result in formal changes to input processes. However, a more recent committee (referenced earlier), convened this year to look specifically at public input in the development of regulations, proclamations, and selected management plans, has already provided the commission several recommendations for improvement.

The department provides the public limited information about how to comment on Commission and department proposals.

While the department has convened two ad hoc committees to review its public input process, evaluation efforts have not been regular or ongoing.

⁴ Idaho Department of Fish and Game, *Public Input Team*, unpublished report of department public input activities (July 2000), 3.

Improvement in public input gathering efforts is possible in several areas.

We conclude that the department's efforts to gather public input have lacked central coordination and that insufficient technical assistance and guidance have been available to department staff involved in soliciting input. Furthermore, the department has not done enough to inform the public about the process involved or follow-up with those who have provided input and explain the rationale for decisions made. Finally, the department's efforts to evaluate the effectiveness of its public involvement activities have been insufficient.

Therefore:

We recommend the Department of Fish and Game dedicate staff to coordinate public involvement efforts and provide technical assistance to staff.

Because of the frequency with which the department and commission solicit public input and the wide range of issues for which input is gathered, the department should dedicate staff to oversee public involvement efforts. As noted, a team of department managers recently reviewed the department's process for gathering input about proposed regulations and selected management plans. This group proposed that a committee of staff with public involvement experience be established to provide technical assistance to employees throughout the department that are involved in gathering input. While this committee could be beneficial, the committee members each have other responsibilities and would not be charged primarily with coordinating public involvement efforts. In contrast, the Department of Health and Welfare has established an Office of Public Participation to coordinate public input efforts, facilitate public participation projects, advise department programs on public participation best practices, and prepare promotional and informational materials to support public involvement activities. The Idaho Transportation Department and Department of Water Resources, other agencies that frequently solicit input from the public, also have designated staff to coordinate public involvement efforts. Designating staff trained in public involvement to coordinate public input gathering efforts could enable the Department of Fish and Game to strengthen the level of public involvement.

Designating staff to coordinate public involvement efforts could result in increased participation and result in other benefits.

Also:

We recommend the Department of Fish and Game develop written guidance to assist department staff in planning, implementing, and evaluating public input efforts.

The department should develop a written guidebook for use by staff throughout the department to help ensure that public involvement efforts are organized, appropriate, and effective. The Department of Health and Welfare has developed *A Guide for Public Participation Projects* that could serve as a model for the Department of Fish and Game to use in developing guidance for its staff.⁵ This guidebook provides a tool that staff can use to determine when it is appropriate to gather input, what methods to use to gather input, how to manage comments received, how to estimate and monitor costs for gathering input, and how to evaluate the process. Developing such guidance could help the Department of Fish and Game increase the effectiveness of its public involvement efforts by making technical information available to those who do not otherwise have the needed expertise.

In addition:

We recommend the Department of Fish and Game develop ways to communicate the public input process to the public.

The department should provide additional information to the public that explains the process to be followed and identifies opportunities for the public to participate. The Department of Lands has developed a public involvement brochure that identifies opportunities for the public to provide input and key contacts within the department. The Department of Lands also maintains email, fax, and mail lists of stakeholders that want information on scheduled public meetings. The Public Utilities Commission holds informational meetings at the beginning of the public involvement process to explain how input will be gathered and used. Adopting methods such as these could help increase participation and improve public satisfaction with the process.

Developing written guidance could help department staff better plan for public involvement and ensure better follow through.

Ideas from other state agencies could benefit Fish and Game.

⁵ Office of Public Participation, Idaho Department of Health and Welfare, *A Guide for Public Participation Projects* (1998).

Furthermore:

We recommend the Department of Fish and Game regularly follow-up with those who have provided input to explain how the input received factored into management and commission decisions.

Routine follow-up with those who provide input to the department should increase public satisfaction.

The department should provide feedback to those who give input to help ensure the public understands the rationale for decisions and how comments received influenced the decision-making process. The department has recognized the need to provide regular feedback to those who have given input and to the public generally. The committee that has recently reviewed the department's public input efforts has proposed that the department begin providing feedback to those who have given input during the process of developing management plans and regulations. The Department of Health and Welfare includes follow-up with participants as part of its standard public involvement process. This follow-up ensures that information is regularly provided to stakeholders and the public summarizing the input received and explaining the rationale for recommendations and decisions. According to a report on the Department of Health and Welfare's process, "public participation requires two-way communication between agencies and the people they serve. It requires listening, *feedback*, collaboration (emphasis added)."⁶ Follow-up, which has been found to be a key component of effective public input programs, could increase public acceptance of commission and department decisions.

The department has acknowledged the need to provide feedback to those who have given input.

Finally:

We recommend the Department of Fish and Game regularly evaluate its public involvement efforts.

The department should regularly evaluate the effectiveness of its public input efforts. The Department of Health and Welfare's evaluation methods could serve as a model for the Department of Fish and Game to follow in assessing its efforts to gather public input. Under the Department of Health and Welfare's process, in the initial planning phase, department staff determine how the project will be evaluated, who will conduct the evaluation, and

⁶ Idaho Department of Health and Welfare, *Public Participation Activities* (1998), 31.

how and to whom the results will be reported. During the data gathering stage, information is solicited from participants using standard evaluation forms. Once the public input process is complete, department staff prepare a written evaluation report that identifies lessons learned. These results are forwarded to the agency's Office of Public Participation, which uses them to make improvements for future projects. Evaluating its public involvement activities on a project-by-project basis could help the Department of Fish and Game assess whether the goals of the process were met, whether the methods used to gather input were appropriate, whether the methods were effectively applied, and whether the process was cost-effective.

Regular evaluation should help the department improve its public input efforts.

The department could benefit from using public input methods other wildlife agencies have found effective.

As part of our survey, we asked license holders about their satisfaction with the avenues available to provide the department input on issues of importance to them and what public input methods they would recommend for future use. Although the actual number of people responding to this question was low, we found:

- **Survey responses suggest that about 20 percent of those providing public input were satisfied with the method they used to provide input to the Department of Fish and Game.**

According to our survey results, the most commonly used methods to gather public input, "scoping meetings" and open houses, were not satisfying to most participants. Of the 15 survey respondents who had attended one of these meetings, only 3 (20 percent) said they would recommend them for future use. Many "scoping" and open house meetings appear to have poor turnout unless an extremely controversial issue is going to be discussed. For example, only nine people attended the three public meetings held in the Upper Snake region to discuss the 2000–2001 fishing regulations and only one person attended the open house at the Southwest regional office.

Respondents were generally dissatisfied with the methods they used to provide input.

Survey respondents' assessment of other methods was also largely unsatisfactory. For example, only 2 out of 10 respondents (20

**Survey
respondents
preferred
direct contact
with
department
staff.**

percent) who had given input at a public hearing prior to a commission meeting recommended this method for future use. Three out of fifteen respondents (20 percent) suggested using surveys in the future. In contrast, the most satisfaction was voiced by those who had contacted department staff directly with comments; half of these recommended using this public input method in the future.

Because of the small number of respondents commenting on the department's public input efforts, further examination is needed to determine public satisfaction. Therefore:

We recommend that, as part of its overall evaluation efforts, the Department of Fish and Game gather information from stakeholders about their satisfaction with the methods used to gather input.

To identify effective methods of gathering input used in other states, we interviewed officials in other states' wildlife agencies, visited agency websites, and reviewed available documentation. We found:

- **Additional methods of soliciting public input have been found effective by wildlife agencies we reviewed.**

The department could adopt other public input methods used by wildlife agencies in other states. For instance:

Annual Meeting. The Wisconsin Department of Natural Resources holds annual meetings in each region on the same day every year. At these meetings, all regulation and rule changes for the year are voted on by thousands of attendees. The outcomes of these votes are given to the Natural Resources Board, which takes them under advisement when taking final action.

Advisory Groups. In Wisconsin, those who attend the annual regional meetings select county advisory committees that meet throughout the year to provide input to the Natural Resources Board on proposed rule changes. Utah's Division of Wildlife has regional advisory councils that vote on all action items to be considered by the Wildlife Board at the next board meeting. The chairs or vice-chairs of the regional advisory councils then present the outcomes of their votes to the board.⁷

⁷ In 1989, Idaho considered legislation to create regional advisory councils and rejected the proposal.

Dedicated Hunter Program. The Utah Division of Wildlife has a dedicated hunter program that encourages public participation. A hunter may purchase a special license with certain privileges, in exchange for which he or she must attend a regional advisory council or commission meeting and volunteer with the division for a specific number of hours each year.

Public Opinion and Satisfaction Surveys. The Utah Division of Wildlife periodically administers a public opinion survey to measure license holders' satisfaction with the division and to gather input on management and policy issues. Similarly, the Minnesota Department of Natural Resources administers an Awareness and Satisfaction Survey every four years to assess department performance, identify areas for improvement, and gather input on policy issues.

Meeting Facilitators. Arizona contracts with professional facilitators when they hold public meetings on contentious issues.

Internet Community Forum. The Minnesota Department of Natural Resources has an Internet community forum that the public can use to comment on issues of concern. Department staff can reference public comments on various issues to assess public sentiment. The Missouri Department of Conservation also maintains an Internet community forum called the conservation café.

Adopting methods other state wildlife agencies have found effective may help improve public input efforts by the Department of Fish and Game and increase stakeholder satisfaction. Therefore:

We recommend the Department of Fish and Game and the Fish and Game Commission consider using public involvement methods that have been found effective in other state wildlife agencies.

The department could benefit from wildlife agencies' efforts in other states.

Appendix A

Department of Fish and Game Acres Managed Within County, by Type of Interest As of November 15, 2000

<u>County</u>	<u>Owned</u>	<u>Agreement/ License</u>	<u>Conservation Easement</u>	<u>Leased</u>	<u>Other</u>	<u>Total</u>
Ada	8,851	1,518	51	1,900	9	12,329
Adams	27	1			7	35
Bannock	3,305			40	83	3,428
Bear Lake	2,284	505		2,897	0	5,687
Benewah	2,743	1,050				3,793
Bingham	1,966	575		829	185	3,554
Blaine	1,064	1,089		3	8	2,165
Boise	2,970	1,048		819	1	4,838
Bonner	2,247	4,019		27	113	6,405
Bonneville	9,332	20,951	422	27	61	30,793
Boundary	2,510		104		15	2,629
Butte	4				9	13
Camas	3,113	5	11	160	4	3,292
Canyon	2,725	49	26	81	88	2,968
Caribou	1,780	0		640	7	2,427
Cassia	897	6,203		640		7,740
Clark	173		300			473
Clearwater	436			18	11	465
Custer	1,284	179			32	1,495
Elmore	5,968	6,925		1,720	367	14,980
Franklin	5			20	8	34
Fremont	17,407	26,890	0	11,822	0	56,120
Gem	323				18	341
Gooding	2,107	279			178	2,563
Idaho	854	37	36		9	937
Jefferson	11,035	2,705		260	30	14,030
Jerome	209	5,908				6,117
Kootenai	6,653	721		594	1	7,968
Latah	329			77		406
Lemhi	578	5	321		20	924
Lewis	4,516		29		3	4,548
Lincoln	120	4,590				4,710
Madison	145	3,968			11	4,123
Minidoka	13	3,109			83	3,204
Nez Perce	72,546	160		9,554	19	82,278
Oneida						0

(continued on following page)

Office of Performance Evaluations

<u>County</u>	<u>Owned</u>	<u>Agreement/ License</u>	<u>Conservation Easement</u>	<u>Leased</u>	<u>Other</u>	<u>Total</u>
Owyhee	1,080	8,604	34		10	9,728
Payette	680		18		9	706
Power	120	706		127	280	1,233
Shoshone	12,055	10			1	12,066
Teton	476				6	481
Twin Falls	78	9,951			82	10,111
Valley	1,733	320	125	156	56	2,391
Washington	10,163	325	14,786	13,141	195	38,610
Totals	196,904	112,405	16,262	45,551	2,016	373,137

Note: Does not sum due to rounding.

Source: Office of Performance Evaluations' analysis of Department of Fish and Game data.

Appendix B

Summary of Related Survey Responses

Department Lands

Please rate the department's performance in each of the following areas:

	<u>Poor</u>	<u>Fair</u>	<u>Good</u>	<u>Excellent</u>
Acquiring properties that provide valuable habitat for wildlife (n=195).	10.3%	34.4%	46.7%	8.7%
Maintaining facilities on department lands that meet the needs of sportsmen (n=205).	17.6%	30.2%	42.0%	10.2%
Acquiring lands that sportsmen can use for hunting and/or fishing (n=194).	20.1%	30.9%	41.2%	7.7%
Managing Wildlife Management Areas and other department lands (n=206).	18.4%	38.3%	37.4%	5.8%
Obtaining access to hunting and fishing areas to meet the needs of sportsmen (n=215).	26.5%	34.9%	32.1%	6.5%

Please indicate **all** the reason(s) for which you used department properties in the left hand column below. Then, in the right hand columns, please estimate the number of times you used department properties over the last two years for each reason you identified.

	<u>1–5 visits</u>	<u>6–10 visits</u>	<u>11+ visits</u>
Fishing (n=106)	52.5%	24.2%	23.2%
Wildlife viewing (n=86)	54.2%	21.7%	24.1%
Hunting (n=72)	59.2%	16.9%	23.9%
Camping (n=71)	51.5%	22.7%	25.8%
Other (n=19)	61.1%	5.6%	33.3%

(continued on following page)

Public Input

Have you provided input to the department or the commission on any issues during the past two years (July 1998 to present)?

	<u>Respondents</u>	<u>Percent</u>
Yes	40	15.5%
No	218	84.5%
Total	258	100.0%

How did you provide input to the department and/or commission?

	<u>Number of Respondents Who Used Method</u>	<u>Number of Respondents Who Would Recommend Method</u>	<u>Percent Who Would Recommend</u>
Attended a "scoping" meeting held to obtain input before developing a regulation or policy recommendation	7	0	0.0%
Attended an open house held at department offices	8	3	37.5%
Contacted department staff (phone, mail, or email)	10	5	20.0%
Responded to a phone or mail survey conducted by the department	15	3	20.0%
Contacted department staff (phone, mail, or email)	10	5	50.0%

Please rate the department and/or commission's performance in each of the following areas:

	<u>Poor=1</u>	<u>Fair=2</u>	<u>Good=3</u>	<u>Excellent=4</u>	<u>Mean</u>
The department's efforts to gather public input when developing policies and regulations (n=208).	17.3%	38.9%	37.5%	6.3%	2.3
The commission's consideration of public input when making policy or regulatory decisions (n=181).	34.3%	40.3%	23.2%	2.2%	1.9
The department's and/or commission's efforts to inform the public about how public input factored into their final policy or regulatory decisions (n=193).	33.7%	38.3%	24.4%	3.6%	2.0

(continued on following page)

Opportunities Exist to Improve Lands Program and Strengthen Public Participation Efforts

Please indicate your level of satisfaction in each area below:

	<u>Very Dissatisfied</u>	<u>Dissatisfied</u>	<u>Neutral</u>	<u>Satisfied</u>	<u>Very Satisfied</u>
How satisfied are you with the current opportunities available to voice your opinions to the department and / or commission? (n=221)	6.3%	13.1%	43.4%	32.6%	4.5%
Overall, how satisfied are you with the Idaho Department of Fish and Game as a governmental agency in Idaho? (n=232)	8.7%	20.7%	29.3%	37.6%	3.7%

Satisfaction by Region

	<u>Respondents</u>	<u>Mean Satisfaction Rating^a</u>
Panhandle	33	3.27
Clearwater	24	3.33
Southwest	79	3.22
Magic Valley	29	3.10
Southeast	25	2.64
Upper Snake	26	3.31
Salmon	<u>3</u>	<u>3.00</u>
Total	219	3.16

^a Five point scale, 5 is optimum, 1 is minimum

Other Information

1. To how many sportsmen, wildlife, or environmental groups do you currently belong?
2. In how many of the groups to which you belong do you regularly attend meetings?
3. In how many of the groups to which you belong do you currently hold a leadership position?

	<u>Percent of Respondents</u>
Not a member of any groups (n=182).	75.5%
A member of at least one group (n=31).	12.9%
A regular attendee of at least one group (n=25).	10.4%
A leader of at least one group (n=3).	1.2%

Source: Contractor analysis of Office of Performance Evaluations' survey responses.

Appendix C

Fees-in-Lieu-of-Taxes Paid to Idaho Counties, Fiscal Years 1996–2000

<u>County</u>	<u>1996</u>	<u>1997</u>	<u>1998</u>	<u>1999</u>	<u>2000</u>
Ada	\$3,513.34	\$3,256.39	\$3,343.51	\$3,427.42	\$3,807.37
Adams	40.38	41.65	48.20	53.55	60.52
Bannock	1,392.95	1,246.23	1,278.89	1,308.84	1,445.66
Bear Lake	1,099.29	1,092.49	1,121.98	1,139.24	1,258.36
Benewah	9,802.42	11,004.47	12,384.84	13,574.31	15,438.89
Bingham	3,353.15	3,345.82	3,424.93	3,493.43	3,772.35
Blaine	2,355.07	2,207.78	2,254.44	2,288.98	2,536.03
Boise	1,262.63	1,115.90	1,145.23	1,174.41	1,292.41
Bonner	2,727.72	2,708.75	3,038.00	5,001.39	8,812.76
Bonneville	5,034.74	6,809.73	7,044.68	7,154.10	7,513.35
Boundary	1,464.67	1,545.71	2,503.05	2,583.50	2,517.06
Camas	5,020.64	5,269.11	5,403.75	5,410.01	6,156.84
Canyon	3,391.79	3,212.37	3,272.68	3,384.27	3,527.16
Caribou	1,254.06	1,160.00	1,172.54	1,222.27	1,290.58
Cassia	2,096.59	2,116.74	2,153.51	2,213.88	2,320.66
Clark	70.09	61.94	63.57	65.20	71.72
Clearwater	1,737.59	1,920.07	1,905.00	2,233.23	2,767.94
Custer	2,495.95	2,332.82	2,399.58	1,656.73	1,949.68
Elmore	2,786.90	2,290.98	2,351.27	2,411.56	2,666.04
Fremont	7,559.18	7,056.31	7,250.89	7,425.46	8,111.26
Gem	515.21	448.09	3,112.69	457.67	509.92
Gooding	3,102.93	3,042.12	449.49	3,236.38	3,287.29
Idaho	1,801.94	1,661.14	1,746.22	1,794.10	2,094.82
Jefferson	7,891.54	7,561.14	7,736.22	7,946.55	8,460.67
Jerome	286.47	277.47	283.84	81.10	89.21
Kootenai	11,732.12	13,966.28	13,966.28	17,283.92	19,629.91
Latah	618.61	641.13	726.26	794.83	893.93
Lemhi	585.44	518.60	525.27	532.65	595.58
Lewis	3,928.76	8,014.21	9,119.38	10,029.24	11,297.22
Lincoln	51.60	45.60	46.80	48.00	52.80
Madison	95.01	88.89	84.57	81.13	80.31
Minidoka	5.63	4.98	5.11	5.24	5.76
Nez Perce	62,588.00	70,349.26	78,651.36	86,029.86	87,585.74
Owyhee	2,367.58	2,276.06	2,303.25	2,333.98	2,590.21
Payette	2,877.47	2,921.17	2,653.15	2,785.08	2,844.95
Power	7.98	7.05	7.23	7.42	8.16

(continued on following page)

Office of Performance Evaluations

<u>County</u>	<u>1996</u>	<u>1997</u>	<u>1998</u>	<u>1999</u>	<u>2000</u>
Shoshone	\$ 23,638.39	\$ 28,511.70	\$ 29,760.12	\$ 33,434.53	\$ 32,906.50
Teton	904.29	982.10	1,007.81	1,008.00	1,143.46
Twin Falls	13.61	12.03	12.34	12.66	13.93
Valley	812.60	746.51	791.67	830.73	923.26
Washington	4,463.14	4,097.70	4,209.07	4,312.64	4,719.54
Total	\$186,747.47	\$205,968.49	\$220,758.67	\$240,267.49	\$257,049.81

Source: Office of Performance Evaluations' analysis of Department of Fish and Game data.

Response to the Evaluation



IDAHO FISH & GAME

600 South Walnut
P.O. Box 25
Boise, Idaho 83707-0025

January 3, 2001

Dirk Kempthorne / Governor
Rod Sando / Director

Ms. Nancy Van Maren, Director
Office of Performance Evaluations
P.O. Box 83720
Boise, Idaho 83720

Dear Director Van Maren:

The Department and Commission appreciate the thorough and objective review conducted by you and your staff, and the responsiveness of your final report to our comments and input. We were gratified with your overall evaluation that both our lands and public involvement program meet and exceed statutory requirements. The report provides valuable recommendations for further improvement that will be useful to us and others interested in our performance.

Concerning the lands program, we were especially pleased to see that the majority of the public rated our performance in acquiring valuable wildlife habitat lands and maintaining our facilities as good to excellent. It is also helpful to see that the majority of the public would like to see the Department acquire more land for hunting and fish and improved access.

We concur with your specific recommendations on the lands program. We will continue efforts to dispose of non-essential properties, we will schedule five-year reviews of our total property holdings (the next update in 2001) and we will amend our sharecropping agreements to provide more flexibility and realistic provisions. We will continue our coordination with counties to pursue a method to more accurately calculate fee-in-lieu-of-tax payments acceptable to both the counties and our constituents.

Your conclusions and recommendations on our public involvement program are both useful and timely. Nearly all of the recommendations in your report were included in a revised public involvement process that the Department presented to the Commission in December. Prior to the Commission's final approval on January 18, we will modify our proposal to include your recommendation to assess public satisfaction with our input efforts. With that, our revised process should comprehensively address the issues raised in your evaluation.

Sincerely,

Rod Sando
Director

John E. Burns
Chairman
Idaho Fish & Game Commission

Keeping Idaho's Wildlife Heritage

Performance Evaluations Completed 1996–Present

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