

Idaho Department of Fish and Game Cooperative Travel Plan Enforcement for Wildlife
Protections
8/9/2011

1. Statutory Authority to enter into Cooperative Enforcement Agreement:

36-104.GENERAL POWERS AND DUTIES OF COMMISSION.

(b) Authorization for Commission Powers and Duties. For the purpose of administering the policy as declared in section [36-103](#), Idaho Code, the commission is hereby authorized and empowered to:

10. In the event owners or lawful possessors of land have restricted the operation of motor-propelled vehicles upon their land, the commission, upon consultation with all other potentially affected landowners, and having held a public hearing, if requested by not less than ten (10) residents of any county in which the land is located, may enter into cooperative agreements with those owners or possessors to enforce those restrictions when the restrictions protect wildlife or wildlife habitat. Provided, however, the commission shall not enter into such agreements for lands which either lie outside or are not adjacent to any adjoining the proclaimed boundaries of the national forests in Idaho.

(A) The landowners, with the assistance of the department, shall cause notice of the restrictions, including the effective date thereof, to be posted on the main traveled roads entering the areas to which the restrictions apply. Provided, however, that nothing in this subsection shall allow the unlawful posting of signs or other information on or adjacent to public highways as defined in subsection (5) of section [40-109](#), Idaho Code.

(B) Nothing in this section authorizes the establishment of any restrictions that impede normal forest or range management operations.

(C) No person shall violate such restrictions on the use of motor-propelled vehicles or tear down or lay down any fencing or gates enclosing such a restricted area or remove, mutilate, damage or destroy any notices, signs or markers giving notice of such restrictions. The commission may promulgate rules to administer the restrictions and cooperative agreements addressed in this subsection.

The following elements are required for IDFG employees to enforce travel plan restrictions:

- The landowner/manager must have a travel plan restricting motor propelled vehicles
- The commission must enter into an agreement to enforce those restrictions
- The travel restrictions must be to protect wildlife or wildlife habitat
- The land must be within or adjacent to the proclaimed boundaries of a National Forest
- There must be notice of restriction posted on main traveled roads entering affected areas

2. History

The legislation was passed in 1986 to address increased logging activity and road development. The timber industry advocated IDFG involvement in travel restriction enforcement so that road construction would not be unduly impeded, yet wildlife could be protected. The legislation was

premised on the fact that IDFG conservation officers are the primary law enforcement presence on national forest lands for the purpose of enforcing state fish and game laws.

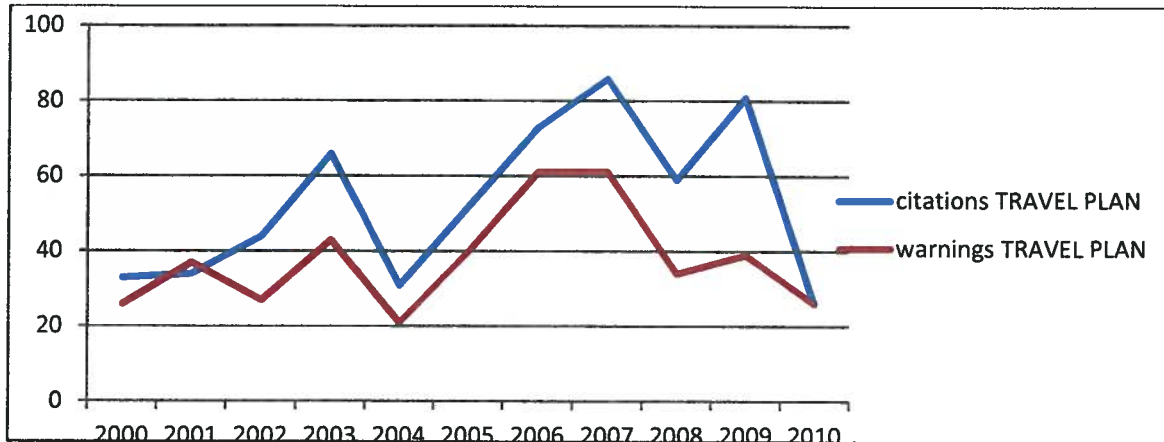
The legislation was in response to increased scrutiny of logging road construction and subsequent use that stemmed in part from state and federal research showing a correlation between road density/use and negative effects to wildlife, with a particular emphasis on elk and fall hunting pressure. Research also showed that closures, including seasonal closures for critical security and breeding periods, to public use of such roads could be effective at mitigating wildlife impacts to allow continued timber harvest, but only where there was public compliance with closures.

3. How does IDFG implement Travel Plan Enforcement?

1. Limited to the protection of wildlife or wildlife habitat. Examples:
 - During hunting seasons to address vulnerability
 - During calving season to protect from disturbance
 - Protect from habitat destruction (resource damage)
2. Main focus has been on Forest Service travel plans, although there have been some agreements with private timber companies and IDL properties lying within or adjacent to national forest boundaries.
3. Much of IDFG staff emphasizes travel plan enforcement during fall big game seasons, targeting areas of historic violations.
4. IDFG cannot “create” new travel plan restrictions that affect all motorized users, enforcement strictly adheres to elements of existing travel plan.
 - Joint emphasis patrols include USFS and IDFG personnel
 - Shared resources and responsibility, greater coverage
 - Conduct normal duties at the same time: hunter compliance checks, educational efforts
 - USFS law enforcement personnel are very limited in number state wide (28 officers) so IDFG involvement increases coverage and compliance protecting wildlife and wildlife habitat
5. Other travel plan enforcement is conducted ancillary to normal fish and game employee functions and patrols.
6. Detected violations are investigated and if probable cause exists, a warning or citation of violation of Idaho Code, IC 36-104(b)10(C) may be issued. If a citation is issued, the defendants are cited into an Idaho magistrate court.
 - a. A violation is a standard misdemeanor. Convictions of all standard misdemeanors can include fines ranging from \$25-\$1000, loss of hunting privileges for up to 3

years, and up to 6 months jail. There are no required mandatory minimum fines, license suspensions, or jail time.

4. 2000-2010 Travel Plan Violations detected by IDFG employees



Annual fluctuations in the number of travel plan violations detected are consistent with fluctuations in total violation detection rates. On average, travel plan violations account for less than 2% of all violations detected by IDFG employees.

5. Detailed Idaho Fish and Game Enforcement Summary from 2000 to 2010 (all wildlife violations detected)

From 2000 to 2010 Idaho Fish and Game detected

- 60,033 total violations
- Issued 34,732 citations
- Average of 3,157 citations/year

Violations related to Off-Highway Vehicles represent

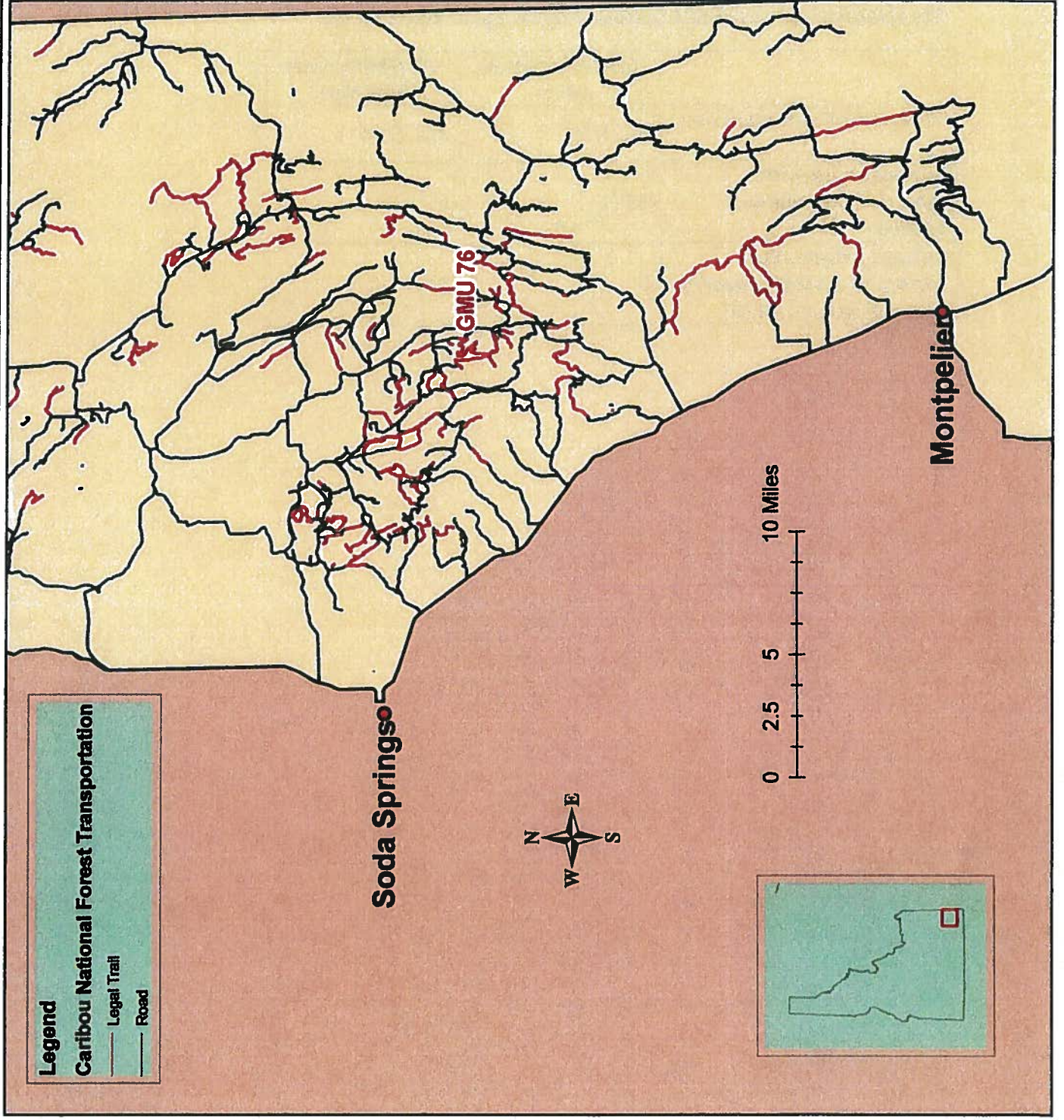
- 4.6% of the total violations detected (2,777)
- 3.7% of the citations issued (1,288)
- Average of 117 citations/year

Off Highway Vehicle related violations were of three classes-

- Idaho Fish and Game Commission's Motorized Hunting Rule (less than 1 % of total citations)
- Idaho Code Title 67 Chapter 71 Recreational Activities* (1.5% of total citations)
- Violations of USFS Federal Travel Plan are cited as violations of Idaho Code, IC 36-104(b)10(C) (1.6% of total citations)

*Includes all violations of Title 67 Chapter 71

Roads and Legal Trails in Game Management Unit 76



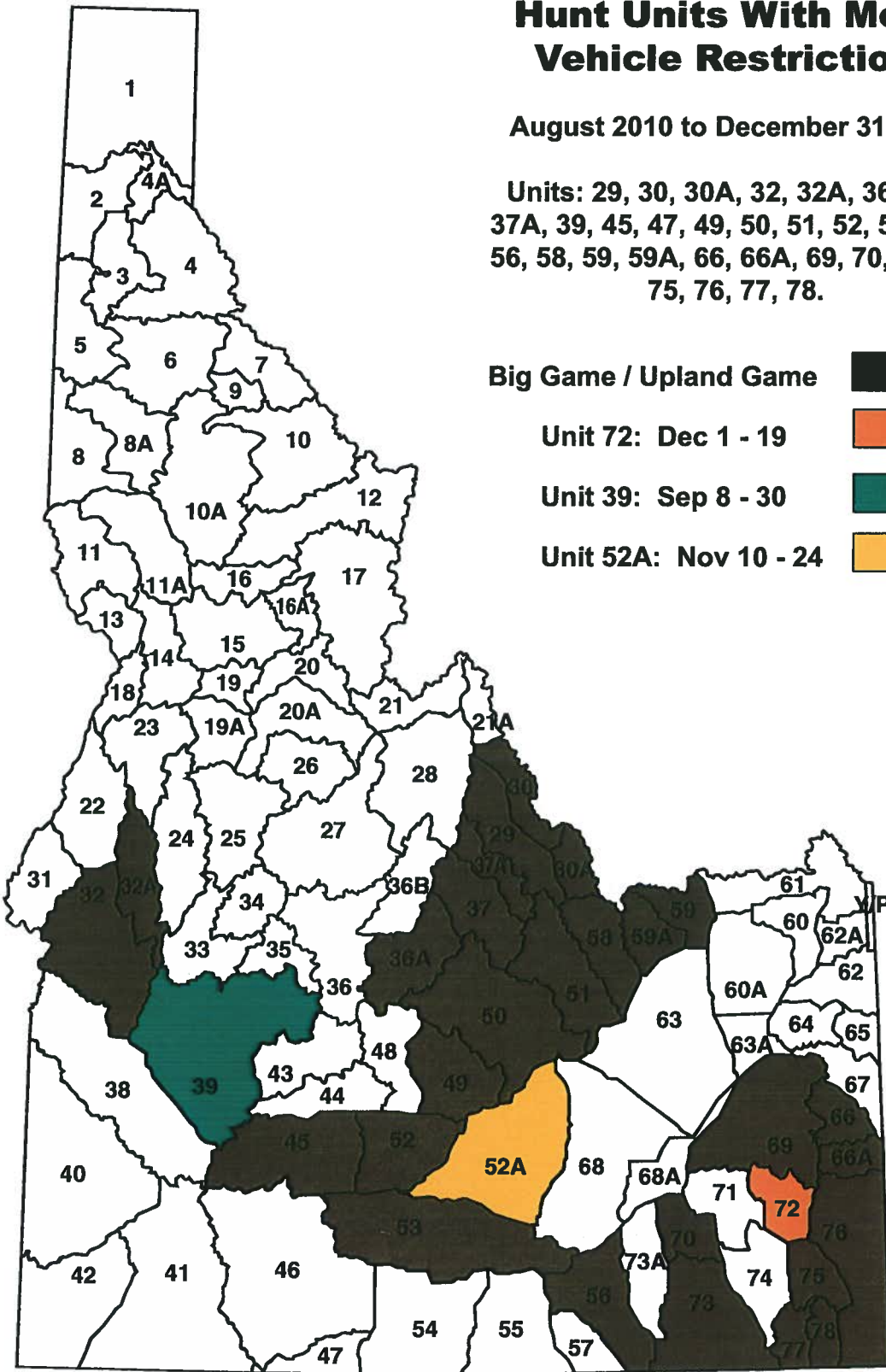
Miles of Established Roads and ATV/Motorcycle Trails in Game Management Unit 76 and effects of the Motorized Hunting Rule to hunting access using a motor vehicle

	Established Road Miles	ATV/Motorcycle Trail Miles
Access for all motorized uses	535 (71%)	214 (29%)
Hunting access with Motorized Hunting Rule applied	535	0
Mileage reduction for motorized access for hunting (not recreational travel)	0	214

Hunt Units With Motor Vehicle Restrictions

August 2010 to December 31, 2010

Units: 29, 30, 30A, 32, 32A, 36A, 37, 37A, 39, 45, 47, 49, 50, 51, 52, 52A, 53, 56, 58, 59, 59A, 66, 66A, 69, 70, 72, 73, 75, 76, 77, 78.



Big Game / Upland Game

Unit 72: Dec 1 - 19

Unit 39: Sep 8 - 30

Unit 52A: Nov 10 - 24

Elk Controlled Hunts

For details on controlled hunt rules and restrictions please see pages 73-76.

Hunters: Please check Elk Controlled Hunt Area descriptions on pages 48-51. Hunt Areas may change annually.

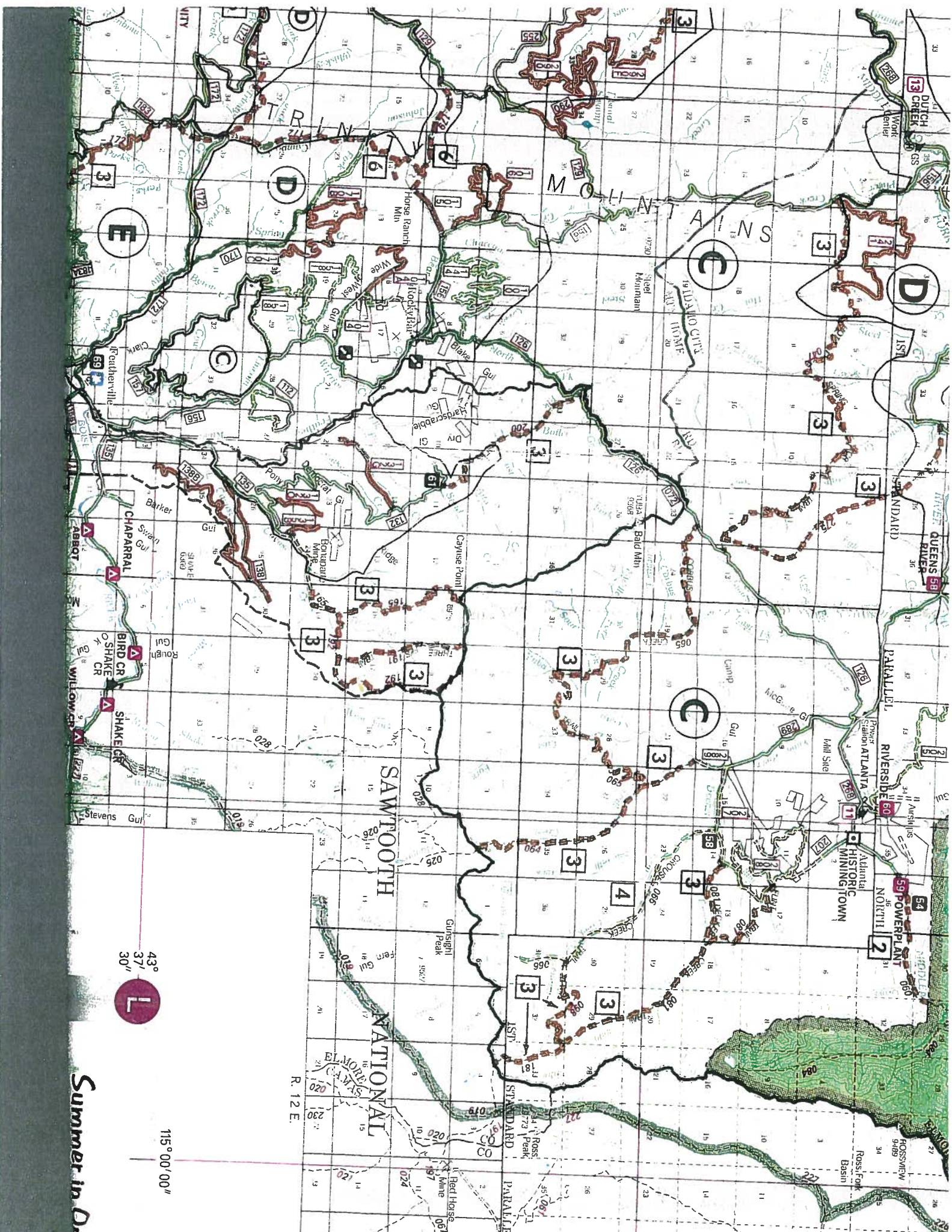
2011 Controlled Elk Hunts (15,530 Tags Plus Unlimited Tags) Antlered Elk

Hunt No.	Controlled Hunt Areas	Tags	Season Dates	Notes
2001	11-1	80	Oct 1 - Oct 24	
2002	11-1	71	Nov 1 - Nov 24	
2003	18	225	Oct 10 - Nov 3	
2004	19A	5	Oct 1 - Oct 14	
2005	23-1	5	Oct 1 - Oct 14	
2006	29	180	Oct 1 - Oct 24	<i>Motor Vehicle Rule Applies, See Page 70</i>
2007	30	75	Nov 1 - Nov 30	<i>Motor Vehicle Rule Applies, See Page 70</i>
2008	30-1* (see pg 49)	30	Oct 1 - Oct 14	<i>Motor Vehicle Rule Applies, See Page 70</i>
2009	31-1	40	Oct 15 - Nov 8	
2010	36A-1	58	Oct 1 - Oct 31	<i>Motor Vehicle Rule Applies, See Page 70</i>
2011	36A-2* (see pg 49)	81	Oct 1 - Oct 31	<i>Motor Vehicle Rule Applies, See Page 70</i>
2012	37	65	Oct 1 - Oct 24	<i>Motor Vehicle Rule Applies, See Page 70</i>
2013	37A	70	Oct 1 - Oct 24	<i>Motor Vehicle Rule Applies, See Page 70</i>
2014	40* (see pg 50)	5	Sep 25 - Oct 14	
2015	40* (see pg 50)	50	Oct 15 - Nov 24	
2016	41	10	Nov 1 - Nov 24	<i>Very limited access</i>
2017	43	10	Sep 25 - Oct 10	
2018	43	90	Oct 15 - Nov 9	
2019	44-1	10	Sep 25 - Oct 10	
2020	44-1	140	Oct 15 - Nov 9	
2021	45* (see pg 50)	100	Oct 1 - Oct 31	<i>Very limited access, Motor Vehicle Rule Applies, See Page 70</i>
2022	46* (see pg 50)	10	Oct 15 - Nov 9	<i>Motor Vehicle Rule Applies in Unit 47, See Page 70</i>
2023	46* (see pg 50)	15	Dec 5 - Dec 31	<i>Motor Vehicle Rule Applies in Unit 47, See Page 70</i>
2024	48-1	10	Sep 25 - Oct 10	
2025	48-1	115	Oct 15 - Nov 9	
2026	49	10	Sep 25 - Oct 10	<i>Motor Vehicle Rule Applies, See Page 70</i>
2027	49	150	Oct 15 - Oct 31	<i>Motor Vehicle Rule Applies, See Page 70</i>
2028	50-1	75	Oct 15 - Oct 31	<i>Motor Vehicle Rule Applies, See Page 70</i>
2029	51	25	Oct 1 - Oct 14	<i>Motor Vehicle Rule Applies, See Page 70</i>
2030	51	125	Nov 1 - Nov 30	<i>Motor Vehicle Rule Applies, See Page 70</i>
2031	52A-1* (see pg 50)	75	Oct 1 - Nov 30	
2032	54-1* (see pg 50)	15	Oct 15 - Nov 9	
2033	56-1	20	Oct 15 - Nov 9	<i>Motor Vehicle Rule Applies, See Page 70</i>
2034	58-1* (see pg 50)	75	Nov 1 - Nov 30	<i>Motor Vehicle Rule Applies, See Page 70</i>
2035	60-1* (see pg 50)	30	Oct 1 - Oct 14	
2036	60-2* (see pg 50)	100	Nov 1 - Nov 30	
2037	61	50	Nov 1 - Nov 10	

CONTROLLED ELK

continued

See controlled hunt area descriptions. This hunt includes other units or parts of other units.
For details on controlled hunt rules and restrictions, please see pages 73-76.



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115° 00' 00"

Summer in On

ne way.













EMERGENCY help in case of severe accident, missing person, or fire may be obtained at the closest Forest Service or local county sheriff office. Please note **Emergency Phone Numbers** on reverse side.



Karen Wattenmaker



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ON-TRAIL OPPORTUNITIES					
					
TRAIL SYMBOL	ATVs	2-WHEEL MOTORIZED BIKES	BICYCLES	PACK ANIMALS	HIKERS
1 	CLOSED	CLOSED	CLOSED	CLOSED	OPEN
2 	CLOSED	CLOSED	OPEN	OPEN	OPEN
3 	CLOSED	OPEN	OPEN	OPEN	OPEN
4 	OPEN	OPEN	OPEN	OPEN	OPEN
5 	CLOSED	CLOSED	CLOSED	OPEN	OPEN
6 	CLOSED	CLOSED October 1 - June 30	OPEN	OPEN	OPEN
	Trails not managed by Boise National Forest. Check with land manager for specific restrictions.				

UNDERSTANDING TRAVEL MANAGEMENT

The matrices for OFF-TRAIL AND OFF-ROAD TRAVEL RESTRICTIONS and ON-TRAIL OPPORTUNITIES will assist you in identifying areas and routes where various uses may take place.

OFF-TRAIL AND OFF-ROAD TRAVEL RESTRICTIONS refer to areas, not routes such as trails or roads. Boise National Forest has established these areas with travel management restrictions to enable safe travel, protect natural and cultural resources, separate recreation opportunities (motorized and non-motorized), and minimize user conflicts. Where off-road travel is not allowed, motorized access to camping or firewood gathering sites is permitted within 300 feet of an open road or 100 feet of a trail designated for motorized use. Please select your temporary access routes carefully and avoid any damage to Forest resources. Motorized access for some Forest administration activities is permitted if approved by the District Ranger.

ON-TRAIL OPPORTUNITIES refer to trails. The trail symbols- 1, 2, 3, 4, 5, and 6 - advise users about which trails are appropriate for which modes of travel. The roads and trails shown on this map are the routes where travel is encouraged. There are many more roads and trails on the ground which are not shown on the map. Restrictions for these roads and trails should be posted on the ground and also available at Forest Service offices.

Changing conditions may require the Forest Supervisor to issue restrictions that may differ from those on this map. There will be an ANNUAL UPDATE OF TRAVEL

Karen Wattenmaker

Overview of Fish and Game Motorized Hunting Rule and its Governance
Randy Budge, Fish and Game Commissioner, Southeast Region
August 9, 2011

Statutory Basis for Commission Motorized Hunting Rule (MHR):

36-1101. Taking of wildlife unlawful except by statute or commission rule or proclamation -- Methods prohibited -- Exceptions. (a) **It is unlawful, except as may be otherwise provided by Idaho law, including this title or commission rules or proclamations promulgated pursuant thereto, for any person to take any of the game animals, birds or fur-bearing animals of this state.**

(b) Except as may be otherwise provided under this title or commission rules or proclamations promulgated pursuant thereto, **it is unlawful for any person to:**
1. **Hunt from Motorized Vehicles. Hunt any of the game animals or game birds of this state from or by the use of any motorized vehicle except as provided by commission rule;**

Brief History and Context of Motorized Hunting Rule

- The Idaho Fish and Game Commission (Commission) adopted the Motorized Hunting Rule in 2002 to address three important wildlife management challenges: 1) Conflicts between hunters using off-highway vehicles (OHVs) and hunters not using OHVs, 2) Increasing harvest vulnerability of big game to hunters using OHVs to access remote areas, and 3) Meeting public expectations for continued general season hunting (hunt every year) and abundant big buck deer and bull elk.
- The Motorized Hunting Rule has been implemented in areas where public land motorized travel regulations (U.S. Forest Service, Bureau of Land Management) do not adequately address the three management challenges listed above.
- The Motorized Hunting Rule applies to hunters in only 31 (31%) of Idaho's 99 big game management units, all located south of the Salmon River.
- Surveys of Idaho big game hunter opinions and preferences identify continued general hunting and adequate OHV regulation during the hunting season as top priorities.
- Recreational OHV users are not affected by the motorized hunting rule, it only applies to hunters. The Motorized Hunting Rule does not restrict "armed" travel; only travel associated with hunting activity is affected.
- The best research and other information available documents that increasing OHV use by hunters is causing increased dissatisfaction among the hunting public and that expanding motorized access by hunters makes deer and elk more vulnerable to hunter harvest. Reducing or otherwise regulating the harvest vulnerability of mule deer and elk is essential to provide higher numbers of mature bucks and bulls and important to

maintaining general season hunting structure with open entry (as opposed to limited entry such as controlled hunts).

▪Without the means to regulate the use of OHVs in the course of hunting, conflicts between hunters who use OHVs and hunters who do not are likely to increase and the Department's ability to meet public expectations for open entry hunting areas and for antlered bucks and bulls will be diminished.

▪The Commission has directed the Department to continue reviewing the need for the MHR in Game Management Units as land manager travel planning is revised. As an example, two units were removed from the MHR by the Commission in 2010 because additional Commission rule was not needed to achieve wildlife management and hunter expectation objectives.

Fish and Game Commission Actions to Improve the Motorized Hunting Rule

-The Commission conducted a workshop to discuss the Motorized Hunting Rule on May 20, 2011. They further discussed potential improvements to the rule at their meeting on July 28.

-The following reflects: A) staff recommendations and B) policy options under consideration.

-The Commission has not yet adopted any of the staff recommendations or new rule revision.

A. Staff Recommendations for Commission Consideration:

1. Change the Title of the rule:

Recommend **Motorized Hunting Rule (MHR)** which makes it clear the rule is about hunters, adding clarity communication of the rule. The previous reference was Motorized Vehicle Rule (MHR) for hunters. Many stakeholders overlooked the "for hunters" and believed this rule was regulating motorized recreational travel but it does not.

2. Refine the Use Restriction segment of the Motorized Hunting Rule and clarify which types of game hunts are included.

411.01. **Use Restriction.** Hunters may only use motorized vehicles on established roadways to hunt big game animals, upland game animals, and upland game birds.

3. Refine the Defined Terms of the Rule that apply to the Use Restriction.

411.04. **Defined Terms:**

a. A full-sized automobile shall be defined as any motorized vehicle with a gross weight in excess of one thousand five hundred (1,500) pounds. (*same as existing rule*)

b. An established roadway shall be defined as any road that is established, built, maintained, approved or designated by any governmental entity or private landowner for the purpose of travel by full-sized automobiles. An established roadway shows evidence of repeated use by full-sized automobiles, and may include a traveled way of

natural earth with depressed wheel tracks and little or no vegetation in the wheel tracks. *(same as existing rule)*

c. A hunter shall be defined as a person engaged in the activity of hunting, defined in Section 36-202(j), Idaho Code, as chasing, driving, flushing, attracting, pursuing, worrying, following after or on the trail of, shooting at, stalking, or lying in wait for, any wildlife whether or not such wildlife is then or subsequently captured, killed, taken or wounded. Hunting does not include activities by an unarmed person solely for the purpose of watching wildlife or taking pictures thereof. *(clarified from existing rule)*

d. A motorized vehicle is defined as any water, land, or air vehicle propelled by means of steam, petroleum products, electricity, or any other mechanical power as defined in Section 36-202(y), Idaho Code. *(added term to add clarity)*

4. Revise the **Exception** part of the rule:

Retain all exceptions of the current rules except delete the camping travel exemption.

411.02. Exceptions. This use restriction rule shall not apply to the following permissible motorized vehicle uses by hunters:

a. Holders of a valid Disabled Persons Motor Vehicle Hunting Permit may use a motorized vehicle as allowed by the land owner or manager. *(same as existing rule)*.

b. Hunters may use a motorized vehicle to retrieve downed game if such travel is allowed by the land owner or manager. *(same as existing rule)*.

c. Private landowners, their authorized agents and persons with written landowner permission may use a motorized vehicle on their private land; however, they may not hunt from or by the use of any motorized vehicle as prohibited by Section 36-1101(b)(1), Idaho Code. *(simplified from existing rule)*

B. Other Commission Policy Issues Under Consideration based on Hunter and Other Input:

Issue 1. How to designate the motorized hunting rule – Where/when it applies:

Existing Approach: Retain flexibility of existing rule by applying the MHR to designated areas and hunts in existing Big Game Management Units of the current rule (31 hunt units included south of Salmon River). Specific hunt and area designation is identified via the Commission proclamations.

Revise Restricted Areas and Hunts language as follows to incorporate correct references to proclamations:

411.03. Restricted Areas and Hunts. The motorized hunting use restriction shall apply to identified areas and hunts in designated Big Game Management Units identified in the Commission’s Big Game Season Proclamation, and the Moose, Bighorn Sheep and Mountain Goat Season Proclamation, which are published in brochures available at department offices and license vendors.

[Note, for the rules chapter governing the taking of upland game animals, IDAPA 13.01.07 and for upland game birds, IDAPA 13.01.09, the language would be modified to reflect the designated areas are identified in the Upland Game, Furbearer & Turkey Proclamation.]

412. Motorized Hunting Use Restriction Units.

The motorized hunting use restriction applies to areas and hunts in units 29, 30, 30A, 32, 32A, 36A, 37, 37A, 39, 45, 47, 49, 50, 51, 52, 53, 56, 58, 59, 59A, 66, 66A, 69, 70, 72(late season), 73, 75, 76, 77, and 78. The motorized hunting use restriction shall apply to identified areas and hunts in designated Big Game Management Units identified in the Commission’s Big Game Season Proclamation, and the Moose, Bighorn Sheep and Mountain Goat Season Proclamation, which are published in brochures available at department offices and license vendors.

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Policy Considerations:

- Most flexible approach but complex to designate and requires the big game brochures to understand.
- Allows different MHR approach for different species hunts (i.e. could treat a deer hunt differently than a low density moose hunt).
- Recreational motorized users like to know about any motorized restrictions to other users, such as hunters, to help trip planning so would require reading the big game brochure.

Alternative Approach: Apply the Motorized Hunting Rule (MHR) by designated Game Management Units (Hunt Units) that is date specific.

411.03. **Restricted Areas and Hunts.** The motorized hunting use restriction shall apply to hunts for big game, upland game, and upland game birds in hunt units 29, 30, 30A, 32, 32A, 36A, 37, 37A, 39, 45, 47, 49, 50, 51, 52, 53, 56, 58, 59, 59A, 66, 66A, 69, 70, 72, 73, 75, 76, 77, and 78 from August 30 through December 31.

Policy Considerations:

- Easy to designate and consistent but rigid approach.
- Easy to visually depict for hunters and other interested motorized recreationists to help with trip planning.
- Adding hunt management flexibility requires exemptions, confusing.

Issue 2. Expansion of motorized travel for hunting restrictions to predatory and unprotected species.

We have a diversity of hunters overlapping in time and space hunting for protected game animals and unprotected and predatory animals.

Harvest vulnerability for predatory and unprotected animals is not a management concern. Hunter experience and perception issues are central to this consideration

As noted, the MHR currently applies to certain protected classified game animals. This circumstance combined with no MHR application to hunting predatory and unprotected animals, such as coyotes, creates some issues:

Effective enforcement can be circumvented by non-compliant hunters claiming to be hunting animals not included in the MHR, such as coyotes.

Many hunters don't understand why some other hunters in the same area can legitimately use motorized travel to get to a hunting location.

Expansion of MHR to hunting predatory and unprotected species has not specifically been scoped with the hunting public and conflicts with liberal hunting opportunity.

Issue 3. Interpretation of When the Motorized Travel is for a Hunting Purpose.

Currently, the rule restricting hunter use of motorized vehicles allows hunters to pack in camping equipment off established roadways but does not allow hunters to hunt while packing camping equipment.

This exemption has been a source of confusion and frustration by hunters who view the camping exception as opportunity for hunters using OHVs to have a harvest advantage because they can travel further afield to “camp” as they progress to their hunting area. The exception also confounds intent of the motorized use restriction to reduce harvest vulnerability because it allows some hunter motorized incursion, for the purpose of camping, into core security habitat.

Alternatively, a hunting trip while with friends and family, some of which may not be hunters, is popular and presumably traveling together to the campsite, which may translate to motorized travel off an established roadway, is part of that experience.

The Commission does not regulate recreational camping as an independent activity. However, as a matter of policy for implementing the MHR, the Commission could determine that once a hunter has initiated travel to a hunting area, they are pursuing wildlife and that camping is part of the act of the hunting pursuit.

This interpretation for applying the Motorized Hunting Rule has not been scoped with the hunting public.

●Alternative Approach: Commission could reconsider a more explicit motorized hunter use restriction based on current statutory limitations for helicopters:

Hunters (*of big game animals, upland game animals, and upland game birds*) may only use motorized vehicles to load, transport, or unload hunters or hunting gear on established roadways.