



Briefing for Legislative ATV Task Force: Background for a Policy Reconfirmation of joint IDFG and IDPR Travel Plan Coordination and Proposed Technical Comment Policy by the Fish and Game Commission, 9/27/11

On August 25, IDPR and IDFG jointly met focusing on the IFG Commission Motorized Hunting Rule (MHR) and agency travel plan comments, as encouraged by the Legislative ATV Task Force. As a result of that meeting an agreement in principle was reached between the agencies, including policy representatives. The agreement in principle is subject to refinement of detail and approval of appropriate elements by the IPR Board and IFG Commission in November, and includes the following agreement related to coordinating travel plan comments as well as clarifying intent of technical comment and recommendations submitted to decision-makers such as land managers (detailed notes of the meeting were previously provided to the Legislative ATV Task Force):

- (1) Future forest-wide travel plan comments by IDFG and IDPR will continue to undergo joint review and collaboration prior to filing, guided by the April 10, 2008 letter from IFG Commission Chairman Wheeler and IPR Board Chairman Williams (previously provided to the Legislative ATV Task Force) and Governor's Office protocol.
- (2) The IFG Commission and the IPR Board will reaffirm the policy intent of the 2008 letter to their agencies at their respective November meetings.
- (3) Policies will be adopted by IDFG Commission and IDPR Board clarifying the purpose and extent of formal comments submitted to other agencies.

The following more specifically frames aspects of the anticipated discussion of the IFG Commission at its upcoming meeting in November to implement this element of the agreement in principle established at the August 25 meeting between IDFG and IDPR, reflected in the notes of the meeting (previously provided to the Legislative ATV Task Force).

Because IDFG has expertise enabling it to provide technical information concerning the effects of land and water management plans or projects on fish, wildlife and their habitat and how any adverse effects might be mitigated, the IDFG provides technical comments about plans or projects to federal, state, county and city entities, which are of considerable importance in fulfilling the Department's mission to uphold Idaho Code 36-103. Sometimes comments provided by the IDFG are required by law, while other times they are solicited by the decision-maker or volunteered by the Department, such as through a public comment process.

The Commission has previously discussed that advocacy to a governmental agency making a decision about a plan or project is not generally an appropriate role for the Department. Decisions about management plans or projects are the province of the land management and regulatory agencies. Concern has been raised about misinterpretation of IDFG technical comments about consequences to wildlife and habitat as IDFG support or opposition to respective plans or projects.

There are some circumstances where it may be appropriate for the Department or the Commission, in communication with other state agencies, to take a position for or against a project or plan. For example, there may be plans that affect legal obligations of the Department or the state as they relate to wildlife or fishery resources and state law. There may also be circumstances where proposed plans or projects would affect the Department's own properties, in which case the Department would have a proprietary interest in an action taken by another entity. As a result, to provide clarity regarding the Department's role in providing comments about management plans or projects and to maintain the department's technical credibility and working relationships with land management and regulatory agencies, the Commission will consider policy language that would address the following elements:

- The Commission policy would recognize that it is part of the role and responsibility of the Department in fulfilling its mission of protecting, preserving, and providing continuing supplies of wildlife to provide comments about land and water management plans or projects concerning their effects to on fish, wildlife and their habitat and how any adverse effects might be mitigated.
- The Commission policy would direct the Department to not assert any position “for” or “against” a plan or project proposal from a governmental decision-maker. Instead, the Department's comments should provide technical information and act as an expert assessing the effects to fish, wildlife, habitat and how any adverse effects might be mitigated.
- The Commission policy would direct creation of standard “preface” language for all formal comments submitted by IDFG to any deciding agency or body to clarify and uphold the Commission policy.

As with any Commission rule or policy action, the technical comments policy will also be subject to public testimony to the Commission prior to action at its November meeting.