

Recreation Rulemaking Public Meeting Minutes

6-22-23

Idaho Department of Lands

300 N. 6th Street

Boise, Idaho 83706

Meeting called to order by Scott Phillip at 6:00 p.m.

Staff members attending in person: Todd Wernex, Recreation Program Manager; Scott Phillips, Policy & Communications Chief; Jay Hein, Regional Operations Chief; Amy Johnson, Technical Writer; Anna Maria Mancini, Admin Assist 1

Staff member attending via zoom: Michele Andersen, Division Administrator of Operations; Dan Brown, Priest Lake Area Manager; Angela Kauffmann, Deputy Attorney General

Audience Attendees:

In person:

Kathleen Trevor, Deputy Attorney General – Idaho Fish and Game Commission

Amber Worthington, Deputy Director – Department of Fish and Game

David Claiborn, Attorney and Founding Member at Sawtooth Law Offices, PLLC

Alex Ernst, Land Access Coordinator – Idaho Department of Park and Recreation

Dan Kline - Interested Idaho Resident

Via Zoom:

William Cawthorne

Dale Boatman – Canyon County ATV Club

Rusty Faircloth – Mountain Home ATV Club & Idaho State ATV Association

Abby Delmas

Jim Mc Iver

Nick Kunath, Idaho River United

1. Welcome and Introductions

- Scott conducted introductions.
- Scott stated that we were meeting to discuss the rules pertaining to the recreational use of endowment lands.
- Scott covered the participation guidelines for rulemaking.

2. Draft Negotiated Rules

SUMMARIZED REPORT:

- Todd stated that IDL's mission is to generate revenue for our nine endowments and allowed recreation is not the primary focus unless it is a revenue generator such as Tamarack Ski Resort. As many can attest, we have a huge increasing population. IDL and other land management agencies are struggling to keep up with the demand for opportunities and when opportunities are not available some recreationists are taking it upon themselves to create their own opportunities.
- Todd referenced a picture on the screen showing a large amount of litter that had been dumped on land in Idaho City. He stated that this is not the only place this activity is happening. He said activities include dumping, long term camping, and recreationists created opportunities. All of this creates cost to endowments in terms of staff time, reduction in revenue generation and it also detracts us from providing sustainable opportunities. We don't currently have a lot of options for addressing the damage. Currently we have a heavy-handed approach. It's either criminal trespassing, misdemeanor, or felony charges. This heavy-handed approach isn't often matched with the action that happens on endowment lands. Negotiated rule making is necessary. We want to make sure you guys are heard and we aren't missing anything by adequately and appropriately addressing the challenges that we have. Our public meetings are set to foster discussions about changes to the rules and we are encouraging written and oral comments.

With the help of stakeholders such as Idaho Recreational Council, Idaho Sportsman, Idaho ATV Association, and Idaho Outfitters & Guides SB1049 passed legislation and will go into law July 1, 2023. We do, however, need to go through the rule making process in order to implement it.

- Scott Phillips stated that we would be remiss if we didn't call out and thank David Claiborn who is the principal author of some of SB1049. This effort wouldn't have happened without him. Thank you, David.
- Todd stated that if anyone had a lot of comments, they wanted to make sure that they adequately capture them. He encouraged that if someone does have a lot of comments that they provide those comments in written word in addition to the oral comments. He

pointed out that if a comment is made it is being recorded so, please state your name and affiliation prior to commenting to ensure proper capturing.

- Todd said for presentation purposes the rules will be broken up into four sections. Legal Authority Scope, and Definitions; Regulated Uses Camping and Continued Camping; Regulated Uses Roads and Trails; Regulated Uses Gates, Litter and Signs.

- Todd read thru the draft IDAPA 20.05.01 – Rules Pertaining to the Recreational Use of Endowment Lands

- Definitions

- No Comments

- Regulated Uses of Endowment Land

- Dale Boatman – Canyon County ATV Club - said the only problem he could foresee is if someone became injured. He asked if there is any excuse for something like that. He stated he broke an arm up there two years ago hunting and was not able to get back to collect his gear for four days.

- Todd responded that they would have law enforcement reach out to the person to make contact.

- Scott added that our local area staff are ground zero and they work closely with local law enforcement and Idaho Fish and Game Conservation officers who actually help us enforce through an MOA with them. Knowing what he does about our local areas as long as folks are communicating with them, they are pretty darn flexible with working with them when there is an issue that needs to be resolved that's really outside of someone's control. He said he thinks that also speaks to the general purpose of this rule making and the law. It's not meant to be punitive by any stretch. We have designed this to help address the most egregious actions that we see on a day-to-day basis on endowment land. This isn't trying to go out to be a gotcha for the good actors. This is trying to be something we can use to hold the bad actors who damage the land and really don't follow the rules at all. We want to be able to have something that we can use to help them get in line and quit costing the endowments money to take care of the land.

- Dale said he understood that. He also said he has seen where people have brought trailers up and parked two weeks prior to a hunting season and leave them there. That needs to be addressed and you have the tools now to do that.

- Amber Worthington - Deputy Director – Department of Fish and Game – said that they are looking for consistency potentially, if we can, across the rules as far as they do enforcement for their properties and lands under Fish and Game. Camping is one of those areas that the definition and how its laid out in 020 is slightly different than how they do it at Fish and Game. It does address the vehicle parking that the gentleman was referring to on lands. When they do park vehicles and leave, that's part of where they add park a vehicle or trailer in our language to help address that piece of it. That's something we would potentially like to see so it's more consistent and enforceable. Generally speaking, as we address all of this, that's really the

approach we are looking at, is consistency in how we would do enforcement and other enforcement officers. Kathleen Trevor with the Attorney General's office advises Fish and Game in terms of ensuring these are enforceable. If the intent of the agency is to enforce violations, then the rules need to explain what a violation is. Right now, they're framed as here's what's allowed but it is not clear what a violation is. If an officer is going to write a warning or a ticket it will apply to the other regulated uses but for camping it talks about what is allowed and then it's just making sure there's a reference somewhere to what violation you are expecting officers to write and enforce.

- Scott said he thought the answer to that lies in the reading of SB1049. We initially brought this before the Land Board and the Land Board's direction was, we don't want the department just coming up with their own rules. We want to make sure there is ample due process for the public. We worked with the Board to develop language that allowed a rule making that set up the parameters, within the confines, of clearly posting if there is a use restriction at any given area, then refer back to the rules. That's what we are trying to accomplish.

- Amber said just letting folks on the phone know that this is something the respective deputies will make sure, that since part of this is Fish and Game enforcement expectations, that there is an understanding of what the conduct you expect for tickets, and we can make any suggestions about making sure it is clear.

- Scott said he thought that both agencies were well served that our attorneys are talking to each other.

- Jim Mc Iver asked, about outfitters and guides. A place he hunts has a locked gate that is impassable. An outfitter or guide has a key, and he takes people in there from Minnesota with no IDL, no OHV stickers or anything, and that's on a yearly basis. So, he guesses that's allowed on IDL land.

- Scott said respective to outfitters and guides does he want to know how this applies to them? For outfitters and guides, IDL works with those private organizations through a series of leases on endowment land. We will soon be switching to Land Use Permits. Those leases or LUP's cover the terms of their use and reflect appropriate fees for the use of the land to compensate the beneficiaries.

- Jim asked, if they have a lease on the land are they allowed to make an illegal OHV trail to get to their cabin?

- Scott replied, no and stated that we are pretty protective of folks cutting unpermitted trails on endowment lands. He said if you are aware of those issues, we would like to hear them and we are willing to look into them.

- Jim offered to share his screen with Scott so he could show him the pictures.

- Scott said for the purpose of the rule making let's focus on the rule. He provided Jim with his email and phone number. He said that what Jim wanted to discuss fell outside of this rulemaking and is addressing a particular instance on endowment land that we need to take a look at. He said he would be glad to walk Jim through the process.

-Jim said his main concern is there seems to be one set of rules for him and another set of rules for Idaho outfitters and guides.

- Scott said duly noted.

- Continued Camping

- Alex Ernst - Land Access Coordinator – Idaho Department of Park and Recreation – asked, does Fish and Game have a similar sort of rule in their....

- Amy Johnson responded, similar. A little different. That's what will make sure choices to be different. Will see if there might be a reason agency want to make different choice but just make sure there is an appreciation for why. Also, Fish and Game under the five-year rules review process, this rule is going to be reviewed. Not this year but the year after so that's the part of trying to get the funds together as well as here's other ones for Parks and Recreation

- Alex stated, I've seen that number of miles varied depending on the agency including something I recently read with Forest Service. You probably more interested in aligning with our own State agency partners than Forest Service.

- David Claiborn - Attorney and Founding Member at Sawtooth Law Offices, PLLC – said the ten mile seems pretty reasonable. I've seen Forest service ones that say thirty miles. And they have gone so far as to say you can't move from one camp to another within thirty miles within a fourteen-day period which makes it really difficult to hunt one area one day and then move five miles and put a new camp up and hunt that area. I think the way you worded it is pretty reasonable.

- Jim asked if IDL is going to pay Fish and Game for enforcement like Potlatch?

- Scott responded, the answer, not like Potlatch, but yes, we do pay Fish and Game for enforcement services. In 2015 IDL and Fish and Game entered into an MOA whereby Fish and Game would pay .25 cents per acre for endowment land and that number is trued up each year for sportsman and public access. In return IDL would pay Fish and

Game for the services of two FTE's as senior conservation officers and enforcement services. That is a five-year agreement, and we are in the process of renegotiating it right now.

- Roads and Trails

- David said that this question ties into what Kathleen said earlier. The rule says what is allowed. Are we to assume then that cross-country travel is not allowed? It doesn't say anything about that. I would hope we are not going in the direction of the Federal Government where everything is closed unless designated open. Hopefully as we develop this we stick with a rule or standard that everything is open unless it's been closed. I think that's the spirit of 1049. I think we need to maybe add the word area in here in Areas. Like may not comply with any posted road or trail closures, you might want to say, comply with any posted area, road or trail closure because you might want to close an area to cross-country travel for example. That was my one significant comment on that. The creating ruts greater than two inches deep. Sometimes you can drive in an area and the weather can change during the day and on your way out you might create a rut greater than two inches. It gets down to how strictly you want to enforce it. Other than that, the rest of it is fine with me.

- Todd responded, to answer the ruts why that was in there. It's primarily for roads. Maybe what we need to do is put that on roads because that's where we are having the majority of problems. Not on trails. I get it because there's occasionally a seasonal mud hole that you end up going through and until that's addressed.

- Scott said the broad-brush stroke of closure, one thing he thinks is really great about SB1049 is it requires if there is a use restriction that there's signage at that place of the use restriction. That's going to really tie the bureaucrat's hands from doing things in the future. They may not be agreeable with all parties that are here today.

- Rusty Faircloth – Mountain Home ATV Club & Idaho State ATV Association – said in reference to what David talked about, the two-inch ruts, I also have that comment. If you make a rule you have to be able to enforce it. Say I'm riding in a rut that is only one-inch deep at the time I ride in it and then I make another one-inch rut in it. Now we are at two inches, but I haven't created a two-inch rut. I think that is something we need to work on, is to define that because we're going to have a hard time enforcing that one, I think. The other thing here is, may not block, obstruct, or interfere with vehicular or pedestrian traffic. I want to make sure that is not...Sometimes when we go out, we have twenty something rigs, and we're parked in such a way that we block each other but we don't block the gate or the road. I want to make sure that we are not just talking about blocking another vehicle from moving.

- Scott responded, let me explain the problem we are trying to solve. Maybe there is a better way to resolve this. This would equally apply to gates and fences that are blocked without permission. In many cases we may have a forester in a remote area with one access road in and

out. The forester wants to go home at night and sometimes there is a vehicle blocking it. People might block because they don't want anyone else heading up there not thinking there is somebody up there working for the day. That is the type of situations we are attempting to solve with this language. In a more extreme case, we've also had instances of folks blocking an exit from endowment land in order to collect a fee illicitly which is a bigger issue probably beyond the scope of this rulemaking. There are probably some criminal statutes that are being violated. Scott asked if that helped with any ideas that might help solve the conundrum.

- Rusty said I just want to make sure that were not just talking about a group of vehicles that are parked there, that may be blocking each other, but not blocking access to the land. I don't want Fish and Game to come up to an area and say, well that car there is blocking two or three other vehicles from getting out, not knowing that we are all together in one group and it really doesn't matter.

- Scott said the other kind of failsafe on this, and this is something that I will be referring to quite often, is the posting requirement that's imbedded in SB1049. If we don't post these use restrictions on site these rules are not enforceable for the purposes of issuing a warning or a citation. This is designed to address those places where we have severe problems that we need to solve. Not just an errant vehicle parked someplace that's a little inconvenient.

- Rusty said he understood that, and he sees that as being hard to enforce. He understands rule making but you got to be able to enforce it and he sees that as a very difficult rule to enforce.

- Alex said the question and the comment is, are the problems that you're trying to solve primarily at gates and trail heads not inside the land? And it could be for access or egress. People trying to enter or leave? Would it help to simply add the words impede access or egress between the words, may not? That sort of helps people understand what the point is. It's not somewhere in the middle of the land that somebody is blocking you. There are cases we've heard of, Rusty, I think you have heard this too, is people blocking access to trails they don't want people using.

- Rusty said he totally agrees. He thinks there needs to be trails or gates or something put in there, so we know exactly what we are talking about here and what we are trying to enforce.

- Alex said so naturally a gate is a restrictor. Often there is fifty inches around a gate left for ATVs, but somebody stuck their truck right there because they don't want anybody going through it. That needs to be an infraction.

- David said that can happen at other choke points to, though, that don't have a gate.

- Scott said it's one of the biggest problems we need to fix and that's what we are trying to address.

- David asked, as a question. What's the intentions of the department with respect to cross-country travel?

- Todd replied, ultimately, we are trying to limit it. North is our biggest area where most of the land is trees. We want to provide access to trails but not have cart blanche cross-country travel because once we start getting that, we start getting additional trails. One person goes, then another. As you know people are curious and are like, where does that go? Then we get another one and another one. Down south we get a lot of that. Our grazers get upset about losing grazing land because of it.

- Rusty said he is certainly not the expert on how we write things, but it looks like to him like when we say, may not create any roads or trails, that tells me I can't go across country because if I am going across country, I am now creating that road or I am creating that trail.

- David said if he shot an animal and was just driving off trail or off road one hundred feet or something to retrieve the animal, I don't think I am creating a trail. Or, if I drive down to grab a log that I saw down, for firewood. You know deadfall.

- Rusty said he agreed with David. He thinks the law in the U.S. Forest service states you may travel up to one hundred feet. In order to stay consistent with things, maybe we need to look at a distance off of the road.

- Scott said let me tell you the problem that we identified when we went through the communicable first blush at this solution. Take an existing heavy recreation area like the east fork of Rock Creek down in American Falls. From what he understands we had some real problems with folks heading out of the parking lot and trying to go off road and cutting their own trails for fun. That would be the type of behavior that we're trying to change more so than the one off trying to go across the landscape because that is where we have to spend money to fix problems and at the end of the day, we don't want to spend the beneficiary's money to fix problems from recreation. We can tighten that language up. It would be a worthy fix. At the same time, he would caution, that as we designed these rules, we wanted to limit just how restrictive they were. We wanted just to address the problems rather than to try to design a rule that would fix all considerable bounds.

- David said he gets it and wants it to be as few words as possible as well.

- Amber Worthington - Idaho Fish & Game – said we had a couple comments around similar things and to address some of what was discussed. In our rule we talk about operating any motorized vehicle including over snow use except on designated roads and trails otherwise it's prohibited or permitted through a permit process. That is how we address some of that. The two-inch rut is a concern for obvious reasons that have already been discussed but it's just as much potentially a problem on dry sandy soil to. How do you determine it is only for muddy roads not sandy soil or something like that.

- Kathleen Trevor - Deputy Attorney General – Idaho Fish and Game Commission - said that makes it kind of difficult in trying to help assist. What problem were you trying to address. It might be helpful if Fish and Game figures out how to make things consistent or enforceable.

- Scott said we have been having internal conversations about adding wet roads and moisture deployment to that, which may help solve some of it

- Kathleen said it sounded like the problem was things that became a permanent impediment to travel. When your either on wet roads making something that's a foot deep because of spinning tires versus wet roads falling more into the routine travel on a dirt road. Trying to distinguish what the challenge is.

- Scott said to Todd - you'd shown me pictures of a restoration project you had recently undertook where folks had been cutting a corner to get onto one road from another road or trail. Where they had just torn the heck out of the landscape. He asked Todd to explain that as an example of what they are trying to deal with on ruts.

- Todd said he can't remember which one he shared with Scott. His said when they came up with that it came out of our areas, and it was not necessarily trails. It was primarily roads that we were having issues with. We spent a bunch of money on grating roads. I like the idea of adding the permanence. Of leaving a permanent rut or something like that, that impedes travel going forward.

- Alex said the problem that you're trying to solve is willful damage to road surfaces. Is that right? Not an incidental, oh I got stuck out in a rainstorm, but folks blasting a berm or unnecessarily cutting corners, cutting switchbacks and that sort of thing. I understand your problem. It's hard when you use qualitative descriptions like, resource damage, which you can't well define. You're looking for a quantitative solution to put into your rules. Two inches or more your busted. I understand the problem and I don't know how to help you, but I think as long as we are recognizing the purpose of the rule and its intent....

- David said he was going to throw something out that was going to be really lawyerley. Would you replace the main off grade ruts with something that said, because it's going to say, provided that users, you could say, do not knowingly and intentionally cause damage to personal property, roads, trails or natural resources. So, something like, that where you target their act. The target is the intentional conduct. Damaging to where you're going to have go do some work to fix it.

- Scott said David, that could solve a lot of problems for us. For example, we are on track to increase our seedling planting to two million seedlings per year. If someone drives though our plantation of seedlings, they can do tens of thousands of dollars of damage and cost future beneficiaries perhaps hundreds of thousands if not millions of dollars. So, I think your language can even address problems like that, that we see.

-Alex said and that can also address the issue of off trail or cross country. Was it willful to go out and spin cookies on top freshly planted trees.

- Rusty said I agree with David one hundred percent. I think that would be a better way to provide something that is enforceable. I just don't see how that statement is enforceable.

- Alex asked, what do you use to enforce the no over snow in plantations to keep from limbing the tops of the new seedlings? Is there any relation to that?

- Todd said right now, we are trying to figure that out. As far as snow depths, some areas want the whole area closed off, especially in their freshly planted plantation. Those are things we are trying to figure out.

- Scott said from his vantage he hasn't heard complaints about plantations being taken out by snow machines in the winter.

- Todd said primarily the snow mobile stuff is addressed in other statutes such as grooming. If it's 18-inches people are not allowed to groom, or the programs aren't allowed to groom unless you have at least 18-inches. We haven't really had a bunch of issues with snow mobiles.

- Alex asked, so there is no guidance that we can pull over from there.

- Todd said no.

- Kathleen brought up law enforcement from a Fish and Game perspective. As everyone considers things that are willful or malicious. That may be a situation that doesn't follow the warning ticket structure. There are other state criminal laws that may apply in terms of malicious injury to property that might better apply or be what your agency wants to enforce. So, that was trying to distinguish what types of scenarios there are. There is a separate malicious injury to property statute.

- Dale said I would like to make a comment that also the law enforcement officer can always use his discretion to either site as a misdemeanor or infraction if the law allows it.

- Todd noted that they had two threes so the three, four and five would actually be four, five and six.

- Litter, Gates and Fences, Signs

- Rusty said in regard to what is on number four, litter. He thinks he understands what we are talking about for the human waste there. Expelling it from R.V.'s, from camping or whatever but if I read this it's telling me, and please excuse me, that I can't even go pee out there on

endowment land. My pet can't go do that. I'm not sure how we need to change that but when I read that it tells me that my animal, my pet, simply can't go out there.

- Scott provided context by talking about the East Fork of Rock Creek. They had a significant problem with folks using the parking lot as their toilet and so the intention is to direct you out into the woods and not the parking lot to take care of business.

- Rusty said that he could understand but to him that's not how it is written on endowment land.

- Scott responded, that there is also the requirement with the signage that we have to have, under the law that was passed, that requires us to say, don't poop here. For lack of a more articulate way to put it.

- Rusty said he understands. Just commenting on what he saw.

- David said when he read it, he gets what Rusty is saying. With the word deposit in the beginning, he thought it meant more like going out with some quantity of whatever it might be and discarding it there rather than walking your dog and your dog doing his business on the walk.

- Todd said that has been one of the challenges we have had, is people pulling the plug on the RV and letting it loose.

- Amber asked, this is already in state code so why are we repeating it in rule?

- Scott said off the top of his head he can't remember what the code is. He knows that for egregious cases we have escalating statutes with penalties that we can draw upon. We're trying to hit the one off. People doing something kind a dumb once. We don't want to use a heavy hammer on them. We wanted a lesser alternative.

- Kathleen said this was an area when Fish and Game had an opportunity to redo its rules. There is a criminal statute that has a tiered penalty and is consistent across cities and counties for public or private property. There is officer discretion with every ticket, but it had a tiered system where the first infraction was \$150.00 and then it had subsequent violations. That was one that would be part of what we talked through with you, in terms of consistency, in state lands in particular. If you all are looking at one direction, we would want to understand if we had different rationales for having different statutes apply. I will provide that section of code for future discussion.

- Kathleen also stated that there was a similar Gates and Fences but that one does have a bit of consequences to the livestock industry. It might have more significant penalties than you might be comfortable with for your purpose.

- Dan Kline - Interested Idaho Resident - recommends since we are using in number five, littering, using that word depositing as a definition of quantity or something of that nature that it be added to the definition section and a definition be applied to that so both public and law enforcement know what that definition is.

- Dale suggested they include something like toxic waste because in his background he has seen the cartels come in and cook up meth and when they leave, they are leaving some pretty potent and toxic waste. That might be something you want to address.

- Scott said we actually had talked about that internally and unfortunately; we do have folks producing drugs on endowment land from time to time. We do have two point four million acres across the landscape and for instances like that there are other remedies that are much more harsh and more appropriate than this law in the rule making that we are doing. We didn't think we needed to handle kind of a soup to nuts everything that could happen on endowment land because it is covered elsewhere.

- Kathleen said it would be regulated under the Department of Environmental Quality. State authority or federal authorities.

- David made a comment regarding Roads and Trails. It seems to him that it is targeted at motorized travel but what about non-motorized travel?

- Todd said McCall is the number one place that mountain bikers build trail on us.

- David asked, so if I am on horseback or on foot, I am probably allowed to go cross country. Right?

- Todd said for the most part, yes.

- David said if I am hunting endowment land, I'll probably go off trail. You might want to try to make sure that some of these rules apply to whether your there to use a road or trail or not. For instance, when we talked about not causing damage to personal property or natural resources, I would hope that would apply to somebody who is there not to travel on a road or trail but is just out there engaging in general recreation. Non-motorized, non-mechanized.

- Scott said he has seen a solution in the rules from other states that maybe we could draw from for inspiration. Alaska has fairly extensive rules and theirs are written similar to ours in that they are more this allowed, and this is prohibited. I do recall reading something about cross country travel in the Alaska rules that can provide a starting point for us. I can find that rule section and send you a link to it David if that would help.

- David said take a person that comes and is cross country traveling and cuts a tree down or something. Is there something else in the code that will deal with that?

- Scott said yes.

- David said maybe he was overthinking it.

- Todd said when we talk vehicle width, he looks at that as not only winter and summer. It's hard to, on some of this, to address non-motorized and that's where we get to, may not create roads and trails. That's cart blanche for all recreation. If you're riding a horse and you continue using the same route, you're creating a trail. Same with hiking or mountain biking or whatever. It may take more trips, but.

- Amber asked, so with the qualifying vehicle weight, length, type, is it that posted somewhere?

- Todd said we have our decals that say, "Trail Open To:" and they have the vehicles that it is open to. Primarily it is fifty inches or less, single track, trail and full-size vehicle. We don't necessarily have a motorized/non-motorized component to that.

- Amber asked, so you don't distinguish between an e-bike, a mountain bike, or anything like that.

- Todd said no. In our policy we have that distinguished. That is something he has struggled with a bit, and everybody struggles with the E-bike thing. He heard when he worked for Parks and Rec outfitters and guides were worried about hiking in non-motorized and he has somebody zipping by him on a pedal assist bike for instance. He can't afford that, and he thought he was getting 'X' experience.

- Jim asked, are the things that we talked about or discussed going to be reincluded or rewritten into this plan or are you going to just post it as is?

- Scott responded that the public comment period for the negotiated rulemaking is open through July 19th. We have another meeting scheduled on July 10th in Cd'A. It's also available via zoom. When we get through that second public meeting, we'll take all the great ideas that we've gotten, and we'll figure out which one's work and which ones don't, and we'll come back with a new draft of the rule. Todd's going to talk about the next steps in the process but, we use the information that we collected in tonight's meeting and the next meeting and the public comments that come in through our web site or mail to form how we are going to change the rule to make sure it is effective and its built in the spirit of consensus and meets the needs of both the stakeholders and the department.

- Kathleen said Fish and Game had one other item that had not been addressed. It relates to the use of the term Warning Ticket. There may be different understandings of what that is. We would propose a definition of that for people to contemplate. Just so there is clarity of the steps for the foundation for additional action.

- Dale said the intent and the rules are right on spot and he appreciates the effort.

- Next Steps

- Todd read thru the next steps procedure

- Alex asked, just to be clear, the statute for infractions, does that go into effect now or does it have to wait until the entire rulemaking process is complete.

- Todd clarified it waits until the entire rulemaking process is done. We have to write rule. Basically the statute will direct us to write rule and rule will say this is what we can have enforced.

- Alex said so not in time for big game.

- Todd said right. You're off the hook for a little bit.

- Kathleen said unless it is a straight closure.

- Scott said he wanted them to know that internally we talked about our options that were available to go temporary which would mean the rule could go very quickly or we could do a more slow deliberate approach where we put people at the table and hash this out and we wanted to pump the brakes because we wanted to get this right and we figured we would have a better

product if everybody speaks their peace and helps us fix the problems they see and come up with something that works for everybody.

Meeting adjourned at 7:06 p.m.