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IDAHO DEPARTMENT OF FISH AND GAME

Land Acquisition for Sustainable Fish and Wildlife Habitats and Recreation POLICY NO. A-9.0

Revision Date: June 2020

POLICY STATEMENT

Acquiring land to protect and sustain fish and wildlife habitats, populations and associated recreation is an appropriate and effective wildlife management strategy employed by the Idaho Department of Fish and Game (Department) to meet its overall mission to preserve, protect, perpetuate, and manage the fish and wildlife resources of the state. This policy outlines a structured process to maintain a consistent approach, clarify roles, maintain credibility and accountability, and involve interested stakeholders and the public in the acquisition process. In this policy the term land acquisition refers to the Department's acquisition of real property by fee title, easement, agreement, or gift.

- A.** The acquisition of land for sustainable fish and wildlife habitat and associated recreation is focused on:
1. Key habitats for game animals and fish.
 2. Access for recreational use of fish and wildlife.
 3. Mitigation for unavoidable impacts to fish and wildlife resources.
 4. Habitats identified in state or regional fish or wildlife conservation plans.
 5. Additions to existing wildlife management areas, easements or ownerships.
- B.** Land can be acquired using a variety of methods and funding sources including exchanges, funds from the sale of hunting and fishing licenses, tags and permits, funds from mitigation agreements or programs, federal aid programs, specific use grants and contracts and donations of land or funds. The Department will focus acquisition efforts on acquiring fee title and other interests in land from willing sellers based on appraised value.
- C. Lands Committee**
1. A Lands Committee (Committee) chaired by the Wildlife Bureau's Habitat Program Manager (Chair) will be established. The Committee will also include a representative from each region (Regional Committee Representative) as assigned by the Regional Supervisor. The Committee will also include representatives from the Bureaus of Fisheries, Enforcement, Administration, and Communications as assigned by the respective Bureau Chief. Other Department staff and the Attorney General's office will serve as technical advisors as needed.
 2. The duties of the Committee are to:
 - a. Meet at least quarterly or as needed to review and prioritize land acquisition proposals.
 - b. Develop criteria for ranking land acquisition proposals.
 - c. Maintain land acquisition priority lists by funding source.



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- d. Periodically review the classification of Department lands and maintain land sale and exchange list(s).
- e. Make recommendations to the Director on land acquisition proposals, land exchanges land disposals, and easements.

D. Ranking Criteria

The Committee will develop ranking criteria for land acquisition proposals. Ranking criteria will include value to fish and wildlife, scarcity and threats to the habitat, value to fish and wildlife based recreation, management and development costs, and other considerations specific to the type of land under consideration.

E. Acquisition Priority Lists

The Committee will maintain acquisition priority lists. Land acquisition proposals will be ranked by the committee and assigned a score. The score will help determine the position of a proposal on the acquisition list(s). A proposal may appear on more than one priority list. The Committee will review acquisition priority lists and properties that are no longer available will be removed from the list.

F. Property Classification

The Committee will develop a system of classification for all Department-owned lands. The purpose of the classification system is to identify those lands the Department wants to retain, sell, or exchange. The Committee will develop a sale and exchange list. The Committee will periodically evaluate the classification of all existing land holdings at intervals not to exceed five years. The Committee will continually review the sale and exchange list and make recommendations to the Director for any changes. The Idaho Fish and Game Commission (Commission) will make final decisions on selling, disposing of, or exchanging lands.

G. Land Acquisition Coordinator

A Wildlife Program Coordinator serves as the Land Acquisition Coordinator (Coordinator). The Coordinator is responsible for managing and monitoring the land acquisition process. The Coordinator and the Mitigation Staff Biologist, in coordination with appropriate regional and headquarters staff, are responsible for all Department activities associated with the actual purchase, disposal, or exchange of land.

H. Land Acquisition Proposal Approval Process

1. Proposals to acquire land are submitted on Form BA-23 Land Acquisition Proposal. Land, water, and easement acquisition proposals may only be submitted for property that is, or realistically will soon be, available for purchase or exchange. All acquisitions with the Department in the title or if the Department contributes more than \$25,000 will be processed as follows:



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- a. The originator completes form BA-23 with narrative and submits it to the Regional Committee Representative.
- b. The Regional Committee Representative is responsible for initiating and coordinating the regional review process, including the assembling of supporting information provided by the regional staff. The Regional Committee Representative will ensure the land acquisition proposal is complete and accurate and forwarded to the Regional Supervisor for review.
- c. All land acquisition proposals must be reviewed by the region in which the land is located. Following regional review and Regional Supervisor approval, the Regional Committee Representative shall forward proposals to the Chair for consideration at least one week prior to a scheduled Committee meeting.
- d. Upon receipt of land acquisition proposals from the Regional Committee Representative, the Chair will add the proposal to the meeting agenda and distribute it to the Committee.
- e. The Committee will use ranking criteria to evaluate proposals and recommend them to the appropriate land acquisition priority list(s).
- f. The Chair, Coordinator and the Assistant Bureau Chiefs of Wildlife and Fisheries will discuss the funding options for a land proposal prior to the Chair submitting the land proposal to the Director. The Committee, through the Chair, will recommend parcels for acquisition to the Director. The recommendation will include justification for the proposal, funding availability, and other pertinent considerations.
- g. The Director is responsible for making decisions on contacting the local Fish and Game Commissioner and other interested parties and scheduling full Commission review of land acquisition proposals. When deemed appropriate by the Director, but prior to final approval by the Commission, the county commissions in the counties where the property is located will be notified. The Department will consult with the county commissions and other interested parties on all land acquisition proposals and conduct public hearings in affected counties where there is sufficient interest. The members of the Idaho House of Representatives Resource and Conservation Committee and the Idaho Senate Resources and Environment Committee will receive an annual letter reporting all Department real property activities while local state senators and representatives may be notified of Department actions in their area as they are implemented.
- h. The Commission reviews the recommendations of the Department in executive session and advises whether to proceed to the appraisal/negotiations phase. No final action may be taken in executive session.
- i. The Coordinator will notify the regional supervisor when proposals have been approved by the Commission. The Coordinator will contract the appraisal and conduct negotiations with the assistance of the mitigation staff biologist and/or regional staff. Such negotiations will assure all due diligence is met to protect the Department's interests. This will include but is not limited to: appraisal, title review, adequacy and priority of water rights to provide for the intended use of the acquired land, permits necessary for



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the intended use of the land, boundary surveys, and deed restrictions and easement terms to ensure proper use of property in proportion to Department management and fiscal obligation.

- j. The Chair and the Director will discuss the appraisal and final negotiated terms. If the Director decides to proceed with the acquisition, the proposal will be scheduled on the Commission's action agenda.
 - k. The Chair or the Coordinator presents the Department's recommendation and the results of any public hearing on a land acquisition proposal to the Commission. The Commission makes the final decision concerning a proposed acquisition in open session.
 - l. Following acquisition of a property, the Coordinator will notify the appropriate regional supervisor of project completion and will forward copies of appropriate documents to the region for its files. Original deeds and critical records will be kept in the Wildlife Bureau files.
2. Process for Sale, Exchange or Reclassification of Property
- a. The Department may sell or exchange lands or portions of land it owns to better achieve its mission and serve the public. Before a parcel may be exchanged or sold it must be placed on the sale and exchange list using the following procedure:
 1. Regional staff or Committee members may submit candidate lands to be placed on the sale and exchange list. The proposal must be submitted to the Regional Committee Representative on form BA-23A, Request to Change the Classification of Department Owned Land.
 2. The Regional Committee Representative will coordinate review by regional staff. Following regional review and approved by the Regional Supervisor, the region will send the proposal to the Chair with a regional recommendation.
 3. The Chair will distribute the proposal, regional review, and recommendation to the Committee for review.
 4. The Committee, through the Chair, will forward their recommendation to the Director.
 5. The Director will decide whether to proceed and may schedule a public meeting in the affected region(s).
 6. If approved by the Director, the Chair or the Coordinator will present the Department's recommendation and the results of any public meeting(s) to the Commission. The final decision to place a parcel of Department-owned land on the sale and exchange list will be made by the Commission in open session.
 7. If the sale or exchange of Department-owned land also involves the acquisition of land, the process for acquisition of land contained herein will be followed.



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I. Process for Granting or Purchasing Easements

All easement acquisitions with the Department in the title, or easement terms, or if the Department contributes more than \$25,000 and title is held by another entity, will be reviewed by the Committee. See Department's Easement Guidelines (June 2020).

1. If the Department wishes to acquire a conservation easement, the acquisition process is identical to the land acquisition process outlined earlier in this policy but also requires development of terms and conditions of the easement which need to be included with the BA-23. Stewardship fees and public access will be included with each conservation easement unless a compelling reason is provided to do otherwise.
2. If the Department wishes to grant an easement for such purposes as utility lines, access, right-of-way, and other management needs of less than \$25,000 in value, a subcommittee consisting of the Chair, Coordinator, and appropriate Regional Committee Representative will make a recommendation to the Director including: justification for the proposal, funding availability, and other pertinent considerations.
3. The Director will review the recommendation of the subcommittee and determine whether to proceed to the appraisal/negotiations phase and on informing the Commission and members of the State House and Senate Resources committees, local legislators, and the county commissioners in the area where the property is located.

J. Information on Department Acquisitions, Easements, and Properties

The Wildlife Bureau will maintain updated databases containing information on the Department's acquisitions, easements, and properties. The databases will be used to annually report on the status and trends of the Department's land holdings calculate payment-in-lieu-of-taxes fees to counties, and to meet other reporting requirements.

K. Confidentiality of Land Acquisition Information

Land acquisition information is confidential until it is presented in a public forum. Confidentiality is often crucial to the land acquisition negotiation process.