

**Idaho Fish and Game Commission
Special Meeting
October 15, 2010
Boise, Idaho**

Present in the Director's Office: Director Groen, Deputy Director Moore; Deputy Director Unsworth; Kathleen Trever, Deputy Attorney General; Sharon Kiefer, Assistant Director; Mary Boyer, Executive Assistant; Jeff Gould, Chief, Wildlife; Mike Keckler, Chief, Communications; Jon Rachael, State Wildlife Manager; Niels Nokkentved, Information Specialist; and Bonnie Butler, Governors Office.

A special meeting of the Idaho Fish and Game Commission was held by telephone conference. The meeting was called to order by Chairman Wayne Wright with Commissioners McDermott, Trevey, Barowsky, Budge, Power and Wheeler participating.

REPORT

Activities Regarding August 16, 2010 Wolf Management Resolution

Chairman Wright stated that the purpose of the call today is a briefing on activities regarding the August 16, 2010 Commission Wolf Management Resolution. Chairman Wright noted that after the briefing the Commission will hold an executive session.

Kathleen Trever, Deputy Attorney General, stated that the Update on Actions related to August 2010 Commission Resolution summary handout (Appendix 43, Exhibit 96) is the basis for the discussion today. The overall position of the state and all state officials is for wolves to become a delisted species subject to full state management. That is the underlying premise of the discussion today.

Court Appeal: On September 30, 2010 Idaho filed a notice of appeal with the Ninth Circuit Court of Appeals, seeking to overturn Judge Molloy's August 5 decision to relist wolves. Montana and the U. S. Department of Interior filed similar notices on October 1, 2010.

Federal Legislation: Idaho and Montana's congressional delegations are fully engaged on the wolf issue. Legislation has been introduced this Session. With Congress in recess until after the election, which will be followed by a lame duck session, it is likely legislation will need to be reintroduced when the new Congress convenes in January.

Executive Branch Discussions: The Commission's August 16 resolution indicated the Commission would coordinate with the Office of the Governor in renewing a Memorandum of Agreement for continuing Idaho's lead management role, provided that one could be negotiated in 90 days consistent with state priorities. Governor Otter has communicated with Secretary Salazar regarding interim management of wolves pending delisting. State and Federal staff have

discussed concepts for renewing a Memorandum of Agreement for lead state management. However, one has not been reached.

The USFWS understood and did not object to the State's position regarding enforcement that all illegal wolf take cases would be referred to USFWS for investigation.

USFWS agreed to a near-term increase of \$66,000 for wolf management activities that had been paid from license funds while wolves were delisted. However, USFWS could not make commitments regarding future base funding levels and expected their budgets to decrease next year. Idaho also asked for an additional \$350K for wolf management related to specific research proposals on wolf predation on ungulates and other activities. USFWS has indicated it cannot fund that request for this fiscal year. In all of the discussions USFWS has repeated its position that ungulate management concerns are not its priority; it leaves those concerns up to the state. USFWS denied Montana's request to permit sport hunting. Secretary Salazar also told Governor Otter, that USFWS would not authorize sport hunting because of its assessment of litigation risks under current circumstances.

USFWS indicated Nez Perce representatives had approached USFWS about expanding the Tribe's role; however, lack of an approved trial management plan may limit the Tribe's role. USFWS responded to the question of "why should Idaho continue to participate in wolf management" by telling state representatives "you can control your own destiny" and "we can continue to build a record of responsible state management and adequacy of regulatory measures to defend future delisting."

USFWS indicated that if the State were to give up lead management, USFWS would respond to livestock depredations. However, USFWS did not provide details regarding its response plans or availability of resources.

USFWS indicated it did not have in-house resources to perform annual statewide population monitoring and that it would be a challenge for USFWS' resources if USFWS had to resume full management.

In conjunction with these discussions there was some conversation about the 10(j) ungulate management proposals.

USFWS confirmed that Idaho could submit a 10(j) ungulate proposal regardless of whether it was a designated agent, as long as Idaho has an approved state plan.

USFWS indicated that it is reviewing the Lolo 10(j) proposal and intends to fund and conduct an environmental assessment; it could take 90 plus days (i.e., mid-February) from contracting a NEPA vendor to conduct the EA for USFWS to reach a decision on the proposal.

USFWS did not commit to funding NEPA compliance or prioritizing the processing of future 10(j) proposals; USFWS would assess whether an EIS was necessary based on the outcome of its Lolo proposal review and future proposals from Idaho and Montana.

The current 10(j) rule does not allow public hunting for controlling wolves in response to ungulate impacts. USFWS was clear that it would not consider public hunting and wanted to make sure that state control actions would not be public hunting dressed as something else. They did discuss the concept of using volunteers, people who were experienced as outfitter, guides or hunters in the area. USFWS also indicated there was some flexibility within reason as to whom could be a designated agent and what methods are used.

USFWS said it would need to confer with the Forest Service if a proposal involved use of helicopters in wilderness areas.

North of I-90: Wildlife Bureau staff are evaluating information for submissions to USFWS for management north of I-90, pending MOA discussions.

Ms. Trever reviewed a handout (Appendix 43, Exhibit 97) that summarized the differences between state wolf management options, ranging from lead management authority to no role as a designated agent.

Ms. Trever also said that for the state to move forward with 10(j) wolf control proposals to address ungulate impacts it would still need to have data regarding the population status of ungulates to show that they are below management objective. It would also have to have some way of documenting that wolves were a primary cause of the population being below management levels. There would still be some need to monitor wolves, some need to monitor ungulates and the way they relate to one another. If there was any capture or other taking of wolves the state would need to receive a permit from the USFWS to conduct that research. There could also be an issue of funding both for the research and for National Environment Policy Act analysis of 10(j) proposals. It would be unclear to what extent USFWS would prioritize processing and funding NEPA proposals and unclear what the avenues are for research. The Governor's office has been clear in recognizing the importance of not having license dollars be used to the extent possible to fund activities related to wolf management.

Bonnie Butler reported that the Governor is looking at all of the aspects to see the benefits for Idaho to agree with the USFWS MOA. The Governor is struggling to see the benefits of that the state's continuing to participate in wolf management without the ability to have a hunting season and without adequate funding so sportsmen dollars are not spent.

Chairman Wright requested information on what the implications for the Department in lieu of not receiving \$350,000 for research from the USFWS. Jeff Gould, Chief, Wildlife, stated that he will provide a report at the November meeting that will break down all of the wolf expenditures for FY10. The research component for the Sawtooth and the Lolo Zones amounted to \$800,000, about \$310,000 of the amount was license-funded. This is the basis for the proposal request to the USFWS.

The Commission expressed concerns over research, monitoring, funding and giving lead management to another agency. The Commission is in support of what the Governor is trying to do and realizes it is a difficult issue. Bonnie Butler stated that she would share the Commissioners concerns with the Governor.

MISCELLANEOUS

Executive Session

10-94 Commissioner Barowsky moved and Commissioner McDermott seconded a MOTION TO HOLD AN EXECUTIVE SESSION PURSUANT TO SUBSECTIONS (B) (F) OF IDAHO CODE SECTION 67-2345 TO DISCUSS PENDING LITIGATION AND PERSONNEL. Roll Call Vote: McDermott: aye; Trevey: aye; Barowsky: aye; Budge: aye; Wheeler: aye; Wright aye; Power: aye. Vote tally: 7 ayes.

10-95 Commissioner Barowsky moved and Commissioner Power seconded a motion TO COME OUT OF EXECUTIVE SESSION. The motion carried in a unanimous vote.

The executive session ended at 10:24 a.m. with no official action taken. The Commission discussed pending litigation involving wolf management with counsel. The Commission also discussed a personnel issue.

Adjournment

The Commission briefly discussed the upcoming November 17-18, 2010 Commission meeting.

The meeting adjourned at 10:30 a.m.

Wayne Wright
Chairman

Cal Groen
Secretary