



C. L. "BUTCH" OTTER  
GOVERNOR

August 30, 2010

Secretary Ken Salazar  
United States Department of the Interior  
1849 C Street, N.W.  
Washington, D. C. 20240

Dear Secretary Salazar,

Idaho is extremely disappointed with Judge Molloy's recent decision restoring federal protection for wolves under the Endangered Species Act (ESA). The judge's decision confirms my belief that the ESA is broken. Idaho has almost three times the number of wolves necessary for recovery across all three states and yet the species is still listed.

Before Judge Molloy's ruling, Idaho demonstrated it can responsibly manage its wildlife, which includes the wolf population. Idaho has lived up to its commitments by implementing the provisions of our federally approved state management plan.

The Idaho Fish and Game Commission (Commission) recommended to me that Idaho remain in a lead role to manage wolves under a Memorandum of Agreement (MOA) with the U.S. Fish and Wildlife Service. This recommendation was based primarily on Idaho's desire to continue protecting our ungulate herds and livestock owners. A copy of the Commission's Resolution is enclosed.

To that end, I want to work directly with you to develop a new MOA within the next 30 days. The wolf issue is becoming more explosive and we must develop a management solution for Idaho as soon as possible. Therefore, Mr. Secretary, I am formally requesting you send a team to Idaho with the authority to craft an agreement that will meet the needs of our state. I would like for the discussions to begin September 7, 2010, with the new MOA ready for our signatures by the second week of October.

To be clear, I will propose a provision for public hunting in the new MOA. The 2008 10(j) rule allows for regulated hunting where the Secretary finds that an extraordinary case exists in which population pressures cannot otherwise be relieved. With Idaho's wolf population exceeding recovery levels by eight times, at the very least, such population pressures can be documented in several areas:

1. Wolves are causing excessive livestock depredations. In 2009, Idaho Wildlife Services documented over 385 confirmed cases of wolf depredation on livestock.

2. Wolves are causing excessive mortality on Idaho ungulate populations. Through an extensive radio-telemetry based effort, Fish and Game biologists have documented several areas in Idaho where wolf predation is a major cause of mortality of our elk herds, inhibiting our efforts to meet elk population objectives.
3. Unmanaged wolf populations are contributing to unprecedented social conflict among Idaho's wildlife advocates.
4. The inability of sportsmen to participate in Idaho's wolf management through regulated hunting is relegating them to a status of despised nuisance.

There are additional issues Idaho desires to address in a new MOA. We must maintain flexibility for livestock owners and hunters to protect their property. Quickly and decisively responding to wolf depredations was one of the original promises of reintroduction and should remain a priority in any future agreement.

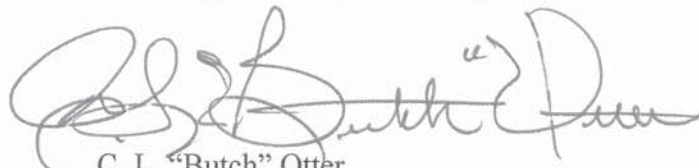
With the relisting of wolves, it is the federal government's responsibility to fund wolf management. It is unreasonable to ask Idaho sportsmen to invest their license dollars when effective state management is handcuffed under federal rules. Idaho will insist on restricting the use of state license dollars and condition our lead management role on receipt of adequate federal funds. I will not permit Idaho to sign up to an unfunded federal mandate for wolf management.

Further, consistent with the Commission's recommendation, Idaho will no longer be the lead investigator regarding ESA violations as they relate to wolves. Idaho will refer such matters to the U.S. Fish and Wildlife Service.

Idaho's wolf populations constitute an extraordinary case where population pressures cannot otherwise be relieved without employing regulated hunting in the management of wolves in Idaho. I ask for your support in providing this essential management tool.

Idaho has been dealt an unfair and unjust hand. With that being said, it is my hope that you will use the law to help make this injustice more palatable though a revised MOA until absolute state management is rightfully restored.

As Always – Idaho, "Esto Perpetua"



C. L. "Butch" Otter  
Governor of Idaho



**IDAHO DEPARTMENT OF FISH AND GAME**  
600 South Walnut/P.O. Box 25  
Boise, Idaho 83707

C.L. "Butch" Otter / Governor  
Cal Groen / Director

**RESOLUTION OF THE IDAHO FISH AND GAME COMMISSION  
ADOPTED AUGUST 16, 2010  
RE: WOLF MANAGEMENT**

RESOLUTION of the Idaho Fish and Game Commission adopted August 16, 2010, at the special meeting conducted in Idaho Falls, Idaho, for the purpose of providing direction for the management of wolves in Idaho with their relisting by federal court order on August 5, 2010.

**RECITALS:**

1. It is the law and policy of the State of Idaho that "All wildlife, including all wild animals, wild birds, and fish, within the state of Idaho, is hereby declared to be the property of the state of Idaho. It shall be preserved, protected, perpetuated and managed."
2. Idaho's law and policy includes providing Idaho citizens (and others as permitted by law) "continued supplies of such wildlife for hunting, fishing and trapping."
3. The Idaho Fish and Game Commission has the authority, power and duty to administer and carry out the State of Idaho's wildlife policy consistent with state law.
4. Wildlife management under this policy includes maintaining healthy populations, balancing predator and prey relationships, providing hunting opportunities for game species, and addressing conflicts between wildlife and people.
5. In 1974 the gray wolf was listed under the Endangered Species Act (ESA) and protected as an endangered species.
6. In 1987 the United States Fish and Wildlife Service ("Service") developed a Wolf Recovery Plan, which established a recovery goal of at least 10 breeding pairs and at least 100 wolves for three consecutive years in three core recovery areas: Central Idaho, Northwestern Montana and the Greater Yellowstone Area.

7. In 1994 the Service proposed designating portions of Idaho, Montana and Wyoming as nonessential experimental wolf population areas for the gray wolf. Before introducing wolf populations, the Service prepared an Environmental Impact Statement supporting the Plan's recovery goal of 10 breeding pairs and 100 wolves in three separate recovery areas for a period of three years.
8. In 1995 and 1996, 66 wolves were captured in southwestern Canada, with 35 released in central Idaho and 31 released in Yellowstone National Park. By 2000, the northern Rocky Mountain wolf population had expanded to include more than 30 breeding pairs and 300 wolves.
9. In 2002 the Idaho Legislative Wolf Oversight Committee developed the Idaho Wolf Conservation and Management Plan, which was accepted and passed by the Idaho Legislature. The Legislature authorized the Idaho Department of Fish and Game (IDFG) to assist the Governor's Office of Species Conservation in implementing the 2002 State Management Plan.
10. In 2006, Governor Kempthorne and Secretary of the Interior Norton signed a Memorandum of Agreement providing for Idaho to assume lead management of wolves in Idaho.
11. On March 6, 2008, the Idaho Fish and Game Commission (Commission) adopted the Idaho Wolf Population Management Plan (2008 Plan). The purpose of the 2008 Plan is to sustain a viable gray wolf population, provide harvest and non-consumptive opportunity, reduce conflicts, and provide a flexible, adaptive document and tools to manage wolf populations during the five-year period following de-listing. The 2008 Plan will ensure that wolf populations are maintained at 2005 levels (518 wolves) or higher during the five-year post de-listing period. The 2008 Plan will also maintain balanced gray wolf and prey populations, ensure genetic transfer through maintaining connectivity, and minimize conflict with humans and domestic animals.
12. The Service's recovery goal of 10 breeding pairs and 100 wolves in three separate recovery areas for a period of three consecutive years was reached in 2002.
13. On May 22, 2008, as a part of the 2008 Plan, the Commission adopted a proposed Wolf Hunting Season and Rules for the fall of 2008, intending to manage wolf populations at the 2005 level (518 wolves), being in excess of five times the 10 breeding pairs and 100 wolves required for Idaho under the federal recovery goals.
14. The U.S. Fish and Wildlife Service delisted wolves in the northern Rocky Mountains in 2008, but a federal court decision resulted in wolves being returned to the Endangered Species List.
15. The U.S. Fish and Wildlife Service proceeded with another rulemaking and delisted wolves in Idaho and Montana in May 2009.

16. On August 17, 2009 the Idaho Fish and Game Commission set a hunting season for 2009-2010, based on an estimated Idaho wolf population of over 1,000 wolves, with a harvest limit of 220, with the goal of reducing the wolf population to 518 wolves in accordance with the 2008 Plan.
17. In August 2009, certain special interest groups filed a court challenge to the delisting rule and asked for a court order to stop Idaho's hunting season. In September 2009, U.S. District Court Judge Donald Molloy denied the request to stop the hunting season, finding that Idaho's proposed hunt would not cause harm to the wolf population.
18. Idaho proceeded with a hunting season, with 188 wolves were counted against harvest limits. This hunting season was orderly, with Idaho hunters acting responsibly.
19. By year-end 2009, the minimum estimate of wolves in Idaho was around 850 wolves, with a minimum of 1,600 in the Northern Rocky Mountain population. Gray wolves now populate an area from northern Utah to the Arctic Circle, with an estimated 60,000 to 70,000 wolves in North America.
20. Idaho's wolf population continues to grow and expand. With spring reproduction, there are estimated to be more than 1,000 wolves in Idaho, 10 times the minimum recovery level for Idaho.
21. Confirmed wolf depredations have escalated with increasing wolf populations. Confirmed wolf depredations in 2009 included cattle (76), sheep (295), and dogs (14), a total of 385.
22. Wolf predation continues to have a substantial adverse affect on elk populations in certain areas, particularly in northern and central Idaho where population objectives are no longer met. For example, in the Lolo, Sawtooth and Smoky Mountain Zones, wolves are the primary cause of elk mortality. Wolf predation has necessitated reduced opportunities for hunters, negatively affecting Idaho's economy, as well as Department revenues.
23. On August 5, 2010, U.S. District Court Judge Molloy issued a court order in the lawsuit *Defenders of Wildlife et al. v. Salazar* to vacate the 2009 delisting rule and to re-list wolves in Idaho and Montana under the Endangered Species Act.

NOW, on August 16, 2010 the Commission reviewed three broad options for management of wolves while they are relisted: no active state management, continuing in the lead role for wolf management, or keeping only limited management under the supervision of the U.S. Fish and Wildlife Service. The Commission fully considered the limited management authorities available to Idaho while wolves are re-listed, and we confronted the difficult choice of either having full responsibility for wolf management with little authority to address conflicts, or leaving entirely in the hands of our federal government the fate of our ranchers, pet owners, sportsmen, and others who are hurt by the decline in elk and other wildlife caused by wolf predation.

THEREFORE, by reason of the foregoing, it is hereby:

RESOLVED, that the Commission finds that the relisting of wolves for the second time by federal court order is contrary to State management of wildlife, the intent and purpose of the Endangered Species Act, and the clear biological recovery of wolves,

FURTHER RESOLVED, that it is the objective and intent of the Commission to pursue all legal options to restore full state authority and control over the management of wolves in the State of Idaho,

FURTHER RESOLVED, the Commission advocates and supports an appeal of the August 5, 2010 federal court decision re-listing wolves and revoking state management authority to the Ninth Circuit Court of Appeals,

FURTHER RESOLVED, the Commission supports and will cooperate with the Office of the Governor and Idaho's Congressional Delegation in pursuing federal legislation to correct the August 5<sup>th</sup> federal court decision re-listing wolves,

FURTHER RESOLVED, the Commission reaffirms its commitment to resume state management as soon as wolves can be delisted under Idaho's federally approved state wolf population management plan, together with the management goal of achieving a 2005 population management objective of 518 wolves,

FURTHER RESOLVED, the Commission will proceed to set a hunting season and harvest limits as soon as wolves are delisted, based upon the existing rules previously established for public hunting in Idaho,

FURTHER RESOLVED, the Commission will work with the Office of the Governor to establish Idaho's "Lead Role" in managing re-listed wolves, provided that Idaho can enter into a new Memorandum of Agreement with the U.S. Fish and Wildlife Service within ninety (90) days that re-defines the State's management responsibilities consistent with current priorities and resources, including restrictions on the use of IDFG funds for enforcement and other purposes,

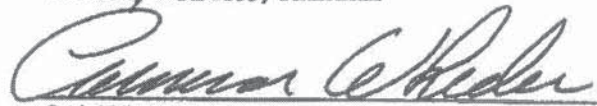
FURTHER RESOLVED, that the Commission advocates and supports the use of 10j and other legal authorities to their full extent for wolves south of I-90 while wolves are re-listed to respond to threats to human safety, livestock depredations, and excessive impacts on elk and other wild ungulates, and


FURTHER RESOLVED, that the Commission advocates and supports the use of section 10(a) and other legal authorities to their full extent north of I-90, where wolves again have "endangered" status, to protect endangered woodland caribou and to respond to wolf conflicts with both lethal and non-lethal control.

DATED this 16<sup>th</sup> day of August, 2010.

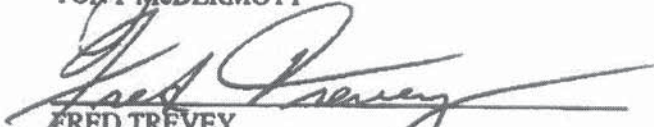
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