

Minutes of the Idaho Senate Resources and  
Environment Committee for February 25, 2002

# **EXHIBIT 12**

To

SECOND DECLARATION OF STEVEN W.  
STRACK

Defenders of Wildlife v. Hall

U.S. District Court

Case No. 9:08-cv-00056-DWM

**EXHIBIT 12**

## MINUTES

### SENATE RESOURCES AND ENVIRONMENT COMMITTEE

**DATE:** February 25, 2002  
**TIME:** 1:30 pm  
**PLACE:** Gold Room  
**PRESENT:** Chairman Noh, Vice Chairman Brandt, Senators Hawkins, Cameron, Schroeder, Frasure, Bartlett, Andreason, Burtenshaw, Williams, Little, Stennett  
**ABSENT/EXCUSED:** None.

The meeting was called to order by Chairman Noh and explained the procedure for the meeting. The purpose of the hearing is to take public testimony to help guide the committee in a decision which will play a major role in determining if and when the gray wolf will be removed from the protection of the Endangered Species Act. As a matter of federal law under the Endangered Species Act in order for delisting to occur, the Secretary of Interior and a federal judge will have to determine that Idaho has in place an adequate regulatory mechanism to ensure that the wolf will not again become threatened or endangered. Following the reintroduction of the gray wolf, the Idaho Legislature made a decision that a wolf management and conservation plan would form the basis of that adequate regulatory mechanism. This plan was created over a period of several years and seventeen drafts by a patient and dedicated committee composed by statute of the chairs of the House and Senate Resources Committees, two citizens appointed by the Director of Fish and Game, two citizens by the Department of Agriculture, and one appointed from the Idaho Animal Damage Control Board. Those individuals have spent an enormous amount of time and effort in developing Draft 17. He stated the Committee would vote on Wednesday, February 27, due to the extensive number of citizens signed up to testify.

Scott Turlington, Office of Governor, stated Governor Kempthorne supports the wolf conservation and management plan and the request for federal funding. The Governor's letter to the Governors of Wyoming and Montana was read to the Committee. (A copy is attached.)

Greg Schildwachter, Office of Species Conservation, stated Governor Geringer of Wyoming and Governor Martz of Montana have verbally reaffirmed their joint commitment to the request for federal funding for management purposes of wolves before and after recovery and delisting. He noted in assuring the state's interest in the management of wolves, there are a number of immediate steps and some long term steps. All other steps are in place and having the plan will assist finish the job. On step involves the issuance of permits to livestock owners to control problem wolves. The permits are available this year for the first time. He noted a wolf population cannot be built on problem wolves. There is an agreement not to relocate wolves on top of depressed elk herds in the Clearwater Basin. The agreement was reached with the USFWS in response to concerns of the Idaho Fish and Game Commission. Schildwachter stated funds are now available. OSC is working with the Outfitters and Guides Association and the Department of Fish and Game to respond to emergency care for elk herds where wolves occupy the range.

Long term steps that are underway to resolve the paper work necessary to delist the wolf. That process is very complex and negotiations are underway with U.S. Fish and Wildlife Service to develop the specifics necessary to achieve the adequate regulatory mechanism which is described and required in federal law. This will enable the state to move quickly and immediately toward delisting. He stated the transfer of management authority could begin before delisting. Schildwachter stated the plan is exactly what is needed to conclude and complete the action to show the state is doing everything necessary to ensure that the long term management of wolves in the state can be done while advancing Idaho's interests.

U.S. Senator Larry Craig, via telephone conference call, congratulated the Chairman and the state for undertaking this critical step in the long term management of wolves in the state. The wolves were planted in Idaho by a former administration at his opposition and the opposition of many others. The wolves are here now in substantial numbers, taking down domestic livestock and wildlife herds at substantial rates that could have been anticipated with the growth of the pack numbers. He is extremely pleased that Idaho is now moving to develop a management plan and striving for delisting. He stated those were essential and important. Craig noted his time in Lemhi and Custer counties reviewing the issue and talking with residents. With the number of wolves now, some seventeen documented packs in Idaho, the numbers have spread well beyond those two counties.

Craig stated his desire to be frank and direct in this issue. His staff has been working with the Office of Species Conservation to develop a management plan and to see what role his office could do in anticipating the revenue needs of the plan. He stated he will do all he can do to get the federal funding for the management plan. He believes there is a major federal responsibility for this issue. Craig noted when he served in the Idaho Legislature, long before the Endangered Species Act, states believed they had the right and the responsibility to manage wildlife within the state borders. He hopes that as he strives to gain federal funding for the management plan that the state does not deny its responsibility to try to reclaim that authority and assume some responsibility in the management of wildlife within the state. Funding is a rightly dual role because the state was put upon. He noted that view is not held by all citizens of the state, but the reality is the numbers are here and they must be managed for the protection of both domestic livestock and our wildlife populations. He believes that can happen with adequate funding. He stated he has attempted to obtain federal funding for depredation studies over the past few years and will continue those efforts. He works closely with Montana and Wyoming delegations in a partnership on the issue. It is very important in those states, as well as Idaho. Outfitting and guiding services are now a major part of the overall Idaho-Montana-Wyoming economies. Craig stated he hoped there would be some flexibility with U.S. Fish and Wildlife Service as to the 10-10-10 requirement, with possibly a total of 30 packs within the three states. He commented he is ready to help and ready to move as quickly as possible for some federal funding, but would prefer total federal funding.

Senator Burtenshaw inquired whether funding could be secured for a year and then the federal funds eliminated in subsequent years. Craig said he would begin the process by obtaining an authorization, which is a commitment within the budget for annual on-going funding. Without the authorization and a full commitment on the part of U.S. Fish and Wildlife Service to seek the funding on an annual basis as part of their budget, the funding would become a year-to-

year battle. He anticipates with three state delegations involved and working with this administration gaining authorization along with a level of funding consistent with annualized budgets is possible. He cannot guarantee that at this time.

Senator Cameron inquired if U.S. Senator Craig intended to obtain funding for just the requirements as outlined in Draft 17 of the plan or would additional funding be reviewed to replace the loss of wildlife and the economic impacts on the state. Craig stated he was unable to answer the question at this time. He will evaluate a total package, will work hard to get it. He would like to see compensation, but does not anticipate offsets for the losses of wildlife populations and resultant economic losses to hunting licenses and outfitting and guiding. Those losses would be considered arbitrary and would be more difficult to ascertain. He noted the federal budget is as tight as the state budget.

Cameron stated under Idaho code the value has been established to some degree as to the value of loss of big game animal. Craig stated he has been asking for those numbers for some time. Idaho Fish and Game has been less than forthcoming with the information, but the local folks say herds are diminishing and calves are in near non-existence in wolf areas. Craig noted if a measurement could be established then he would work for those numbers.

Senator Stennett noted recently in the farm bill in the U.S. Senate, federal money for state water acquisition was removed because of Craig's fear of the federal strings which would be attached to that. Stennett inquired what role would the U.S. Fish and Wildlife Service play in the state management plan and what role would the Nez Perce Tribe play. Craig stated he was unable to reply to the question. A final draft of the state plan would be necessary before determination could be made as to what would be acceptable by Senator Stennett. Craig said he will try to fund the state plan that the state legislature has proposed. With the effort of the federal government to take state water, that was a *quid pro quo*. You give me your land; I gave you the money; I get your water. Craig stated he was not suggesting that at all as it relates to wolves. He believes the federal government has already established an obligation by the reintroduction of wolves in Idaho. Craig noted the issue is the necessary federal funds to meet the state obligation under the plan. If the plan is acceptable to U.S. Fish and Wildlife Service and signed off by them and state, then the plan just needs to be funded.

Chairman Noh provided to the Committee a copy of a fax from Bob Ruesink, Idaho Administrator U.S. Fish and Wildlife Service. (A copy is attached.) The fax states the management plan is an effective mechanism to demonstrate adequate regulatory mechanism. Absent a management plan, the state would need to demonstrate that they have the authority to manage wolves, control human-caused mortality and ensure their long term conservation. He noted S 1376 addresses the funding component of implementation of the plan. SCR 122 is a concurrent resolution an appropriate vehicle for approving a plan. Chairman Noh presented another RS (RS12159), a concurrent resolution approving the wolf plan which contains, as a result of the previous hearing, clarifying hunting during the five years following delisting. The RS also clarifies that Wildlife Services, USDA, is the lead agency in animal damage control in cooperation with the Department of Fish and Game. The Committee will address the proposed legislation on Wednesday, February 27.

Senator Cameron inquired if the proposed legislation gives to the Department of Fish and

Game or the Office of Species Conservation authority to manage wolves in coordination with Draft No. 17. If the proposed legislation is approved by the Committee, will Draft No. 17 be implemented as the law of the land and wolf the management committee will be the sole body to determine that criteria. Chairman Noh stated that the plan continues to be a work in progress. He noted the last paragraph of the plan points out that the plan will be changed and can be changed by the Department of Fish and Game, when delisting occurs and the Department of Fish and Game assumes management of wildlife. They will be guided by the plan.

Senator Stennett inquired if the proposed legislations address how the state would fund the plan if federal funding was lost. How would the management plan be unwound if there is no federal funding? Chairman Noh stated it is a situation of keeping your fingers crossed.

Bob Ruesink, Idaho Administrator, U.S. Fish and Wildlife Service, Ecological Office in Boise, stated his responsibilities include the administration of the Endangered Species Act and actions to promote wolf recovery. Listing and delisting species are regulatory processes. A proposed rule is published in the federal register, followed by a public comment period (often public hearings are held), and then a final decision is made based upon the comments and information provided. All the information is reviewed and evaluated for the basis for the final decision. This same process is used for listing or delisting.

Recovery planning is a less formal process. The Fish and Wildlife Service usually seeks species experts and reviews biological criteria and things that need to happen in terms of populations and habitat in order to achieve recovery and the long term conservation of the species. Recovery plans are advisory; there is nothing mandatory about a recovery plan for actions or agencies that are identified as carrying out the actions. In working toward Draft No. 17, the state management plan, he stated the USFWS interpretation is that the management plan is a mechanism to bring together a lot of information addressing the adequate regulatory mechanism. USFWS looks at authority that the state agency has for actions that would be taken, population goals for the species, and other actions that would ensure goals when protection of the ESA is removed. If the species were to be delisted, the long term conservation of the species must be ensured such that there would not be another listing action on the species.

Ruesink noted there has been significant work on the plan. He noted his staff has been involved in most of the meetings and all of the drafts from the beginning. The current plan does have the information that is necessary to address the adequate regulatory mechanism. The state needs to have a fairly strong and comprehensive statement of their intent on managing gray wolves as a species when ESA protection is removed. The goals of the state and how those goals are implemented must be shown.

Ruesink stated USFWS will continue to work with the Governor's Office of Species Conservation, the committee on whatever steps are necessary in order to ensure the state has a management plan or some other document or vehicle that does define and describe the actions and intent of the state regarding wolf management if the species were to be delisted.

Senator Hawkins stated there is a common thread in the plan in many of the provisions that wolves will continue to increase in population except where they create conflict. He said there is already major conflict with the wolves. Hawkins inquired if there was anything in the

federal law that requires the state to suffer with more wolves than the levels stated for recovery.

Ruesink replied the current draft of the state management plan (Draft No. 17) does have a target of fifteen breeding pair or fifteen packs of wolves and then management actions or strategy would be applied if above or below those levels. Managing wildlife populations is not an exact science. In the discussions with the committee prior to Draft No. 17, the idea of managing for the ten breeding pairs (which is the recovery goal) focused precisely, there would be the risk of dropping below ten breed pairs or ten packs in certain situations. The question would then be is ESA protection again needed. He believes that management would need to look at a population number that would be above the ten breeding pair which constitutes recovery.

Hawkins inquired further whether the state would need to let wolves continue to increase beyond that number, with enough of a buffer that the state does not automatically fall below the recovery level should there be one catastrophe or one wolf pack become non-existent or non-productive? Ruesink replied that is correct. The reality of the situation is that wolf numbers are going to increase. There are some areas where there will be interactions with wolves and livestock resulting in significant impacts on the big game herds, but there may be some other areas where the wolves are not in trouble.

Senator Little stated in 1978 your predecessors told me all the USFWS wanted was one pack of wolves. He noted target grizzly bear populations have been reached but it is still listed. He asked what assurances exist for the people of Idaho that, in the future, USFWS wouldn't change the plan to require a pack in the Trinities or a pack on Council Mountain. Is the ten breeding pairs as defined by the biologists and USFWS a cap?

Ruesink stated the answer and test comes with delisting. USFWS believes there is a sound recovery target now and it is defensible and will stand up to challenge by biologists and experts using conservation biology. It is very likely the recovery goal will be achieved biologically by the end of this year. That is one step; next would be the delisting process. The second step is assuring the adequate regulatory mechanism. The ultimate judge in a regulatory action will be Director or Assistant Secretary to sign the rule to propose the delisting and then makes the final decision. He noted there is sound biology incorporated into the recovery goal.

Senator Brandt stated he understood there are approximately eight in a pack. What is the difference between pack and breeding pair? Ruesink stated the rule in the EIS states packs and estimates that a pack would average ten. In determining ten packs, the estimate would be a total of 100 wolves. The breeding pair is something that experts has designated as an alpha female and alpha male that raise at least two young to the end of the calendar year. That will be the basis for moving forward with the delisting proposal.

Chairman Noh noted in Ruesink's memorandum that in order for delisting to occur, the five elements listed in the ESA must be met solely on the basis of the best scientific and commercial data available. Would those be the points on which litigation would likely be brought to block the delisting process? Ruesink stated that was correct. A possible challenge would go to the recovery goals, but USFWS believes they have good information that is supported by biologists and experts in the species. It is more likely that challenges would focus on the adequate regulatory mechanism - the protections that would be in place with state

management if ESA were eliminated.

Senator Bartlett inquired as to the memorandum under number (D) on page 6-82 out of the EIS. Would the elimination of the word "unprotected" be sufficient in relation to wolves in Wyoming? Ruesink replied he is not familiar with the Wyoming statute, but the point is if you drop the word "unprotected" but predator still carries no regulation or no prohibited activities regarding the species, then that could be challenged as not being adequate regulatory mechanism. If a predator, by definition, in the state statute is an animal that preys on livestock and other animals and there is an open season throughout the year, that would not be adequate.

Senator Burtenshaw inquired if fifteen packs of wolves, breeding pairs, as in Draft No. 17 of the plan was adopted and the government accepted the delisting plan, would it go into effect immediately or would there still have to be a time period of testing to make sure that they didn't fall back below delisting. Ruesink replied the rule making is a two-step process; achieving the recovery goal and having adequate regulatory mechanism which takes the process to the point of proposing delisting of the species. That then opens the public process for comments and hearings and, at that time, a final decision is made. The requirement in ESA is for five years of monitoring subsequent to that final decision. Burtenshaw further inquired if, before the plan can be finalized, it does take five years? Ruesink stated it did not. The plan could be implemented upon the final decision to delist and management handed to the state. So USFWS is no longer involved in the management of that species, but the management plan or the state activities would need to include five years of monitoring to ensure that the population is being maintained at a conservation or recovery level.

Senator Stennett inquired if there was any situation where USFWS receives funds that are distributed to the states without having oversight of the funds? Ruesink stated no. USFWS receives special appropriations and there is often language very specific as to who that money is to go to.

Dave Nelson, Idaho Cattle Association, stated he was in support of the state wolf management plan. The wolf plan is a moving plan and if it is not fully funded by the federal government there will not be a plan. If the plan is not approved, what does the state do? He stated it was important to move the plan forward. In the out years, if the plan is accepted it will allow a way to take the animals off of private land. He is in support of the plan.

Senator Hawkins inquired if Nelson thought the plan could be improved upon. Nelson replied that he certainly did think there is room for improvement and the plan is designed to get something moving and then adjust and put into place what needs to be done.

Lauren McLean, Idaho Conservation League, stated her support of the plan. This is one of the unusual circumstances where ICL agrees with Senator Craig and the cattlemen. The plan is going in the direction needed. She noted the plan is not perfect, but is very happy and pleased with the direction it has taken. As the plan moves forward, knowing that it will be adjusted as it is applied on the ground, ICL would like to see two additional issues to the plan. First, the role of the tribes; they have done a great job of managing the wolves the last couple of years the wolves have been in Idaho and it is important that they have an institutionalized role, as the state moves forward towards delisting and the state management process. Also, ICL would like to

encourage incentives for stakeholders, the people in the areas where the wolves are located. The Grizzly Bear Management Plan has a good section on needed incentives for landowners who are willing to put up some things that would prevent future wolf-livestock-human conflict. Once the plan is adopted and has federal approval, there is one issue ICL would like to note is the 10-10-10 rule. As it was originally stated, USFWS had the rule stating there should be ten breeding pairs in Idaho, ten in Montana and ten in Wyoming. Right now USFWS is interpreting that to mean thirty overall. This could become problematical at the delisting stage and might be a point of disagreement among the different stakeholders. Montana does not have ten breeding pair yet and there needs to be a clear indication as to what Idaho's responsibilities are in the 10-10-10 management. McLean stated the funding in S 1376 sets out federal funding. She noted Senator Craig had good points on the fact that he will try very hard to get some federal money for Idaho to manage the wolves since the wolves were brought in by the federal government. At the same time, the plan is needed to get the federal funding. It is necessary to show the federal government and the USFWS that the state is able and willing to manage the wolves properly to maintain a viable population. The issue of the federal strings on wildlife management is a great point. Idahoans are worried about Idaho's opportunity to manage the wolves as a state. If Idaho desires to manage the wolves as a state, the state must show that it is going to put some money into managing them. She stated the Fish and Game Commission and the Department should finance the wolves if there is a hunt season, just as the department does any other hunted wildlife species. ICL supports the plan, but does not support the legislation omitting state funding and requiring federal funding.

Senator Little inquired if there would be litigation if there were not ten breeding pairs in Montana where there is more private ground and where they are having problems attaining that level in Wyoming? McLean said ICL is not insinuating they are preparing to sue, but she cannot speak for other conservation or wildlife organizations. ICL have discussed the 10-10-10 rule as an organization and are concerned about it because ICL is not fully positive that Idaho is as much on the cusp of delisting as others might be because of the interpretation. If it is going to be thirty breeding pairs total for the three states, it is important that the three state plans should be reviewed together because if one state falls behind the 10-10-10 allocation then it falls on the other states to be prepared to keep the numbers up if the federal government is going to continue to look thirty breeding pair number as a requirement to keep them off the list.

Grant Simonds, Executive Director, Idaho Outfitters and Guides Association, a state-wide organization that includes many land based hunting outfitters that operate on public lands. Recently the organization updated its position on future wolf management. The resolution was approved unanimously at the January meeting. Outfitters in the organization recognize that reintroduced wolves are here to stay. He urged the committee to support the draft Idaho Wolf Conservation and Management Plan with provisions that emphasize that the decision regulating wolves should be based on wildlife management goals, instead of an arbitrary five year moratorium. Outfitters cannot afford to wait another five years. Secondly, the committee and the Legislature must recognize that the reintroduction of wolves causes negative impacts on the ungulate populations which cause a corresponding negative impact on outfitting and the rural Idaho economy. The state through the Department of Fish and Game must be allowed to get into the driver's seat regarding future management of wolves. The ungulate herds can no longer afford unregulated and uncontrolled wolf populations and the associated depredation. A new balance and equilibrium of predators and prey must be better researched and decided upon soon.



A record population of black bear, coyotes and mountain lions continue to overlies the growing wolf packs. Earlier results of one state research project in the Clearwater indicates up to seventy percent of elk calves are taken by black bears. This, combined with a lack of fire over the past seventy years in north central Idaho, a record population of existing predators, the flourishing wolf population has the makings of shortened. He stated the state will need better information to evaluate the changing dynamics of the herds due to wolves. Some of the federal funding should also be used for study purposes. The Idaho Outfitters and Guides Licensing Board assigns licensed big game hunting outfitters specific operating areas that do not allow an outfitter to arbitrarily move to another operating area. The outfitter is then out of business as wolves deplete local game populations. In the heart of wolf reintroduction country, Frank Church River of No Return Wilderness, there has been a substantial decline in both guided hunters and associated elk harvest since the 1995 reintroduction. There are 29 outfitters spread out over the 2.4 million acre wilderness. Between 1994 and 2000, the number of guided hunters has declined thirty-eight percent and the associated harvest has declined thirty-five percent. Simonds further stated that habitat is not the problem in the Frank Church River of No Return Wilderness. Since wolf reintroduction, cow-calf ratios in the wilderness have declined from 35-100 to 15-100. He stated 23-100 is the figure needed to sustain elk populations.

Simonds said Idaho must take responsibility and manage wolves. Additional research will be needed to better understand what is happening to elk calf survival. The harvestable surplus needs to be researched and documented. Habitat is a factor in some ecosystems, but not all of them. The state cannot continue to sit on the sidelines as sportsmen will continue to be the big loser. IOGA urges the committee to support both the plan and the funding mechanism.

Senator Andreason noted the decline in customers and success for the outfitters; at what point does that overly impact the outfitting business. Simonds noted two outfitters are out of business now. The wolves have changed the habits of elk. Because outfitters are assigned specific areas, they cannot just pickup and move. The value for the respective outfitting businesses has declined approximately fifty percent.

Roy Farrar, Vice President, Wolf Education and Research Center, Winchester and Boise, Idaho. They have been very active in the reintroduction of the wolf and in the ESA hearings and working with the oversight committee on the management plan. At this point in time, they urge the Committee to support the proposed management plan. He noted it is important for the Nez Perce Tribe to be included in the implementation of the plan. The Tribe has been managing the wolves and have been doing a good job, but it is time for the state to take over management. The proposed plan is very workable.

Terry Henrickson, Idaho farmer and sportsman, stated Idaho's reception of Canadian wolves has been a process of scandal and abuse of powers. The negative issues continue to grow and multiple. Idaho had three native wolf packs prior to the introduction of the Canadian wolf in 1995. USFWS has not made an effort to account for our native wolves and now accountability is gone. USFWS and the Tribe have not been accountable for transplant activities and/or documentation of wolf numbers. They have a free hand to do and record whatever they want. Initially, the transplant model was ten packs self-regulating wolf recovery in Idaho. The bar continues to be raised with no delisting. The state management plan legislation is no less a continuation of a bad situation. The Canadian wolf is primarily nocturnal and capable of

traveling forty or fifty miles overnight. Sport hunting is a non-factor in wolf control in Canada and Alaska. He noted modern day management control still requires trapping, snaring, aerial gunning, shooting and den extermination. Permits are still issued in Canada to do so. He stated the proposed legislation allows for an infinite number of wolves with no restriction geographically. Public Law 102-154 are clouded because of the effects on big game, hunting and related economies, human live and health and the dignity of the wolf. Under the proposed legislation big game have no established base line or value and the life of domestic stock are at an unknown risk at all times because wolves will be everywhere. The dignity of the wolf will be in constant violation because control for the most part will fall under the provision of problem wolf. He stated the legislation is not a management plan but a sell-your-soul-to-get-possession legislation. Management under the legislation would require constant litigation and interpretation.

Ted Hoffman, President-elect Idaho Cattle Association, Mountain Home, is a rancher and veterinarian. In the mid-90s he was chairman of the wildlife committee and began representing livestock interests on the Wolf Oversight Committee from 1995 to the present. He hunts elk in wolf country. He stated he has spent a great deal of time on this issue. He thought it was stupid that the wolves were brought to Idaho and in violation of state's rights and individual property rights as protected by the 10<sup>th</sup> and 5<sup>th</sup> amendments. He noted the manner in which wolves were reintroduced into Idaho brought anger and resentment of wolves and USFWS that will last a generation or more. He stated in 1995 he urged the state not to take part as the state had no authority over them and the trust of USFWS and Department of Fish and Game was eroded. The correct decision was made in 1995, but now the state has the opportunity to gain authority over the wolves. The Department of Fish and Game has learned to be responsible to the people and the Governor of the state. The new federal administration has indicated cooperation with state and local governments. The wolves are in the state in large numbers and inflicting damage. The problem is just not going to go away. The thirty packs reproducing this year will enable USFWS to begin the delisting process if the three states have an acceptable management plan. The plan is acceptable to the federal government so the losses suffered within the state can stop. He urged the committee to approve the plan. The plan is not precise and is not cast in stone because it has to be flexible enough to allow the Fish and Game Department to do what is appropriate in the changing environment.

Suzanne Laverty, Defenders of Wildlife, stated their support for the plan.

Stan Boyd, Idaho Wool Growers Association, urged the Committee to approve the plan to enable delisting to proceed and to assist in the reduction of loss throughout the state.

Marjorie Brower, Central Idaho Wolf Coalition, Clayton, stated the wolf reintroduction has been a fiasco and she opposes the plan as there was already a wolf population in Idaho. She urges the committee to remove the wolves from Idaho.

H. William Belknap, retired college educator, rancher, hunter and fisherman, urged the committee to support the plan noting its flexibility.

Sally Engelhardt, Wolf Recovery Foundation, urged support of the plan stating it was important for wildlife population balance. She stated it was important for the state to be involved

in the management of the wolves.

Darl Allred, member Idaho Outfitters and Guides Association, stated management is needed in the state, urged passage of the legislation. He noted control can be achieved through the plan.

John Nelson, St. Maries, pointed out the economic effect inflicted by the reintroduction of wolves is holding Idaho hostage. He urged removal of the wolves.

Tim Sundles, rancher, questioned why a plan was necessary. Stated he had become known as a wolf killer. He and his wife were in the Middle Fork when he killed a large alpha male that attacked them. It was not fun. He asked why the state wanted a management plan that pleases USFWS in any way? He stated the Endangered Species Act is unconstitutional and illegal. Constitutional law is the highest law of the land; yet, it is being violated and trampled because we do not have enough spine to stand up and say "No." He noted USFWS took the environmental impact study, before it went to Congress, and falsified numbers so that Congress would fund this wolf reintroduction. He stated he has the documentation, as to many others. Because they lied, he didn't know why Idaho wants to satisfy or please them in any way. He stated the state had been duped. The law is unconstitutional and he stated the state doesn't have to follow it.

Sundles further stated he had been at a party the previous Friday evening with outfitters and guides in the Salmon area. Every one of them is killing wolves. My neighboring ranchers are killing wolves. Lots of people are poisoning and shooting wolves and they don't want to. They don't hate wolves and they don't want to be law breakers, but they are put into a position of being criminals. He stated it was criminal when Ed Bangs took the environmental impact study and falsified numbers on it. He stated that was criminal and he sees no prosecution or lawsuits from this state against USFWS for the loss of state assets. He stated it was time to spit in the eye of the federal government. He knows of three separate occasions when USFWS has been caught doing illegal activities. He stated he can provide the documentation to support his statement. He inquired as to the ability to stand up with common sense and do the right thing. He stated the wolf management program should be thrown out that says we have to please USFWS. The state doesn't have to obey them because they broke the laws and he will furnish the documentation to the committee. He noted USFWS was trying to prosecute him and he will probably have to go before a grand jury soon for questioning because he shot a wolf that was after him and his wife after they had driven the wolf out of their camp once already after the wolf had tried to kill their livestock. He urges the filing of a lawsuit. He noted the whole situation is unfair to the wolves and they are going through hell.

He urged wolves be removed due to erroneous documentation supporting the reintroduction.

Jack Oyler, Filer, opposes the legislation, stating a lack of trust for the Department of Fish and Game.

Ty Plowman, Boise, urged the committee to pass the legislation as he supports the wolf reintroduction noting the plan is important for state management.

Gary Tussey, Hagerman, opposes the plan.

Jay Neider, Stanley, rancher, opposes the plan and urged the removal of wolves from the state.

Ike Mortensen, stated the plan is unacceptable to him and urged the filing of a lawsuit.

George Doval, Idaho Shooting Sport Alliance, stated he objected to the plan.

Ron Gillette, Stanley, stated he opposes the plan as there is no representation for wildlife affected by the wolf reintroduction.

Jim Hagedorn, Viola, urged the Wolf Oversight Committee be disbanded and the plan be shredded.

Tom Demorest, Diamond D. Ranch, Custer County, opposes the plan and urges omitting the Tribe from a management role

Ed Lindahl, Moscow, opposes the plan and urged filing a lawsuit.


Representative Lenore Barrett, opposes the plan

Robert Cope, Lemhi County Commissioner, stated he was neutral on the plan as he believe there are unanswered questions despite the need to control the wolves.

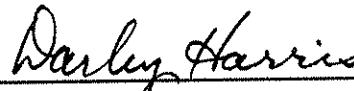
Bob Loucks, Salmon, member of Idaho Wolf Oversight Committee, urged the committee to pass the legislation approving the plan as this would enable the state to manage the situation. He noted the proposed plan is flexible and can be modified.

There being no further matters to come before the Committee, the meeting was adjourned at 5:25 p.m.

Respectfully submitted,



Senator Laird Noh  
Chairman



Darby Harris  
Committee Secretary