

# The Outdoorsman

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## The Northern Yellowstone Elk Herd

*By George Dovel*



Bull elk from the northern herd on winter range north of Yellowstone National Park in Montana. NPS photo.

“Researchers have already cast much darkness on the subject, and if they continue their investigations we shall soon know nothing at all about it.” – Mark Twain

Since the late 1860s Yellowstone National Park’s northern elk herd has been the subject of more discussion, study and debate than any other elk herd in North America.

Market hunting in the Park from 1869, until 1884 when it was outlawed by the Lacey Act, reportedly severely depleted the elk population. Yet in 1883, local observers reported 5,000 elk still wintering on the northern range. Three years later the U.S. Cavalry was ordered to enforce the hunting ban in YNP and elk numbers increased.

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## Northern Elk Herd *continued from page 1*

### Federal Predator Control

The Lacey Act allowed the killing of "dangerous wildlife" so large predators were controlled, with wolves reportedly exterminated and only an estimated 12 or so mountain lions remaining by 1929. Despite continued hunting of the elk herd outside of the Park in Montana, conservative estimates placed the population at a minimum of 10,000 to 15,000 from 1915-1929.

Beginning in 1935, a change in park management philosophy resulted in thousands of northern range Yellowstone elk being killed inside the Park by YNP employees. The practice was finally outlawed in 1967. A current study funded by the National Science Foundation reports that, during that period, hunters harvested 45,000 YNP elk outside of the Park while Park employees culled more than 26,000 elk inside the Park.

### Fewer Predators Allowed Elk To Increase

When the National Park Service stopped killing elk in 1967, the northern herd numbered only 4,000. By 1975, when the Gardiner, Montana late elk hunting season was first approved, the herd had increased to 15,000.

There were no wolves then and far fewer grizzlies and lions than there are today and the herd continued to increase with hunters harvesting both sexes. From 1980-1990, trend counts for the northern elk herd reportedly averaged 15,299 (or more depending on the source).

Age/sex surveys of the northern elk herd in the early 1980s and in 1990-1991, averaged **34 calves** per 100 cows and 23 bulls per 100 cows. From 1980-1990 the recorded average annual elk harvest from the northern herd was 498 bulls and 959 antlerless elk.

By 1990 the U.S. Fish and Wildlife Service (FWS) plan to introduce Canadian wolves into Yellowstone Park and Central Idaho was under a full head of steam. Biologists were hired by FWS to estimate the impact of five alternatives that were supposedly being considered.

### Biologists' Predict Minimal Wolf Impact

"Nonessential Experimental" Alternative 1., which provided the most FWS revenue and assured quick recovery, also had the most severe impact on wildlife, livestock and local economies. In order to sell that plan to the public and to Congress, the biologists/wolf advocates provided unrealistic projections minimizing those impacts.

Mark Boyce from the University of Alberta created a computer model that predicted a recovered wolf population might reduce the YNP elk population by 5-20% but said there would be no circumstances in which wolves would have a devastating impact on YNP elk herds. The Boyce/Gaillard model also said that impact on hunter harvest in Montana would not be affected (July 1993 Wolf Recovery EIS, Alternative 1., pgs 4-4 to 4-6).

YNP Biologist John Mack created a computer model that disagreed with the Boyce/Gaillard model about where the impact on elk harvest might occur. Instead of

the 5-10% decrease in elk harvests predicted by Boyce in the Jackson elk herd, Mack's model claimed there would be no decrease in the Jackson elk harvest.

The Mack/Singer model said the cow elk harvest in the northern herd might be reduced to only 774 antlerless elk per year. But it predicted there would be no impact on hunter harvest of bulls in the northern herd.

### Elk Herd Declines 40% in five Years

In 1994, in spite of increasing harvests by hunters, the northern elk herd population was estimated at 19,700 (19,369 reported as actually counted). In 1999, four years after Canadian wolves were introduced into YNP, a group of Montana ranchers, outfitters and sportsmen charged that wolves were decimating the northern elk herd.

Numbering nearly 4,000 members, "Friends of the Northern Yellowstone Elk Herd" (FOTNYEH) pointed out that the elk population had dropped ~40%, from 19,369 in 1994 to only 11,742 in a February 1999 aerial count. YNP Biologist Mack responded by claiming an average annual hunter harvest of "1,780 reproductive female elk" (actually 1,761 including bulls, cows and calves) during the five years since wolves were introduced.

He offered the high elk harvest figures as "proof" that wolves were not adversely affecting the herd. The media published his rebuttal and continued to repeat the wolf biologists' claim that the "wolves were culling the old non-productive animals to provide an increased number of calves with fewer total elk to compete for limited forage."

The unsupported theory that elk, deer and other wild ungulates are always "density dependent" (i.e. that habitat - not predators - always regulates reproduction) was popular among academic wildlife biologists until the mid-1970s. Subsequent studies indicate it may only be applicable under an abnormal set of conditions, yet predator advocates continue to repeat it to the media.

The Mack/Singer 1992 computer model had predicted that a recovered wolf population would reduce the northern range elk herd by 5%-30%, from the 17,300 in 1990 to between 12,100 and 16,400 (EIS pg. 4-4). Because YNP wolf populations already exceeded recovery goals in 1999 and the elk reduction to 11,742 was only slightly higher than Mack's predicted 30% maximum reduction, the media suggested that FOTNYEH simply disliked wolves and was "crying wolf" without justification.

### Group Says "Tell Us the Truth"

FOTNYEH spokesman Don Laubach responded that they did not hate wolves but wolves had to be controlled to maintain a healthy predator-prey balance. "All we ask is that Montana Fish, Wildlife and Parks (FWP), Yellowstone National Park and the wolf recovery team tell us the truth," he said.

The group pointed out that wildlife managers were ignoring the fact that elk recruitment (the number of calves that survive the first year to replace elk that die) had dropped from 34 calves per 100 cows to only 12 or fewer

calves per 100 cows. Since the number of Gardiner late hunt permits for the two-day Jan.-Feb. hunts are normally established in the preceding spring after December counts and March age-sex surveys, FWP agreed to reduce the number of permits beginning with the 2001 late hunt.

By the 2003 hunting season (which included the late hunts in Jan.-Feb. 2004), the number of permits had been cut in half, from 2,880 to only 1,400, yet elk numbers continued to decline. The permits were cut to 1,180 for the 2005 hunts and, in December 2004, FWP biologists recommended issuing only **100** antlerless permits and **48** either-sex permits for the January 2006 hunt!

Region 3 Wildlife Manager Kurt Alt told the Commission that elk calf recruitment remained far below the “20 calves per 100 cows that are necessary to sustain an elk herd.” While that ratio might be the minimum for a hypothetical herd that is not hunted and not being impacted by large predators, it is unrealistic otherwise.

### **Basic Elk Population Dynamics**

As a rule of thumb, roughly half of the elk calves born are females. Logically the number of yearling and adult female elk that die from all causes each year determines the minimum number of female calves that must survive to replace them and maintain a viable herd.

In a herd that is not hunted, if only 12 of each 100 adult female elk, *including replacement yearlings*, die in a normal year from the effects of old age, accidents, disease, malnutrition, predation, stress, etc., about 24 surviving calves (nearly half of which are males) are required to replace them. But that is not the full story.

Severe winters, excessive predation and overkill by hunters, all normally kill more replacement yearling females than productive cows of any other single age. This leaves a gap in the productive segment of the herd and additional replacement females are required to restore the herd's normal productivity.

If five additional replacement females per 100 cows are needed to restore average herd productivity, then ~10 additional calves (including males) must survive. This means that a surviving ratio of 34 calves per 100 cows is now required just to restore (not increase) the elk population.

But extreme winters are always accompanied by increased predation, both of which prevent *normal* calf recruitment, and that can easily double the number of calves needed. There are other variables that will not be discussed here but the bottom line is that federal protection of wolves and grizzly bears prevents FWP from mitigating excessive losses in the northern elk herd.

### **Increased Predators Reduced Elk Calf Survival**

The signs of higher than normal elk predation in the northern herd were evident in the 1980s, with a cow-to-calf ratio running from 28-39 calves per 100 cows compared to **61** calves per 100 cows in the Madison Elk Management Units (see Wolf EIS pg. 3-20). During the

severe 1996-97 winter shortly after wolves were introduced, the late hunt elk harvest nearly doubled, and calf ratios and total elk numbers dropped significantly.

Yet FWP continued to issue 2,800 Gardner late hunt elk permits for another three years – instead of taking steps to reduce what had become excessive antlerless elk harvest. Although the average hunter harvest for the next three years declined by 48 percent, the number of elk killed by wolves increased substantially as wolf numbers reached and then exceeded recovery goals.

### **Wolves Kill Twice As Many Elk as Predicted**

The biologists who originally predicted limited impacts from the introduction of Canadian wolves in the Greater Yellowstone area ignored knowledge gained from several decades of comprehensive wolf studies, and substituted their own unsupported “facts” and figures. By claiming that each wolf would kill only 12 ungulates per year, including some deer and other species, they created flawed computer projections, which misled Congress and the general public.

Ten years of research in YNP from 1995-2005 indicates the *average elk* kill per wolf has been **22** per year rather than the 12 or fewer the biologists predicted. That information, compiled by six major participants in Yellowstone wolf recovery, is found on page 36 of “Yellowstone Science Vol. 13. No. 1., Winter 2005.”

But instead of admitting to the media and the public that their original predictions were off by nearly 100%, Yellowstone wolf managers have put a new spin on the wolves' excess killing. In a series of public meetings and interviews they now claim it is “beneficial to the ecosystem” because it provides more food for scavengers.

### **Mech Study Emphasizes Bear Predation**

Beginning in 2003, a team of biologists led by wolf guru Dr. David Mech captured and radio-collared 151 newborn elk calves in four northern YNP areas over a three-year period. This was a duplication of numerous studies conducted over the past 35 years, all of which found that black and/or grizzly bears are the major predator of neonatal (newborn) elk calves in spring and summer.

A similar northern range calf elk study from 1987-1990, when there were only one-third as many grizzly bears, no wolves and twice as many elk, revealed that calf survival was three times as high then as it is now. There were no surprises in the current study since Mech already knew, from a long-term study he led in Denali National Park, that bears killed most newborn Alaska moose calves while wolves killed most of the surviving calves during the rest of the year.

But that is not what was reported by Mech's team. Instead, an early analysis published in Yellowstone Science Vol. 13. No. 3, Summer 2005 wrote on page 43, “*It is surprising, however, that wolves are apparently having less impact on elk neonate survival than bears.*”

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When the media reported the study "findings" it did not explain that 70% of the calves killed were less than 15 days old. And it said nothing about the Alaska biologists' findings that when bears were removed, the wolves killed as many moose calves as the bears had.

### Computer Model Blames Hunters

Another YNP "study" - actually a computer model developed by Yellowstone Wolf Project Leader Doug Smith, Dan Stahler and John Vucetich (who is studying wolves and moose on Isle Royal) - claimed that hunters and drought were responsible for the northern herd elk decline. Their 16-page article, published in "Oikos" on April 21, 2005, claimed that all of the northern herd elk killed by wolves from 1995-2004 would have died anyway.

The Mech and Vucetich articles were cited in a November 24, 2005 *USA Today* article to promote the idea that hunters were largely responsible for the decline in the northern elk herd. That article also quoted from a scientific paper written by Mark Boyce as follows:

"Montana increased the 'hunter harvest' quota on elk that leave Yellowstone grounds, issuing a record 2,882 hunting permits in 2000. A decline in the elk herd was thus guaranteed even if wolves were not present."

Boyce, whose flawed 1992 computer projections were used to justify bringing Canadian wolves to YNP, later wrote that no computer model on predator-prey systems can be correct because there is never enough field research to support the complex models needed to reflect the true situation. See "Research Techniques in Animal Ecology: Controversies and Consequences" Chapter 8.

FOTNYEH founder Robert Fanning charges that the "studies" reported by the media are examples of agenda-driven science intended to conceal wolves' surplus killing reflex and the extreme impact they are having on northern herd elk. Despite Boyce's warning that predator-prey computer models lack sufficient research data for accuracy, the Smith-Vucetich model does not even use much of the data that is available.

Smith's claim on page 6 in the *Oikos* report, that wolves kill primarily calves, bulls, and cows that are more than nine years old, deserves closer scrutiny. Mech's study reported that, of the 88% of northern range elk calves that died, predators caused more than 90% of the deaths.

If all of the other causes (accidents, disease, malnutrition, stress, exposure and hunter harvest) caused only 9% of the calf mortality, how could an honest scientist claim that hunting was a major cause of the elk decline (insufficient recruitment) yet predation was not?

Despite steadily increasing bear populations in the 1980s, enough elk calves survived before wolf introduction to replace mature elk that died from all causes. But once wolves began killing most of the calves that survived bear and coyote predation as newborns, the elk decline was inevitable with or without human hunting.

### Another Theory Without Proof

Smith's claim that wolves appear to kill two to three times as many calves, bulls, and cows older than nine years than prime-aged cows is not entirely accurate. If it were, the northern herd would have very few old cows and hunters would be killing animals of prime breeding age.

Montana FWP has been checking the age of northern herd elk harvested by hunters for the last 10 years by removing several incisor teeth from adult elk of both sexes and sending them to a laboratory near Missoula. There, technicians section, stain and count the annual rings they see on the roots of the teeth to determine the accurate age of each animal.

Ten years ago when wolves were first introduced the average age of cows harvested in the northern herd, including yearlings, was 6.2 years, with bulls, including spikes, averaging 5.9 years. That was considered older than normal and coincides with the relatively low calf recruitment of ~30 calves per 100 cows.

On December 16, 2005, FWP Region 3 Biologist Tom Lemke issued a news release reporting that the average age of the elk harvested in the 2005 Gardner late hunt was 8.2 years for cows, and 9.1 years for bulls! He added that more than half of the animals harvested were older than nine years.

This is twice the average age of harvested elk in other Montana herds that are not being severely impacted by wolves. Wolf biologists were not only wrong about how many elk the average wolf would kill, they are also wrong about the alleged beneficial culling of older non-breeding elk attributed to wolves.

They fail to understand that many elk of both sexes that are not active breeders retain more body fat and are more adept at escaping predators than prime breeding-age males and females in the herd. During the calving process lone females as well as their calves are more vulnerable than later on when they rejoin the herd.

### Biased Kill Data

Despite several million dollars that have been spent on YNP wolf-elk predation studies in the last 10 years, only limited monitoring of wolf kills has occurred. Biologists use radio telemetry to monitor three packs for 30 days in Nov.-Dec. and another 30 days in March, to estimate the age, sex, condition and number of elk killed by wolves in those three packs.

This means that the killing of breeding age female elk by wolves is only recorded during periods when the cows are less vulnerable. My observations of bears pursuing small bunches of elk in YNP between Canyon and Old Faithful during May just prior to calving season, often resulted in a pregnant heifer or cow falling behind first and being killed by the bear.

Because bull elk that are active breeders lose fat reserves during the rut, they are in poor condition by March when they also lose their antlers, thereby losing

their ability to stand their ground and defend themselves. Without the impact of excessive wolf numbers most of them would live to increase hunter harvests or pass on their genes to future generations of northern elk.



Prime breeding-age bull elk that survive the winter and the wolves quickly recover and pass on their genes to future generations.

Smith's inference that the wolves' killing of calves and prime breeding bulls somehow benefits the northern herd defies logic. His assertion that hunting – not wolves – caused the herd to decline ignores the facts in evidence.

According to the 2005 YNP "Ten-Year Appraisal" of wolf impacts, the number of wolves in packs counted on the northern range in 2004 was 106. Mech's report said that 84 wolves "resided there" at the end of 2004.

#### **Annual Wolf Kill Estimate May Be Low**

Using the researchers' calculation of 22 elk killed per wolf, *at least* 1,848-2,332 northern elk were killed by wolf packs in 2004. By comparison, hunters killed only 702 elk there in 2004, roughly one-third as many, and that does not include the elk killed by bears, mountain lions, coyotes and eagles.

The 22 elk killed per wolf per year figure is based on the calculated average kill by wolves during a total of 60 days in Nov.-Dec. and March multiplied by six. If the

increased surplus killing during mid-winter and calving season were factored into the total, it would be even higher.

Smith speculates that the kill during the summer months may only be 70% as high, with an annual kill closer to 20 elk per wolf. The known volume of calves killed by wolves during the summer does not support that.

#### **No December Elk Counts**

Since 1975 the northern elk herd has essentially been regulated by the "Northern Yellowstone Cooperative Wildlife Working Group," which includes representatives from FWP, YNP, the USFS at Gardner and the USGS. This Co-op provides four separate pilot-observer teams to fly the December elk census and the March age/sex census.

FOTNYEH reported that count conditions in December 2005 were ideal, yet no counts were flown. FWP Biologist Lemke later blamed the failure to conduct the elk census on scheduling conflicts with the other groups and told us the failure to accomplish the counts since then was due to poor flying conditions. He said the classification (age-sex ratio) counts would be flown in the latter part of March.

#### **Impact on Local Economy**

In the January 2005 elk hunt, hunters legally killed only 457 elk (63 bulls, 352 cows and 42 calves). But only about 148 permits were issued for the 2006 January hunt and Lemke told us the same number has been tentatively adopted by the Commission for 2007.

The "Ten-Year Appraisal" admits that wolves cost area businesses \$280,000 in 2005 based on a reduction of 2,900 hunter days at almost \$97 per day. But that is only related to the decline in antlerless late hunt permits issued in 2005 compared to the pre-wolf average.

It failed to address the **87%** decline in bull elk harvests that reportedly resulted in some outfitters losing 75% or more of their bookings (with a substantially higher daily revenue loss than \$97 per hunter). It also failed to address what some Paradise Valley residents describe as "the extermination of the local elk herd by wolves."

These were 600-800 local elk that did not migrate from the Park in the winter and return in the summer. Prior to wolf introduction, they provided a substantial portion of the total harvest during the normal fall hunts.

The "Appraisal" also did not address the additional 90% reduction in elk hunting permits for 2006 and 2007. This provides a major blow to the local economy and the only hope for recovery would be a major reduction in wolf numbers.

Smith suspects that parvovirus, which he claims was introduced into YNP wolves by people with domestic dogs, was responsible for most of the estimated 84% wolf pup mortality on the northern range in 2005. He said this, plus one pack moving to Idaho, two packs dissolving and two other packs about to dissolve, reduced the number of wolves in known packs on the northern range by 35%.

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## Northern Elk Herd *continued from page 5*

According to the 2005 Annual Wolf Recovery Report, the remaining wolf packs on the northern range in December averaged 10.2 wolves per pack. The reported loss of three packs and 33 wolves does not necessarily reflect a similar reduction in uncollared wolves that are not part of known packs.

Failure to conduct the December total elk census leaves a big question mark concerning the impact of wolf predation on northern range elk during the past 12 months. If elk numbers continued to decline despite the loss of three of the eight wolf packs, FWP should promptly submit its plan to FWS to reduce the majority of remaining wolves in District 313 until viable elk populations are restored.

### **FWP "Wears Two Hats"**

But FWP, like its counterpart in Idaho, is wearing two hats. The first hat was mandated by its boss, the Montana Legislature, in the Montana Code as follows:

87-1-217. Policy for management of large predators -- legislative intent. (1) In managing large predators, the primary goals of the department must be to: (a) preserve citizens' opportunities to hunt large game species; (b) protect humans, livestock, and pets; and (c) preserve and enhance the safety of the public during outdoor recreational and livelihood activities.

(2) As used in this section: (a) "large game species" means deer, elk, mountain sheep, moose, antelope, and mountain goats; and (b) "large predators" means bears, mountain lions, and wolves.

(3) With regard to large predators, it is the intent of the legislature that the specific provisions of this section concerning the management of large predators will control the general supervisory authority of the department regarding the management of all wildlife (emphasis added).

The second hat quietly worn by FWP is its unwritten private agenda for the past 30 years to support FWS restoration of wolves throughout Montana. In a 2005 Yellowstone Science article entitled "How Did Wolves Get Back to Yellowstone?," FWS Rocky Mountain Wolf Program Coordinator Ed Bangs wrote, "In 1974 the State of Montana led a USFWS recovery team that recommended wolf restoration in the area stretching from Yellowstone National Park to the Canadian Border."

Unlike Idaho biologists who failed to document the accelerated decline of Clearwater elk populations caused by wolves during the past 11 years, FWP has gathered all of the information needed from the northern herd. Yet it ignored the 2003 law and declined to request either wolf removal or control to restore elk populations in Unit 313 and the other northern range units.

Although FOTNYEH filed a petition with FWS in October 2001 to delist wolves, FWP has failed to comply with Legislative direction to hasten the delisting process. Like IDFG, it approves delays suggested by FWS and has generally adopted a "don't rock the boat" policy.

## **Wolves Aren't Killing Aged Elk**

In the two most recent FWS Wolf Recovery Status Reports Ed Bangs wrote that YNP Wolf Biologist Smith reported, "Elk are in 'horrible' condition and they are starting to see lots of winter-kill elk. Wolf kills (sic) rates appear near normal but the bone marrow condition of wolf-killed elk appear near starvation levels."

In a March 20, 2006 interview, FOTNYEH President Bill Hoppe said he was also seeing a number of winter-kills but they were 16 years old and had lost their teeth. He said that three wolf-killed breeding-age bulls he examined in Decker Flat during the past 3-4 days were in good condition to survive the winter (except for the fact wolves had killed them).

Hoppe is an experienced outfitter in Unit 313 just north of the Park and he said that five of the six bulls killed by his bowhunter clients last season were 16 years old or older! He reminded me of the prediction by wildlife ecologists Dr. Charles Kay and Dr. Robert Taylor in 2000 (i.e. that northern range elk populations would gradually become top-heavy with older non-breeding animals as wolves continue to prevent adequate recruitment).

### **Northern Range Big Game in "Predator Pit"**

That is also what Dr. Kay described in the August 1993 issue of *Petersen's Hunting* before wolf introduction was officially approved. He warned that, even after hunting is halted, wolves will continue to drive the prey population downward and keep them in the predator pit referred to as "low density dynamic equilibrium" in Alaska studies.

Although prey populations fluctuate, they continue to remain far below the carrying capacity of their range. Studies of the northern range beginning in the mid-1960s have concluded that, without impacting other wild ungulates, it will support upwards of 20,000 elk (see <http://www.nps.gov/yell/nature/northernrange/ch6a.htm>).

Hoppe is especially critical of FWP biologist Lemke for his failure to get out in the field and view the obvious evidence of the predator pit that has decimated the resident elk herd. He believes that if testimony from ranchers, outfitters and other knowledgeable outdoorsmen had been acted on, the tragedy could have been prevented.

He recalled riding in the Lamar Valley with a companion during the spring of 1997 and seeing four wolves hunting in a manner similar to bird dogs. As each wolf sniffed out a calf elk, it would kill it instantly and move on to kill another, with 10-12 elk calves killed in about five minutes by the four wolves.

Hoppe described the 10-year transition in his area from a big game paradise to a landscape where big game animals are rarely seen until the declining elk migrate from the Park in the winter. Empty motels and restaurants that were overflowing with hunters until recently are a stark reminder of the loss of winter employment and local revenue resulting from not regulating wolf numbers.

# Rural Idahoans Told “Keep Kids Indoors”

By George Dovel

The following news story appeared in the March 8, 1888 edition of the *St. Paul Daily Globe*, which was published from 1878-1905:

“New Rockford, N.D., March 7 -The news has just reached here that a father and son, living several miles northeast of this city, were destroyed by wolves yesterday. The two unfortunate men started to a haystack some 10 rods from the house to shovel a path around the stack when they were surrounded by wolves and literally eaten alive. The horror-stricken mother was standing at a window with a baby in her arms, a spectator to the terrible death of her husband and son, but was unable to aid them. After they had devoured every flesh from the bones of the men, the denizens of the forest attacked the house, but retired to the hills in a short time. Investigation found nothing but the bones of the husband and son. The family name was Olson.”

On Saturday morning, February 11, 2006, I received a call from former Boise County Commissioner Jan Donley asking me to help her locate someone from Fish and Game. Jan, who lives with her husband Doug in Garden Valley near the Alder Creek bridge, said that her granddaughter had seen a wolf about 100 yards from where some small children were playing in the neighbors’ yard.

By the time her husband loaded a rifle and went outside, the wolf had disappeared. But Jan told me she had seen wolves in the area twice recently, including once on her way to church, and said they were concerned that the wolves seemed unafraid of humans and might attack one of the small children.

Her efforts to reach the local conservation officer or other F&G officials were unsuccessful and the Boise County Sheriff Dispatcher said they would try to reach the local C.O. I explained to her that F&G officials, like doctors and lawyers, are often impossible to reach on weekends.

She also called a member of the Governor’s staff at home and said he advised her to keep reporting the wolf sightings and to “keep the kids indoors”. Doug had already told the neighbors to keep their children and pets indoors until the wolf was removed.

Nearly 60 hours later, the local C.O. finally arrived and said he would have to thoroughly investigate the incident. According to Jan, he told her she had not reacted that way about cougar and she told him her late husband, Rob Donley, had quickly killed any lion that got that close to a Garden Valley residence.

She asked him if her husband should kill the wolf if it returned and says he told her only if it was on private land and constituting a clear threat to the children. Then he

suggested she tell the neighbors to keep their kids indoors or have an adult with them when they were outside.

As the number of wolf sightings and close encounters increase from southwest Idaho to the Panhandle, I hear similar comments from rural Idahoans who are concerned about the potential for wolves attacking small children. In some rural areas frequented by wolves, parents accompany their children to the school bus stop and do not allow them outside after dark.

Most wolf advocates who live in the city are eager to tell you that the odds of being attacked by a wolf are comparable to being struck by lightning and that was probably true in the lower 48 states until recently. But because we lived in remote areas, I taught my sons how to reduce the odds of being struck by lightning or being attacked by a rattlesnake or numerous other wild critters equipped with fangs, claws, horns or hooves.

With the exception of the highly publicized wolf shooting by Tim Sundles of Carmen, Idaho, the only recent wolf attack on a human in Idaho that I am aware of took place on October 11, 1978 near Deadwood Reservoir about 40 miles from our former home above Banks. The large male wolf attacked elderly Nampa resident Gillman Shafer and his wife while they were deer hunting and Mr. Shafer shot it in its open mouth at point blank range, killing it.

The killing was not reported initially, but was determined to have been in self-defense by FWS Special Agent Bill Halstead when he investigated it later. It is possible that other attacks have occurred more recently and similarly gone unreported due to the difficulty in proving the wolf or wolves were actually attacking.

The most recent wolf-human confrontation reported in Idaho was the March 21, 2006 account of Salmon logger Rick Turner who was searching for antlers with his dog just downstream from North Fork on the Salmon River. When he tried to scare a wolf that was approaching from 50 yards away, the wolf approached within 30 feet before it turned and left.

Most confrontations never make it into the media but any show of familiarity (habituation) to humans should be treated with extreme caution and reported to IDFG. When I reported the potential for transmission of hydatid disease to humans by wolves back in January 2005, I felt it was only a matter of time before it appeared in Idaho.

Dr. Valerius Geist, the eminent authority on wild animal behavior, recently sent an email expressing several concerns about potential problems with expanding wolf populations. In response to my request for more information he graciously provided the “Information For Outdoorsmen” article that appears on pages 8-10. I urge every outdoor family to heed the warnings it presents.

# Information for Outdoorsmen in Areas Where Wolves Have Become Common

By Valerius Geist

(Dr. Valerius Geist, Professor Emeritus of Environmental Science, University of Alberta, is recognized worldwide as the authority on North America's big game species. His years of wilderness research have produced 16 books and countless scientific writings, which provide valuable information for maintaining healthy wild ungulate populations.

Six years ago he was the featured speaker at a wolf seminar in Boise where he warned Idaho wildlife managers of the problems they would encounter from allowing wolf populations to decimate Idaho game species. This article was written for those who live, work or recreate where wolves exist.-ED)

On November 8, 2005, 22-year-old University of Waterloo geological engineering student Kenton Joel Carnegie was killed by four wolves. The attack occurred at Points North Landing, Wollaston Lake area, in northern Saskatchewan.

This case is unique in that it was reported as the first direct human fatality from a wolf attack in North America in recent times. There have been people bitten by rabid wolves and killed, but such kills "do not count" as it is the rabies virus, not the wolf-bite, that killed.

Fresh snow allowed accurate track reading. Mr. Carnegie was by himself when he was approached by the wolves from behind. He fell three times before failing to rise.

There have been other attacks in Canada, both historical and recent. Mr. Fred Desjarlais was recently attacked and wounded by a wolf in Northern Saskatchewan.

There are also unreported recent attacks by wolves in Saskatchewan, one of which I was informed of in some detail. A local rancher was attacked by three wolves while he was deer hunting. He killed two.

We are aware that the four wolves in question had been observed and photographed by others, and that Mr. Carnegie was aware of this. Unfortunately, neither he nor those who discussed the matter with him, as reported in the Saskatoon Star Phoenix of Nov. 14, 2005, were aware that tame and inquisitive wolves are a signal of danger.

Consequently, the first requirement is that the general public, but especially outdoorsmen, be informed that when they see tame, inquisitive wolves, they get out of there quick, but without undue haste, while being prepared to defend themselves. Running away invites an attack.

Why are tame and inquisitive wolves a sign of danger?

When wolves are well fed, they are extremely shy and avoid humans. In my days in the northern wilderness I have seen wolves panic repeatedly when they crossed my track or got my scent.

We have other observations indicating that wolves are normally very cautious. However, when wolves run out of their preferred prey, they begin to explore alternative prey.

They do so very cautiously, and over an extended time period. This exploration for an alternative food is manifest in wolves becoming increasingly tame and inquisitive.

My neighbors, my wife and I have had experiences in recent years with one wolf pack, which ran out of prey and shifted its attention to farms and suburbs. I have been investigated three times in the open by wolves and the same wolves threatened my wife twice, once on our doorstep.

The same wolves attacked and killed neighbors' dogs, followed riders and "nibbled at" and killed livestock. They explored my neighbor's dairy cows by docking tails, slashing ears and cutting hocks.

Other Vancouver Island wolves went on to explore humans by licking, nipping and tearing clothing (in a camp site on Vargas Island near Tofino) weeks before attacking and severely wounding a camper, Scott Lavigne on July 2, 2000.

He was saved from the attack by fellow camper Jim Beatty (*Vancouver Sun* pp. A1-2, July 5, 2000). The bottom line is, when wolves appear tame, stare at you and follow you they are investigating you - and it's quite likely with lunch in mind.

A compounding factor is refuse around human habitations. Wolves drawn by hunger to human habitations due to declining natural prey, inevitably run into garbage and refuse.

Feeding on such can become a habit, which leads to the habituation of wolves to people. Such wolves may not be particularly hungry when they extend their exploration of alternative foods to humans.

Two wolves killed after the attack on the camper on Vargas Island were full of deer fawns. This suggests that habituated wolves may attack without being hungry.

The bottom line: tame and inquisitive wolves are dangerous no matter how they became tame and inquisitive.

The argument, that there is little danger from wolves because they have rarely attacked humans in North

America, is fallacious. There are very good reasons why wolves in North America, as opposed to Europe, have attacked people rarely.

In the past decades we have experienced a unique situation in North America. We had a recovery of wildlife.

Today few North Americans are aware that a century ago North America's wildlife was largely decimated and that it took a lot of effort to bring wildlife back. This restoration of wildlife, and thus this continent's biodiversity, is probably the greatest environmental success story of the 20<sup>th</sup> Century.

Such a recovery begins with an increase in herbivores. It is followed, after a lag-time, by an increase in predators.

While predators are scarce and herbivores are abundant, wolves are well fed. Consequently they are very large in body size, but also very shy of people.

We expect then to see no tame or inquisitive wolves. Wolves are seen rarely under such conditions, fostering the romantic image of wolves so prevalent in North America today.

However, when herbivore numbers decline while wolf numbers rise, we expect wolves to disperse and begin exploring for new prey. That's when tame, inquisitive wolves appear.

How do we know?

First, because wolves have been raised by scientists in captivity, we have developed a detailed understanding about how wolves explore novelty. This information is discussed by colleagues in my profession.

I am an ethologist, that is, a student of animal behavior. In my profession, becoming acquainted with how animals habituate is essential to surviving field work with tame animals unscathed.

Second, I have had personal experiences with a wolf pack that settled about our house on Vancouver Island for four years, ran out of prey, and gravitated to farms and suburbs. I recorded the experiences of my neighbors, my wife and myself, as these wolves were, for the first time to my knowledge, not acting like recent North American wolves.

Rather, they acted as if they were Russian wolves. I penned a letter on this to Erich Klinghammer of Wolf Park, Illinois, a veteran wolf biologist (the letter was also published by the *Virginia Wildlifer*, May 2003 issue, pp. 39-43).

Third, I am editing a book on Russian wolves written by linguist, Will Graves, who worked as translator in Moscow for the US armed forces. The Russian experience delineates with considerable precision when wolves become dangerous.

Fourth, the book by Heptner et al. on the *Mammals of the USSR* has now been translated into English by the Smithsonian Institute, and is consequently available in English. Read the section on wolves!

Ironically, the experience of the Russians is similar to that of American pioneers as recorded in some detail by Stanley P. Young (1946. *The Wolf in North American History*. Idaho: Caxton). That wolves can pose a lethal threat is, therefore, not a Red Riding Hood fairytale.

One cannot defend the current romantic notions about harmless, friendly, cuddly wolves! It is necessary that the public be informed that there exists a large amount of experience and information to the contrary.

And the public should know the signs of danger before heading into the wilds. Tame, inquisitive wolves are one such sign!

Unfortunately, that's not all one should be aware of when doing outdoor activities in areas with increasing wolf populations. Expanding wolf populations will, invariably, begin to overlap regions in which small predators carry rabies.

Consequently, it becomes likely that some wolves become infected with rabies. Such wolves are highly dangerous, not only because in their mental derangement they become exceedingly aggressive inflicting deep, multiple bite wounds, but also because the bite of a rabid wolf is lethal unless treated quickly.

Anyone bitten by a rabid wolf needs to get to a hospital very quickly for treatment. In the past lethal control of wolf populations was the response to rabid wolves in Canada.

However, that's after the fact! How to deal with this potential problem before the fact is the crux of the matter. Not going out alone, and carrying arms and a cell phone may be part of the answer.

And here is a third concern without a simple solution. As indicated earlier, as a landscape is re-colonized by wildlife, herbivores are followed with some lag by carnivores, which in turn are followed after a longer delay by the pathogens and parasites.

Some of these require both, herbivores and carnivores, to complete their life cycle. If we generate dense wolf populations it is inevitable that such lethal diseases as Hydatid disease become established

This disease is based on a tiny tapeworm (*Echinococcus granulosus*) which lives in the gut of canids - wolves, domestic dogs, coyotes - in great multitudes. It produces tiny eggs, which are passed out in large volume in the feces of infected canids.

Normally these tiny eggs spread out on forage consumed by deer, elk, moose etc. Once ingested the eggs develop into big cysts in the lung, liver or brain of the infected herbivore.

Each cyst contains huge numbers of tiny tapeworm heads. The disease kills the host outright or makes it susceptible to predation.

When it's lungs or liver are consumed by wolves, dogs or coyotes, cysts included, the tiny tapeworms are

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eggs, closing the cycle. Humans pick up the disease from the fur of infected wolves, dogs or coyotes they handle, or from the feces they disturb.

Wolf scat can be contaminated with millions upon millions of tiny tapeworm eggs. These eggs, like fine dust, can become readily airborne and land on hands and mouth.

The larvae move into major capillary beds – liver, lung, brain – where they develop into large cysts full of tiny tape worm heads. These cysts can kill infected persons unless they are diagnosed and removed surgically.



Photo of two hydatid cysts in moose lungs. Hunters can provide valuable evidence of hydatid disease in an area by inspecting lungs and other internal organs of big game animals harvested.

It consequently behooves us (a) to insure that this disease does not become widespread, and (b) that hunters and other outdoorsmen know that wolf scats and coyote scats should never be touched or kicked.



In areas where hydatid disease exists wolf trappers are warned to wear protective gloves and masks when skinning.

Therefore, do not touch or kick wolf feces – on principle! Avoid it and do not disturb. (c) In areas with *Echinococcus*, skinning of wolves and coyotes must be

done with great care using gloves and masks! (d) Never feed the offal from deer, elk and moose to domestic dogs!

If the gut of the domestic dog is filled with *Echinococcus* tapeworms, then the house and yard in which the dog lives will become infected with the deadly tape worm eggs. These can then develop into large cysts in humans using said habitation. Ranches are especially endangered.

There are still other diseases, which will spread with “completion of the ecosystem”. We face a potential public health problem from wolf reintroduction.

Cheers, Val Geist

## Wolves Major Carrier of Cattle Abortion Parasite

First recognized in 1988, *Neospora caninum* is a major cause of abortions, premature births and impaired calves in cattle. Ten years later the link between dogs or wild canines and cattle or wild ruminants (especially white-tailed deer) was established by research trials.

It was anticipated that coyotes and perhaps foxes might be the major carriers of the parasite, but recent research in Minnesota has proved that wolves, not coyotes, are the major host. Thirty-nine percent of free-ranging wolves in Northeast Minnesota tested positive for *Neospora caninum* antibody seroprevalence, while only 10.6% of coyotes from three states tested positive (see [www.aphis.usda.gov/ws/nwrc/is/04pubs/pitt041.pdf](http://www.aphis.usda.gov/ws/nwrc/is/04pubs/pitt041.pdf) ).

The disease is spread to cattle, horses, deer and moose when they ingest the tiny tapeworm eggs from wolf droppings, which contaminate grass or water in the area just as hydatid disease is spread. When the ruminant dies or is killed by wolves, the predator eats the cysts from the lungs, brain, etc. and the cycle starts all over.

The rate of antibodies found in coyotes, although much higher than in dogs, is much lower than in wolves. Researchers speculate this may be because the coyotes' diet is more diversified and they do not primarily rely on eating ruminants.

In blood samples taken during depredation control trapping by USDA-Wildlife Services in 2004, **72.7%** of adult wolves from 5 counties tested positive for *Neospora caninum*. Three Minnesota beef herds that had wolf predation in 2004, tested their herds, and documented *Neospora caninum* infections in 2005

Wolf expert David Mech provided input into these studies and there is a strong possibility that this disease is the cause of poor reproduction in northeast Minnesota moose. If so, it is unlikely that FWS wolf biologists will admit their wolves are spreading disease contrary to their unsupported claims in the July 1993 EIS.

# Senate Leaders Kill Right To Hunt, Fish, Trap

By George Dovel

Editor, The Outdoorsman:

Sportsmen on the lower end of the economic scale are being priced out of hunting and fishing - especially the larger families. The broader the hunting and fishing base that can be sustained in our population and the closer we can push the reason folks hunt toward subsistence hunting and fishing, the easier job we hunters and anglers will have in our struggle with the non-hunters and anti-hunters.

Average meat hunters will carry the rest of the hunting/fishing portions of our society further than all the schemes concocted by some such as trophy hunters feeding the poor at food banks with wild meat. The best argument I know of that will support ethical hunting and fishing is a deer, elk, or some fish in the family freezer legally harvested by a family that will consume those resources at their dinner table.

That aspect of hunting and fishing will carry the high-enders in our society a long way despite some of their demonstrated arrogance and poor manners.

**Ed Lindahl  
Sagle**

## Part I – History

During the 1998 legislative session, Senator Gary Schroeder introduced S1398 an amendment to the Fish and Game Code Section that would have preserved for all Idahoans the right to hunt fish and trap (so long as it was not amended later on). The bill text follows:

36-1512. LEGISLATIVE FINDINGS AND DECLARATION OF RIGHT TO HUNT, FISH AND TRAP. The legislature finds that: (1) Hunting, fishing and trapping activities have played a critical role in the development of the human species and are central to the heritage of this state; (2) These activities are practiced and enjoyed by a large part of the population; (3) The state's unique geography and wild lands provide a setting for these activities that is unparalleled in the United States; (4) These activities provide vital social and financial benefits to the state that cannot be reproduced in any other way; and (5) Protection of hunting, fishing and trapping opportunities is critical to the well-being of the state and its citizens.

Therefore, the legislature declares that the citizens of Idaho have a natural and inalienable right to hunt, fish, and take game in a safe, sustained-yield manner, subject only to reasonable restrictions related to harvest, licensure, seasons, limits, and methods, times, and locations of taking, as prescribed by law (emphasis added).

Except for anti-hunting activists, what Idahoans could possibly object to such a reasonable amendment? The answer is the Idaho Department of Fish and Game and

former Senate Resources Committee Chairman Laird Noh, who held the bill in Committee.

The International Association of Fish and Wildlife Agencies (IAFWA) in Washington, D.C., *along with its non-hunting and anti-hunting advisors*, has worked for 25 years to de-emphasize traditional consumptive harvest of the citizens' wildlife resource and substitute "providing wildlife-based recreation opportunity."

### "Meat Hunter" a Vulgar Label

Cleverly designed hunter surveys emphasize the "outdoor experience" rather than harvesting wild game and fish for the freezer. Subliminal messages imply that it is somehow "un-sportsmanlike" to not release the fish you catch or to hunt primarily to obtain meat for the table.

In other words, both IAFWA and the U.S. Fish and Wildlife Service (FWS) are determined to change the primary purpose of western state game and fish agencies from managing game and fish for harvest to becoming a "Department of Outdoor Recreation" patterned after their national Bureau of Outdoor Recreation.

IAFWA encouraged state game and fish agencies to include parks and recreation functions, change their name to fish and "wildlife", and change the Code definition of wildlife to include a multitude of non-harvested species. Increased emphasis on selling more hunting "opportunity" rather than managing to provide a sustained harvest drives more hunters and fishermen away than the combined efforts of PETA, HSUS, Friends of Animals and Defenders of Wildlife.

### The 2002 Right To Hunt Amendment

In 2002, two Idaho Legislators decided it was time for Idahoans' heritage of harvesting wild game by hunting, fishing and trapping to be protected as a Constitutional right. Because of my involvement with the NRA and the WLFA (Wildlife Legislative Fund of America), one of the legislators asked for their help in writing the resolution.

Working with the WLFA legal staff, we produced a proposed amendment that was brief and to the point and would do exactly what was intended. It read as follows:

Article I SECTION 23. RIGHT TO HUNT, TRAP, FISH AND TAKE WILD ANIMALS, WILD BIRDS AND WILD FISH. Hunting, trapping, and fishing and the taking of wild animals, wild birds and wild fish are a valued part of our heritage and will be forever preserved for the people of the state of Idaho within the boundaries of the state of Idaho. All wildlife shall be managed by laws and regulations which provide continued supplies for Idaho citizens to harvest by traditional methods of take.

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**Right To Hunt** *continued from page 11*

The underlined words and phrases provided Constitutional protection for what has been protected by law since 1938. The phrase, "...by traditional methods of take," would have prevented attempts to change traditional methods of take (such as hunting bear or lions with dogs) with a citizen initiative.

The legal staff of WLFA strongly endorsed the proposal but warned it would be opposed by IDFG. They were right.

**Rep. Linford and IDFG Kill HJR 2**

After it was printed as HJR 2, this excellent proposal was held in the House Resources Committee by former Charman Golden Linford. The sponsors of the proposal, Rep. Dick Harwood and Rep. Tom Trail, caved in to IDFG's insistence that it be re-written to satisfy F&G.

The re-written IDFG version by the House State Affairs Committee, titled HJR 4, changed the term "wild" (animals, birds and fish) to "game" (animals birds and fish) which excluded predators and other unprotected species. It also deleted all reference to providing continued supplies of game for Idaho citizens to harvest by traditional methods of take as follows:

RIGHT TO HUNT, TRAP AND FISH. Hunting, trapping, and fishing and the taking of game animals, game birds and game fish are a valued part of our heritage and therefore the right to hunt, trap and fish will be forever preserved for the people of the state of Idaho within the boundaries of the state of Idaho. All wildlife shall be managed by reasonable restrictions, laws and rules.

Although the proposal would still have declared a Constitutional right to hunt, trap and fish, HJR 4 would not have prevented another anti-bear initiative or other harvest restrictions. The 29 organized Idaho sportsmen groups that had supported HJR 2 threw up their hands in disgust and HJR 4 died in the House Resources Committee.

**"Legislature 101"**

For many years, IDFG has carefully cultivated the chairmen of both resource committees and other legislators as allies. A committee chairperson has the power to either kill a bill (by holding it without a hearing, pulling it back into committee once it has been sent to the floor, etc.) or expedite its passage.

Other legislators can effectively lobby one-on-one outside of the Committee to pass or defeat legislation regardless of the Committee recommendation when it was sent to the floor. They can also act as a "go-between" for IDFG by taking a list of "concerns" about a bill from IDFG attorney Dallas Burkhalter and submitting it to the Idaho Attorney General (AG) for analysis of each "concern".

That way IDFG can quietly defeat legislation it does not like without sportsmen even knowing about it. Traditional F&G support groups, including the Idaho Wildlife Federation, are given information that is not

available to the general public so they can effectively testify in opposition to certain legislation.

Add to this the traditional exchange of votes, party line or political philosophy voting, retaliatory voting that sometimes occurs, and the desire by other resource user groups and the Governor to participate, and you can understand why it is so difficult to get an effective constitutional amendment on the ballot.

With its network of support groups, including the urban media, and unlimited funding from sportsmen license buyers, IDFG is one of the most powerful lobbying groups in Idaho. It is unfortunate that most of its lobbying effort is designed to increase revenue or promote the IAFWA agenda rather than benefit the resource or the citizens who own it.

**2004 Right To Hunt**

HJR 11, the 2004 right to hunt amendment, proposed by Rep. Clete Edmunson, included wording provided by IDFG and by Idaho Water Users Executive Director Norm Semanko. The IDFG language said that wildlife will be managed to provide people with continued "opportunity" to hunt, fish and trap, but stopped short of saying that it would be managed to provide a sustained harvest.

Semanko was apparently not satisfied with simple language about the amendment not leading to a lessening of private property rights so he added extensive language that the right to hunt shall not be construed to affect use of irrigation water (see below).

Article I SECTION 23. RIGHT TO HUNT, FISH AND TRAP. All wildlife within the state of Idaho is the property of the state of Idaho and shall be preserved, protected, perpetuated and managed for the continued benefit of the people. The taking of wildlife, including all wild animals, birds and fish, by hunting, fishing and trapping is a valued part of our heritage and shall be preserved for the people. Wildlife shall be managed by laws, restrictions and rules that provide people with the continued opportunity to hunt, fish and trap. The right of people to hunt, fish and trap shall not be prohibited, but is subject to laws, regulations and rules that conserve fish and wildlife and provide people with the continued opportunity to hunt, fish and trap. The rights set forth herein do not create a right to trespass on private property or lead to a diminution of other private rights and shall not be construed to prohibit or in any way affect rights established to divert, appropriate and use water pursuant to article XV or the statutes and rules enacted pursuant thereto, or to establish any minimum amount of water in any stream, river, lake, reservoir or other watercourse or water body.

HJR 11 passed the House by 54-13 with 3 absent, substantially more than the two-thirds approval needed to put it on the ballot. However it was tabled in the Senate Committee by Chairman Laird Noh.

## Part 2 – 2006 Proposal

By January 2006, Rep. Edmunson had changed the 2004 right-to-hunt language to include the provision that wildlife shall be managed to provide continued supplies for harvest and asked F&G and the AG for their input. The IDFG Deputy Attorney General (DAG) convinced him to delete that provision with the claim that anti-hunters would use it to insist on managing game to feed and support increased numbers of predators!

I provided Rep. Edmunson with facts from other states to refute that illogical claim, along with two options used in other states. One, patterned after Alaska law, said that wildlife shall be managed to provide a reasonable opportunity for harvest by hunting, fishing and trapping.

### Huffaker Signed Off On Amendment

The other used the same language that has existed (unchallenged) in the Idaho Code for the past 68 years. The following exchange of Jan. 26, 2006 emails between Rep. Edmunson and IDFG Director Huffaker clearly show that IDFG and its DAG made changes to and “signed off on” (approved) the final wording in the proposed amendment:

8:20 A.M. Huffaker to Edmunson: I had Sharon send you the analysis and background done by the International Assn. of F&W Agencies\*\* and how we think it currently applies. Please understand we **do** support the idea of preserving rights to use wildlife consumptively – we just are sensitive to unintended consequences and don't want the State to incur legal challenges and expenses if we can avoid them. Everything that's done to strengthen the right increases the opportunity for the courts to monkey with things. I think an amendment will be popular even if it doesn't have the ultimate wording some think is necessary. Let me know if there's anything else we can do.

Steve Huffaker, Director

11:27 A.M. Edmunson to Huffaker: Many sportsmen I have talked with would like to see this amendment more in line with the current statute (36-103) and include "...provide for the citizens of Idaho continued supplies...." Since it is already in code I don't see how this would be a great concern to the department to include it on the amendment as well. So with the addition of your language, the amendment would read as follows:

All wildlife within the state of Idaho shall be preserved, protected, perpetuated and managed **to provide continued supplies for the citizens of Idaho to harvest by hunting, fishing or trapping...** One question, why "proclamations" instead of "rules"? Let me know what you think as soon as you can. I believe we can find something we can all agree on, but we need to expedite the process as quickly as possible.

Thanks,

Clete Edmunson

3:32 P.M. Huffaker to Edmunson: I'm fine with the repetition of code you added in red – it doesn't change a thing. I asked our deputy AG about this **for final sign off**

and about the proclamation language. He said we should dump all reference to regulations, as the federal government is the one that does regulations. The state only does laws, rules, and proclamations. So to be legally correct and not infer recognition of federal regulations like ESA, we should say "laws, rules, and proclamations of the state." I believe the end of that – "promulgated in the due course of business" is legal clap-trap and could be dropped, but if you need it in there that's ok too.

So in summary **I think the first paragraph should read:** All wildlife within the state of Idaho shall be preserved, protected, perpetuated and managed **to provide continued supplies for the citizens of Idaho to harvest by hunting, fishing or trapping** for the continued benefit of the people. The taking of wildlife, including all wild animals, birds and fish, by hunting, fishing and trapping is a valued part of our heritage and shall be a right preserved for the people. The exercise of this right by the people shall not be prohibited, but shall be subject to the laws, rules, and proclamations of the state.

Steve Huffaker, Director

### Laws Can Be Changed

\*\*The “Analysis and background done by IAFWA” mentioned in Huffaker's 8:20 A.M. email, was a response written in 1998 to discourage efforts by states to protect hunting, fishing and trapping as *Constitutional* rights. Although many states have laws similar to Idaho which protect the continued harvest of wild game and fish for human consumption, IAFWA is aware that these laws can be easily changed, while it is extremely difficult to change a Constitutional right.

### Sen. Little Seeks AG Analysis

Rep. Edmunson's right-to-hunt/fish/trap proposal was unanimously endorsed for printing by the Senate Resources and Environment Committee on January 30, 2006, and printed as SJR 105. Committee member Sen. Brad Little promptly provided a copy to the AG along with a list of questions which he asked the DAG to respond to. The AG response to Sen. Little, dated Feb. 1, 2006, was naturally protected as a confidential attorney-client communication and did not surface immediately. Although a reported 14 states had the Constitutional right to hunt, fish and trap the DAG did not base any of his comments on what has or has not happened in those states.

Instead he wrote, “The ramifications of this transformation (from a privilege to a right) are difficult to predict,” and he used the word “may” to speculate about the possible impact of charging non-residents more for the privilege of hunting. He made only one recommendation for improvement, a two-word addition to the language about minimum stream flow, which was promptly included by Rep. Edmunson and became SJR 106,

Careful reading of the AG Analysis reveals that it was not critical of the language used in SJR 105. Yet it was later provided to a select group of people as “proof” that giving sportsmen a right left “unanswered questions”.

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Right To Hunt *continued from page 13*

### **Commission Told Don't Support SJR 106**

Despite Huffaker's Jan. 26, endorsement of the language in SJR 105, in a Feb. 15, telephone conference he suggested the F&G Commissioners not endorse the proposed amendment. Two days later he faxed a copy of the Little AG opinion to the Commissioners with the comment that Sen. Little had given his permission to share it with the Commission.

In the next F&G Commission teleconference on Feb. 22, Director Huffaker told the Commission that most Senators had seen a copy of DAG Bill von Tagen's opinion on SJR 105 and said that virtually all of the testimony in the Senate Resource Committee hearing was either neutral or opposed. He said that the Idaho Conservation League, the Idaho Wildlife Federation and "2-3 other sportsmen's groups" testified that SJR 106 is not needed and things are good the way they are.

Then former IDFG Salmon Region Supervisor Commissioner Gary Power urged the Commission to oppose SJR 106 but Commissioner Wheeler expressed his opinion that the Commission should stay neutral. He said it would be "hard to explain to the average person who doesn't understand the technical aspects of the legislation."

The Feb. 20, Resource Committee testimony Huffaker referred to included IDFG Legislative Liaison Sharon Kiefer who provided a copy of the eight-year-old IAFWA list of "concerns" about right-to-hunt amendments in general. She failed to mention that none of these concerns had proved valid but said that legal review of the amendment should be required.

Next came the traditional "we support F&G" testimony from ICL and IWF and that was followed by testimony from two animal rights extremists. Although several sportsmen groups sent emails urging passage of SJR 106, SFW-Idaho was the only group to offer testimony in support of the resolution in person.

### **Little, Langhorst Absent During Vote**

The hearing for SJR 106 began on Monday and ended on Friday, Feb. 24, with none of the nine Committee members "absent/excused". But despite the fact that Committee member Sen. David Langhorst was one of six Senate co-sponsors of the resolution, both he and Sen. Little were not present when the vote was taken.

The proposal was given a unanimous "do pass" recommendation by the remaining seven Committee members and sent to the Senate floor. Meanwhile Sen. Little reportedly continued to provide the confidential AG memo to selected Senators, convincing several in leadership positions not to vote for SJR 106.

### **Late Pressure to Amend SJR 106**

On the morning of Feb. 20, before the Resource Committee hearing began, Rep. Edmunson advised that he was being urged to amend SJR 106 to the simple wording that was in Montana's so-called right to hunt amendment.

He expressed concern that it would be better to pull SJR 106 than to strip it of the protection it afforded.

At that time many Idaho sportsmen and a number of Legislators were expressing strong support for the resolution so Rep. Edmunson opted not to change it or pull it. His decision was applauded by several of the Senate co-sponsors who felt it would pass by the two-thirds majority necessary to get it on the November 2006 ballot.

### **Effort to Amend Outside of Committee**

Although it is assumed that Sen. Langhorst approved the wording in SJR 106 when he agreed to co-sponsor it, he apparently changed his mind before it was voted on in Committee and began working outside the Committee to amend it to copy the Montana amendment. There is no entry in the Senate Resource Committee minutes indicating that either Sen. Little's concerns resulting from the AG opinion or Sen. Langhorst's proposal to change the wording were mentioned during the three days SJR 106 was discussed in Committee.

### **Huffaker Email Denies Endorsing SJR 106**

A rumored unsuccessful effort to get Chairman Schroeder to pull SJR 106 back into the Committee after it was sent to the floor also (understandably) does not appear in the official minutes. On Feb. 28, the day before the floor debate and vote on SJR 106, Director Huffaker sent the following email to Sen. Little with copies to Sharon Kiefer, DAG Clive Strong, and the F&G Commissioners:

Senator,

The only legal challenge of which I am aware involving the right to hunt has been in Wisconsin. There the state was sued over opening their first ever dove season. The suit was not brought directly as a challenge to right to hunt, but it had just passed and got drug in. Wisconsin spent a ton on the case, which eventually they won in the State Supreme court. Sharon will provide you an information packet.

Sharon just relayed your conversation with her and I wanted to follow up on one thing - non-resident quotas and prices. Over the last few years a number of states have been sued in federal court. The suits alleged illegal discrimination under the Commerce Clause of the US Constitution. They claimed that quotas on non-resident tags and other forms of discrimination such as differential seasons or prices for licenses and tags interfered with interstate commerce. The suits were brought by U.S. Outfitters et al - groups that broker and conduct high end big game hunts in multiple states. The suits involved Arizona, Nevada, Minnesota, and North Dakota and threats of litigation to others including Idaho. New Mexico is still operating under a court ordered settlement of a differential treatment case. The suits were resolved through Congressional action. Senator Reid, with help from our delegation and several other western states, inserted Congressional intent language into other legislation that clarified Congress's intent not to apply the Commerce clause provisions to the State's management of Fish and Wildlife.

My concern with states adopting the right to hunt as a constitutional issue is this: Does this change the basic legal underpinnings of case law and precedent with regard to how we deal with non-resident hunting and fishing? Non-resident big game hunters are currently limited to only 10% of the tags in any given hunt, and we charge them 10 to 15 times as much for a tag. Non-resident hunting provides over half of the Department's license revenue. If this measure opens the door for further legal action by US Outfitters, especially if we were subjected to federal courts, it would be bad news for Idaho hunters.

Like all the issues of concern, this is a legal issue and beyond the Department's expertise. We and the Commission want the people to be able to continue to hunt fish and trap as much as anyone. If the best legal minds we have can give us comfort that we are doing more good than harm, we'll be enthusiastically supportive. Until then we should be cautious.

I also want to take this opportunity to clarify (the) comment in the Sportsmen's Caucus that I am "on board and fully supportive" of this measure. I provided a list of our concerns to the author and suggested changes in language, which were incorporated. We appreciated that consideration. If the Idaho Legislature and the people choose to amend the Constitution on the subject of a right to hunt, I believe this is as good as we can do on language. That does not mean I am a strong proponent of the bill. The Commission, which sets my policy direction, has looked at the legal concerns I and other states have, and has elected not to take a position on this legislation.

Steve Huffaker, Director

### **Huffaker Email Provides Erroneous Info**

Although Huffaker's email to Sen. Little seems innocent enough, it contains just enough misinformation to imply that constitutional right-to-hunt amendments do more harm than good. The facts prove just the opposite.

First, it implies that right-to-hunt cost Wisconsin a "ton (of money)" which is simply not true. The lawsuit to halt a new 2000 Wisconsin dove season was filed by Wisconsin bird watchers in 2000 and resulted in a lower court claiming that the Wisconsin Department of Natural Resources (DNR) did not have the authority to create a dove season where none had existed.

That was three years before the right to hunt amendment was passed. The extended legal battle (which was partly funded by USSA's Sportsmen's Legal Defense Fund and Wisconsin sportsmen groups) was stated as the major reason for passing the amendment in a special election rather than wait 1.5 years for the general election.

The lower court ruling was overturned by an appellate court and the bird watchers appealed that decision to the Wisconsin Supreme Court where it was upheld. In the right to hunt amendment ("The people have the right to fish, hunt, trap, and take game subject only to reasonable restrictions as prescribed by law") the "take game" was defined by the court as the right to hunt and kill game.

### **Huffaker and DAG Opinions Omit Facts**

Both Huffaker and the DAG who wrote the "Little analysis" failed to mention that the constitutional right to hunt has existed in one state since 1777 and that right was first challenged in 1872. There have been only a handful of challenges since then and **in no published appellate decision has a statute or regulation been invalidated because it conflicted with one of the constitutional provisions** (see Minnesota 1998 research at: <http://www.house.leg.state.mn.us/hrd/pubs/cahunt.pdf> for reference citations).

On Feb. 28, I sent all 35 Senators the information and reference cites of the only other litigation involving right-to-hunt amendments. That concerned a wealthy hunt club's claim that Virginia's constitutional "Right-to-hunt, fish and harvest game," implemented on January 1, 2001, prohibited a county planning and zoning board from refusing to approve an application for its facility to shoot sporting clays.

In 2005 the Virginia court ruled that the established right to hunt was protected, and even the right to warm-up on sporting clays before hunting was protected as an accessory use. But it ruled in favor of the county P&Z action because shooting skeet or trap does not involve hunting, killing and harvesting game.

Use of the word "wild" in Idaho's 2002 right to hunt proposal was intended to provide constitutional protection for Idahoans' heritage of harvesting *wild* animals birds and fish rather than make the recent practice of shooting or catching tame animals, birds and fish a "substitute" constitutional right.

Both Huffaker and the DAG expressed concern that giving Idaho citizens the constitutional right to hunt, fish and trap might force Idaho to give that same "right" to non-residents (non-citizens) under the Commerce Clause in the U.S. Constitution. The implication that Idaho might not be able to limit the number of nonresident hunters and fishermen or charge them a higher fee, ignores federal legislation signed into law by President Bush on May 11, 2005 which specifically declares the infamous Commerce Clause is not applicable.

Huffaker even mentioned that the new legislation enabled the "illegal discrimination" lawsuits by U.S. Outfitters to be thrown out of court. The DAG opinion bases its concern on "if the right-to-hunt is declared a *fundamental* right" but that raises another question. How could it possibly be classified as a "fundamental" right when SJR 106 specifically states it is subject to regulation by state laws, rules and proclamations?

Huffaker's claim that his early endorsement of SJR 106 does not mean that he is a "strong" proponent of the "bill" begs further explanation. Also, no vote was taken by the Commissioners to remain neutral – in fact one suggested waiting to see if SJR 106 got out of Committee.

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Right To Hunt *continued from page 15*

## Part 3 – Senate Votes

On the morning of March 1, a few minutes before the discussion began, the resolution's floor sponsor, Sen. Skip Brandt was handed a new AG opinion *dated that same day*. It alleged that SJR 106 could cause Idaho to lose its ability to collect delinquent child support payments "if hunting, fishing and trapping are declared to be fundamental rights."

Then it said that even if SJR does not create fundamental rights, **if** it is interpreted to apply to targeted revocations (as opposed to outright hunting bans) than the Legislature could not authorize revocation of hunting and fishing rights to secure payment of child support. Then it said **if** that were true, this **could** jeopardize federal funding of \$15 million per year for Idaho's Child Support Program plus \$35 million per year for Temporary Assistance for Needy Families Program.

Sen. Brandt reports, at that time Senate leadership told him to either pull the bill or it would be soundly defeated on the floor. Senator Brandt also says he asked them to delay the important vote for one day to enable him to check out the validity of the DAG claims and they refused.

### Sen. Brandt Chose to Represent Constituents

Because Sen. Brandt is also a candidate for the First Congressional District seat being vacated by Congressman Butch Otter, he knew that sponsoring a bill that would be soundly defeated would damage his reputation as a consensus builder. However he chose to represent informed constituents who had voiced strong support for SJR 106 rather than play practical politics and simply withdraw the bill.

Sen. Brandt testified that, as former Chairman of the Senate Health and Welfare Committee, he did not believe the DAG concerns were valid. He urged the Senators not to be misled by the last minute effort to kill the bill based on "if" "could" and "may" speculation rather than facts.

### Sen. Langhorst Wanted Language Changed

Idaho Water Users Director Norm Semanko sent an email to the Senators asking them not to support SJR 106 if the irrigation language was removed. In comments on the Senate floor opposing the wording in the resolution, Sen. Langhorst said he had come prepared to amend it like Montana's resolution but could not do so without unanimous Senate approval.

He read the Montana language and implied it would accomplish the same purpose as SJR 106 without the potential for unintended consequences. He failed to mention that Montana still does not include hunting, fishing or trapping as Constitutional rights in Article III.

Senate Majority Caucus Chair Brad Little read excerpts from the last-minute DAG surprise he had arranged, and suggested that the loss of \$50 million did not justify rushing through an amendment that could be reworded during the next session. Senate Majority Leader Bart Davis expressed opposition to SJR 106 with similar comments as did Assistant Majority Leader Joe Stegner and Assistant Minority Leader Mike Burkett.

Sen. Gerry Sweet described his experience in retail sporting goods sales and said there was a critical need for this Constitutional amendment. Other Senators offered similar testimony in support.

Senate Resource Committee Chairman Schroeder denounced the efforts to kill the resolution with a bunch of "what-ifs" and maybes" and said, "If the Legislature were asked to pass the Bill of Rights, lawmakers would bog down the discussions with 'what ifs'. We'd go down the list and we'd talk ourselves out of those rights, and that's pretty much what we're doing right now."

After more than a hour's debate, the roll call vote was taken. For readers who are not familiar with the procedure, the Secretary calls the roll once and Senators vote. The roll is called a second time and Senators are given a second opportunity to vote, or change their vote, after seeing whether or not the measure is passing or failing.

Sen. Langhorst voted for SJR 106 on the second go-around and was asked by Senator Dean Cameron why he had argued against the amendment - yet voted for it on the second call. Sen. Langhorst responded that he had not argued against it, but only sought to change it.

Sen. Burtenshaw left the floor before the vote and did not pair his vote. He called and explained that he had waited to vote for SJR 106, but ran out of time and had to take his wife to a doctor's appointment.

The final vote was 18 supporting the amendment and 16 opposing it – five votes short of the two-thirds needed for passage with one Senator absent. Two days later Sen. Brandt received written proof that six states have both the Constitutional Right to Hunt and laws that allow withholding sportsmen licenses to collect child support. So much for the AG opinion that "scared" the Idaho Senate!

In the interest of fairness, I sent emails to the 16 Senators who voted against SJR 106, and offered to print their reasons without change except for shortening. Emails from those who responded are printed below:

**Mike Burkett R-Boise** - No response

**Charles Coiner R-Twin Falls** - I support hunting. I support fishing. I do not support copying statute in constitutional amendments.

**Richard Compton R-Coeur d'Alene** - I voted no because the AG said the bill would not pass a legal test. It set up hunting as a RIGHT as opposed to a privilege. I have hunted all my life and totally respect our hunting privileges

(but) Constitution amendments should not be passed knowing they are in legal trouble. If the wording of the bill was revised I would have voted for it. We need to separate legal reality from emotional needs.

**Tim Corder R-Mountain Home** - I was concerned that the "hammer" of licenses would no longer force individuals to pay-up and the amendment might result in the loss of significant federal funds. What really turned my vote was one of the co-sponsors (Sen. David Langhorst) reading the Montana amendment that seemed to eliminate the danger while accomplishing the goals.

**Bart Davis R-Idaho Falls** - No response.

**Tom Gannon R-Buhl** - No response.

**Robert Geddes R-Soda Springs** - No response.

**John Goedde R-Coeur d'Alene** -No response.

**Brent Hill R-Rexburg** - I am certainly in agreement with the stated intent of SJR 106. However the memo from the AG suggests the wording needs to be altered in order to accomplish the purpose the resolution advocates.

**Michael Jorgenson R-Hayden Lake** - No response.

**Kate Kelly D-Boise** - I voted "no" on SJR 106 because amending the constitution is a very serious action that is difficult to reverse and I felt there was a high risk of unintended consequences from the language proposed.

**Brad Little R-Emmett** - We need to study the 14 states that did pass this legislation in order to see what the repercussions are, and work on the language in next year's legislation.

**Patti Anne Lodge R-Huston** - At the present time the privilege for law abiding citizens is not endangered. As one who enjoys hunting (birds) and fishing I look forward to the work you will be doing to resolve these concerns so the resolution can receive an aye vote next year.

**John McGee R-Caldwell** - As a hunter myself, I believe the rights to fish and hunt are very important to citizens of our state. However the Senate had many concerns about this particular piece of legislation, including an issue concerning the collection of child support. I believe these rights are extremely important, but the possibility for unintended consequences convinced me to vote against the legislation.

Because there is no threat to the right to hunt and fish presently, and because Idaho Code already directs that wildlife be managed in a manner which provides for continued supplies for harvest, there was no need to rush into the resolution and risk the unintended consequences at this time. Should a similar piece of legislation come before the Senate with improved language next year, I have offered to work with the sponsor of the bill on an improved version of it.

**Joe Stegner R-Lewiston** - No response.

**Elliot Werk D-Boise** -No response.

I also sent an email to Sen. Langhorst explaining that several Senators had told me they had voted against

SJR 106 because his reading of, and explanation about, the Montana amendment convinced them it was a better solution. I explained that he had the opportunity to work within the Resource Committee to amend the resolution rather than debate against it on the Senate floor and asked him why he chose to work outside of the Committee.

I invited him to state his position to those who read *The Outdoorsman* and I offered to print it, without editing, so here it is:

I am happy to explain my role regarding the floor debate and vote on SJR106. Regarding other Senators' votes, I can only tell you what I saw and heard. One thing I can say for all the Senators I talked to (nearly everyone) is that everyone supports the right to hunt. It would be grossly naive and unjust to accuse anyone of NOT supporting the right to hunt based on this vote. This vote was far more complicated than the casual observer might assume.

As you stated, I had the opportunity to send the resolution to the amending order. That was exactly what I worked to do leading up to the vote. After I learned about the mounting concerns among various Senators, and after learning about the new input from the Attorney General's office which created my own concerns, I worked with Sen. Edmunson on several possible amendments to make the wording of the proposed amendment shorter, less complicated and acceptable to more Senators. I chose amendments based on Montana's right-to-hunt, and as I vetted this amendment around I believe I was gaining ground to get the Resolution passed. I had the amendment printed and ready, but in order to get an amendment through the Senate by the 55th day as required, I would have needed unanimous support to suspend rules and go into the 14th Order that day.

I mentioned all of this when I spoke on the Senate floor. In your description of my debate, you left a very important point out: my discussion of the email being sent to various Senators by Norm Semanko of the Idaho Water Users Association titled "Oppose the Langhorst Amendment."

Upon learning of this email, and gauging the amount of support that the Water Users have here, I knew it would be useless to try to get unanimous consent for an amendment process. Just one vote would have stopped that effort. So the Water Users got their way; SJR106 went up for a vote as written and you know the result.

Your statement that I debated against SJR106 is false. Because so many Senators anticipated my amendment, I described during debate my efforts to get more support for SJR106 by simplifying it and why, with the waters poisoned by IWUA, I was not making the motion to amend. But that is not at odds with my vote for the amendment. I voted for it in 2003 (HJR 11) and I voted for it this year. Having said that, I would remind your thoughtful readers to consider the Attorney General's opinion, the seriousness of amending Idaho's Constitution, the insistence by the IWUA to add language regarding Minimum Stream Flows, and the fact that there was a

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better solution with simpler language that I believe could have passed. As one who voted for SJR106, I would point out that any effort to impugn those who voted against this resolution as opposed to hunters' rights is simply wrong. It also undermines Rep. Edmunson's current and future efforts, which I assume you would rather assist?

Thanks for the opportunity to address your readers!

### Montana so-called "Right To Hunt"

If you have read this far (and I suspect many readers have not) you should read the truth about the Montana amendment. Gary Marbut, President of the Montana Shooting Sports Association, confided that they tried unsuccessfully to get a right to hunt amendment passed for 13 years but MT FWP has refused to agree to preserve hunting and fishing as a **right**.

FWP agreed to preserve only the **opportunity** to harvest wild fish and wild game animals but insisted on eliminating a phrase that would have protected that from being diminished. The language does not even say *reasonable* opportunity to harvest fish and game animals, and critics claim that it is a "feel good but protect nothing" amendment that invites legal challenges.

The "Preservation of Harvest Heritage" is tucked away under Article IX Environment and Natural Resources along with the Coal Tax and Noxious Weed Trust Funds.

**Article IX Section 7. Preservation of harvest heritage.** The opportunity to harvest wild fish and wild game animals is a heritage that shall forever be preserved to the individual citizens of the state and does not create a right to trespass on private property or diminution of other private rights.

The following email from Senate Minority Leader Clint Stennett is representative of the comments we received from Senators who voted to support SJR 106:

The support and opposition for this resolution came down to how you perceived the activities of hunting and fishing. Those who perceived them as inherent rights were in support of it, but those who perceived them as privileges did not believe they warranted the constitutional protection. I can see both sides of the debate.

I voted in favor of the bill because I believe hunting and fishing are basic human rights. Here in the West, these are the activities that sustained Native Americans, and the pioneers in our history.

While we have regulated these activities over time, access to them provides the essential means to live off the land and provide for oneself and one's family. The times have certainly diminished the necessity and reliance upon these activities, but that shouldn't erode our basic right to provide for ourselves and live off the land if we needed to. I believe it is crucial that we protect access to this cultural heritage.

Again, I think it comes down to whether or not you believe these activities are rights or privileges. Obviously, as reflected in the vote of the Senate, people are split on this debate. It may be just a matter of language at this point, and I have urged the sponsors to come back with better language and a revised resolution next year.

Hunting and fishing are treasured opportunities that are an integral part of our history and heritage and they deserve constitutional protection.

Clint Stennett, D-Ketchum

### Other State F&G Opinions

The Louisiana "Freedom to hunt, fish, and trap" amendment was approved at the same time as Montana's "Opportunity to harvest" amendment, by the same 81% vote majority. Unlike Montana, but like Idaho's SJR 106, it requires management for a sustained harvest and preserves hunting, fishing and trapping as rights under Article I "Declaration of Rights."

Like both Idaho and Montana, its sponsors say it took several years to get it through the legislature because of opposition from the state Wildlife and Fisheries Dept. and the IAFWA. But, unlike Idaho and Montana, the state Wildlife Federation and the Legislative Sportsmen's Caucus unanimously endorsed the amendment and pushed it through the Legislature.

In 1777, the state of Vermont established the right to hunt in its new Constitution in an attempt to thwart the British tradition of "the king's deer," which only the wealthy were allowed to hunt. Despite all the "what-ifs" expressed by lawyers, this right has stood the test of time with only one (unsuccessful) challenge in over 200 years.

According to a recent statement by Robert Rooks, chief warden at the Vermont Fish and Wildlife Department, Vermont's strong constitutional provision has successfully thwarted all efforts to limit hunting. "When anti-hunters find out that it's contrary to the Constitution of Vermont, that's that, they're done."

In Alabama, hunters, fishermen and trappers have enjoyed constitutional protection for 10 years and F&G officials brag on the amendment because it stopped attacks by PETA and HSUS. Why can't IDFG see the light?

After my working with WLFA in 2002, its legal staff spent several months drafting a right-to-hunt/fish/trap constitutional amendment under their new name, USSA. Instead of trying to re-invent the wheel why not use theirs?

Hunting, trapping, and fishing and the taking of wild animals, birds and fish are a valued part of our heritage and will be forever preserved for the people. Fish and wildlife shall be managed by laws and regulations that provide the citizens of Idaho with the continued opportunity to take, by traditional means and methods, species traditionally pursued by hunters, anglers and trappers. Fish and wildlife management, including taking, shall be consistent with the State's duty to protect this heritage and its duty to conserve wild animals, birds, and fish.

# IDFG, Legislative and Wolf Update

## SE Mule Deer Survey Questioned

During early February 2006, recently retired IDFG Upper Snake Region Supervisor Bob Saban received a copy of an IDFG survey designed for deer hunters in the Southeast Region. He checked with several members of the Southeast Idaho Mule Deer Foundation and found they had not received the survey, which was required to be returned by Feb. 17

Further checking revealed that the survey was sent to several organizations composed of some non-hunters, and to other groups that do not necessarily hunt deer. Mr. Saban, formerly in charge of Law Enforcement in the Southeast Region, sent the following email, expressing his concerns, to his mailing list of deer hunters in that region.

It is published here with his permission

I don't know how many of you received the attached survey, but I was one that did. I found it quite ironic this "local" survey came out for comment at this time, just prior to the recommendations being formulated for the 2006 season. I can attest to the fact that the IDFG has been charged with getting a statewide mule deer hunting survey done for the last several years, which to date, still hasn't been done.

So, we get a SE Idaho survey that, in my opinion, can't pass the test of being either a random survey or statistically valid. It also boggles my mind why comments from "non-hunters" are also being requested for inclusion into this survey on mule deer "hunting".

This is an extremely important issue and deserves more than a "half-baked" approach to mule deer management. We need a comprehensive survey that can pass the tests of being both statistically sound as well as random in nature.

As we all know, this is a much larger issue than it appears. A number of issues need to be considered such as deer populations and dynamics, habitat, effects of predators, hunter recruitment (youth hunters new to hunting), off road vehicle management and hunter displacement just to name a few.

It is critical that we find the long-term solutions to managing mule deer in SE Idaho and not just put a "band-aid" on the problem and hope that it goes away. We can't afford to sit back and hope the weather changes and fixes the problem - which is a statement that I've heard some of the managers and administrators in our state actually say!

I am a mule deer hunter in SE Idaho and have been for the last 29 years. Also as most of you know I worked for the IDFG in the Southeast and the Upper Snake Regions for all of these 29 years and have just recently retired so I understand the IDFG "process" very well.

I am honestly concerned about mule deer and the "process" of how they have been managed in the past and will be managed in the future. For these reasons, I can not

support this last minute "half baked" attempt at a mule deer hunting survey!!!

The IDFG needs to do what they have been saying they will do which is a statewide mule deer hunter survey that is done RIGHT. It should have been done before now but absolutely needs to be done before mule deer management can progress and go forward in Idaho.

My vote is to keep the status quo for the 2006 season (there won't be significant impacts of the mule deer in SE Idaho this upcoming season) so we don't make a major mistake with management direction. Then insist on having the Idaho mule deer hunter survey completed before the next hunting season (2007) so that we can have all of the "tools" that we need and are available to manage mule deer in south and eastern Idaho.

I believe that any action other than that is irresponsible. But in the words of comedian Dennis Miller, "That's only my opinion, I could be wrong".  
Bob Saban

The result of seeking input from individuals and groups who are not Southeast Region deer hunters was reported by hunters who discussed the survey results in the IDFG mule deer meeting. According to them, SE Region Supervisor Mark Gamblin said the survey results gave him "clear marching orders" to switch from general seasons, open to everyone, to limited controlled hunts.

## F&G Says Seniors Subsidized

The hearing on Senate Bill 1283, the bill sponsored by Sen. Gray Schroeder which would reduce the cost of Senior Combination Hunting and Fishing Licenses from \$11.75 to \$5.00, was held on Feb. 15, 2000 in the Senate Resources and Environment Committee. Charlie Chapin, Legislative Chairman for the Disabled American Veterans, testified that there were free license for Seniors until IDFG came to the Committee in 1999 and asked seniors to agree to being charged \$3.00 for their license which would give IDFG \$7.00 additional from the federal excise tax,

He said DAV agreed to this which cost all seniors \$4.50 for a license but last year they raised that cost to \$11.75. DAV supports S1283, which would reduce the cost to \$5.00.

IDFG Liaison Sharon Keiffer testified that the F&G Commission was opposed to any senior fee decrease. She said the average number of senior licenses sold in the last three years was 34,171, which, at the new fee of \$10.00 (not counting the \$1.75 vendor fee), would raise \$341,700 for the Department.

She said that rolling that fee back to \$3.25 (+ \$1.75 vendor fee) would cost the Department \$230,600 which they could not afford. "We find that Seniors tend to use

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put-and-take trout and pheasants stocked on Wildlife Management Areas at a much higher rate than the unsubsidized license buyers and it costs just as much or more to provide the facilities and services they expect.”

“Increasing the subsidy will mean that other license buyers will need to support the seniors by that much larger a margin to maintain services,” she continued. The fact that all hunters subsidize bird hunters, and deer and elk hunters subsidize other hunters and bird watchers was not discussed.

Sen. Schroeder introduced a proposal to round off other license fees to even dollar amounts, which, IDFG said, would offset all but \$57,000 of the claimed loss. The “RS” was approved for printing and is being held in Committee as S1420.

On March 15, S1283 passed the Senate by 26-8-1 with Burkett, Burtenshaw, Geddes, Little Lodge, McKenzie, Pearce and Stegner opposed and Davis absent. The floor sponsors were Schroeder and Brandt and the bill was sent to the House floor with no other action reported.

HCR38, expressing support for development of the Idaho Birding Trail, passed both houses and was sent to the Secretary of State. As the end of the session draws closer expect the usual activity to rush bills through, which we’ll report on in the next Outdoorsman - along with more timely articles by Dr. Geist, Jim Beers and others.

We sincerely appreciate the donations sent in by readers who support our publishing facts that aren’t found elsewhere –especially since printing and mailing costs have increased. We accept a donation in any amount you feel you can afford. Donations of \$20 or more will pay the cost of receiving The Outdoorsman for one year plus allow us to continue to provide copies to Idaho elected officials, and continue to increase circulation. Please use the coupon below and/or a separate sheet of paper.

### Wolf Removal Petition Being Circulated

The Idaho Anti-Wolf Coalition, Inc. recently announced it is circulating a citizen initiative petition which basically re-asserts the Idaho Legislature’s position statement on wolves as stated in HJM 5 in 2001. The following information was faxed to us:

WHAT IT DOES: The provisions of the Initiative provide for the following:

- An Initiative establishing as Idaho policy that wolves be removed from the State of Idaho by whatever means necessary to the extent allowed by law;
- Mandating all State agencies to discontinue all wolf recovery efforts in Idaho;
- Listing wolves as an unprotected predator;
- Excepting wolves from the species conservation provisions;
- Removing wolves from the jurisdiction of the governor’s Office of Species Conservation; and
- Rescinding approval of the Idaho Wolf Conservation and Management Plan

The group will need 47,881 qualified signatures by April 30, in order to get it on the ballot. Obtaining 50,000 signatures in one month will require an extreme effort. We were provided the following telephone number as a contact:

(208) 756-4276

Mail to: **The Outdoorsman**  
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**Horseshoe Bend, ID 83629**

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