

PRIVATE, STATE & FEDERAL ROLES MANAGING FISH & WILDLIFE

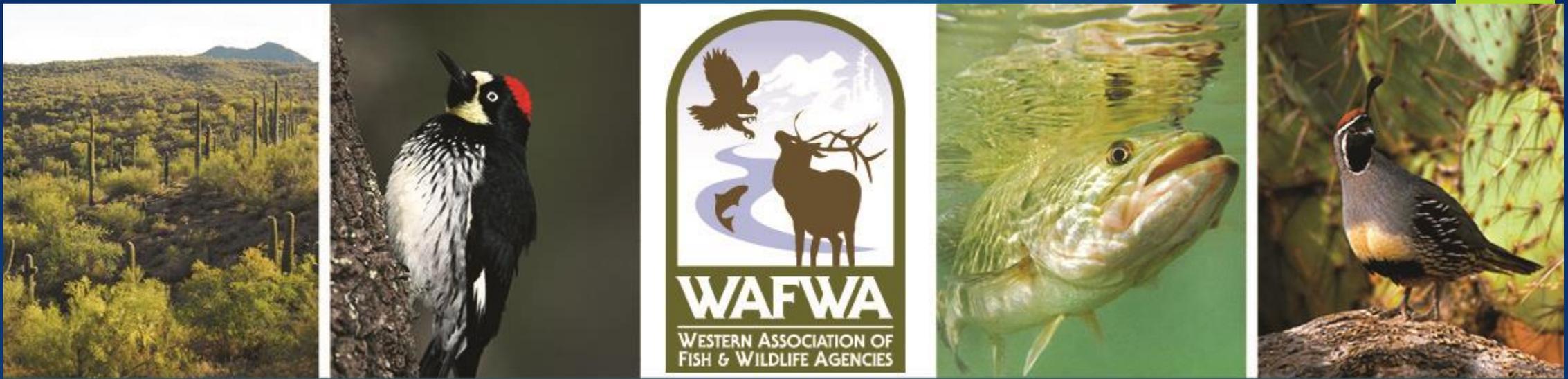
VIRGIL MOORE



DIRECTOR, IDAHO FISH AND GAME

PAST PRESIDENT, ASSOCIATION OF FISH AND WILDLIFE AGENCIES

WESTERN ASSOCIATION OF FISH AND WILDLIFE AGENCIES- EXCOM



Western Association of Fish and Wildlife Agencies -

Advancing conservation through information exchange and working partnerships

Western Native Trout Initiative

Sagebrush Initiative – sagegrouse

Grasslands Initiative – Lesser Prairie Chicken



ASSOCIATION *of* FISH & WILDLIFE AGENCIES

To support and advocate for State,
Provincial, and Territorial responsibility for
science-based fish and wildlife
conservation.



Idaho Department of Fish and Game formed in 1899.

1938 Idaho first approved initiative creates the Idaho Fish and Game Commission and establish trust and mission in state code as policy.

NON-PARTISAN FISH AND GAME PETITIONS



The above picture shows the first initiative petition filed in the Secretary of State's office, which placed before the voters of Idaho the question of whether we should have a non-partisan fish and game commission. This stack on the counter shows about 130,000 petitions. The final vote in the general election of November 8 was 118,448 "Yes" and 37,442 "No." The persons in the above picture, from left to right, are: Homer Martin, Dan McGrath, Ira H. Masters, Secretary of State, and R. G. Cole, President of the Idaho Wild Life Federation. These three gentlemen facing the Secretary took a very active part in bringing about the success of this initiative measure.

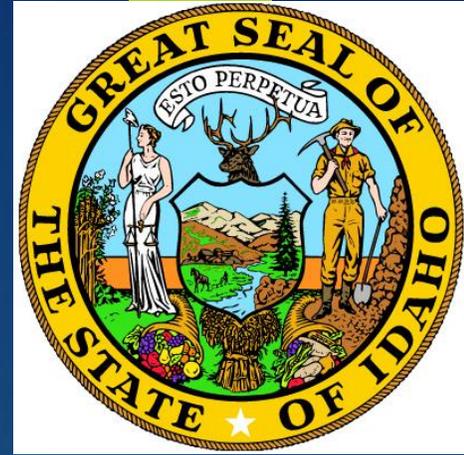


2012

73% of Idahoans voted to amend their constitution to add:

“...the rights to hunt, fish, and trap...shall forever be preserved.”

“...that public hunting, fishing and trapping of wildlife shall be the preferred means of managing wildlife”. (Article 1. Section 23)



CONSTITUTION OF THE STATE OF IDAHO

ARTICLE I DECLARATION OF RIGHTS



- ▶ **SECTION 23.** THE RIGHTS TO HUNT, FISH AND TRAP. The rights to hunt, fish and trap, including by the use of traditional methods, are a valued part of the heritage of the State of Idaho and shall forever be preserved for the people and managed through the laws, rules and proclamations that preserve the future of hunting, fishing and trapping. Public hunting, fishing and trapping of wildlife shall be a preferred means of managing wildlife. **The rights set forth herein do not create a right to trespass on private property, shall not affect rights to divert, appropriate and use water, or establish any minimum amount of water in any water body, shall not lead to a diminution of other private rights,** and shall not prevent the suspension or revocation, pursuant to statute enacted by the Legislature, of an individual's hunting, fishing or trapping license.



Idaho fish with ESA actions:

Yellowstone cutthroat

westslope cutthroat

Bonneville cutthroat

bull trout

redband trout

steelhead trout

Chinook salmon

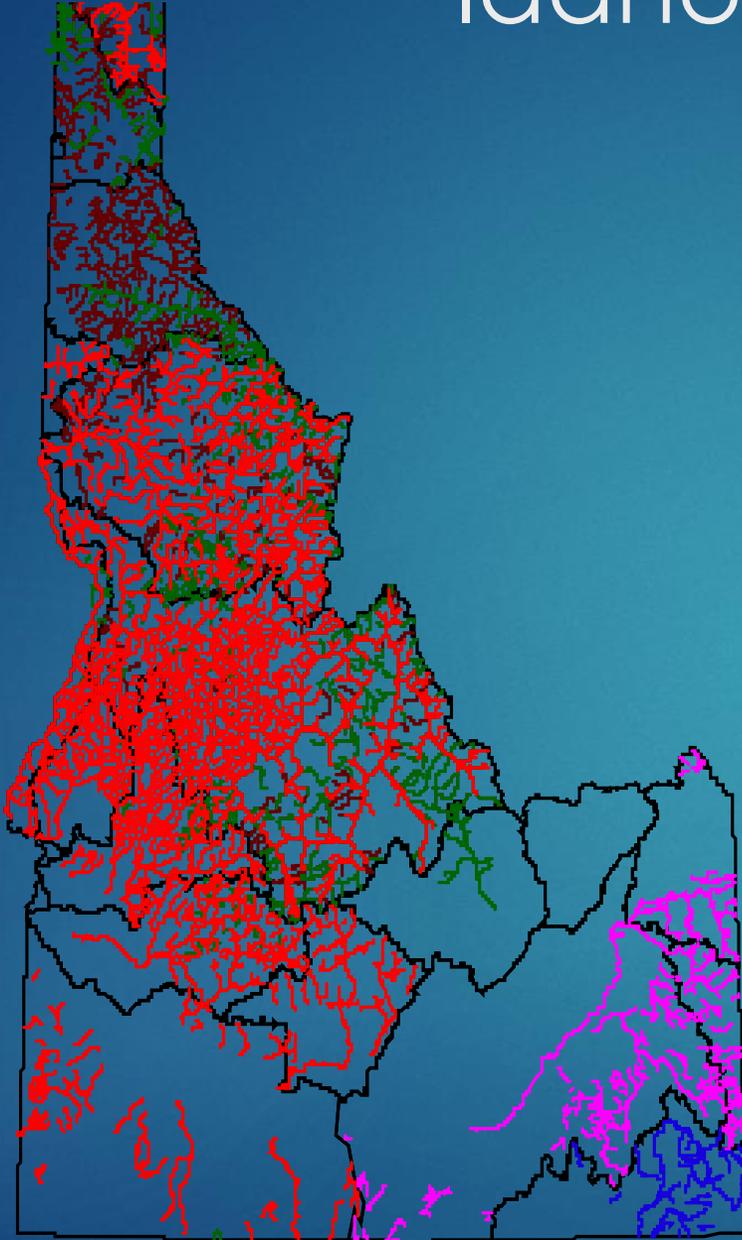
sockeye salmon

Kootenai sturgeon

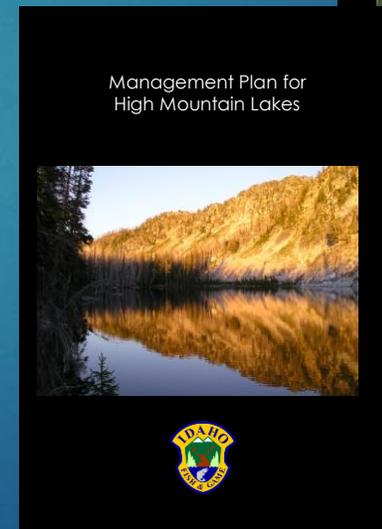
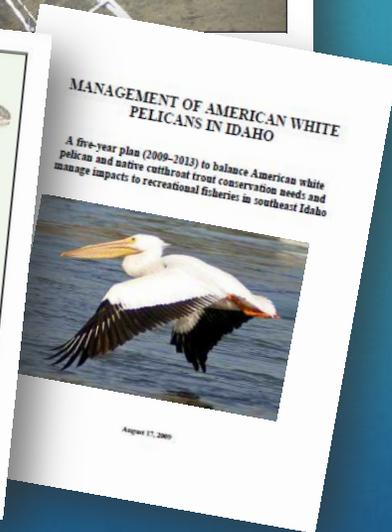
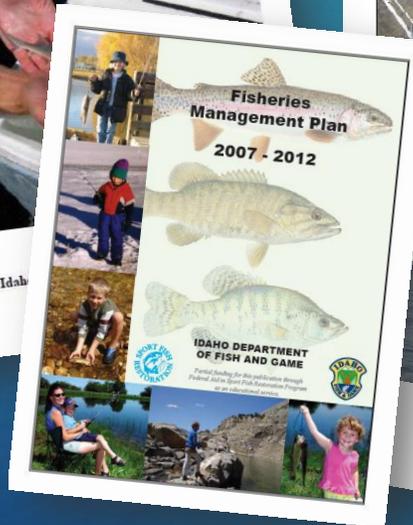
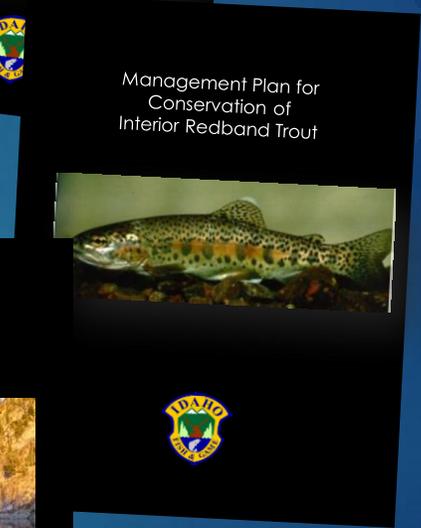
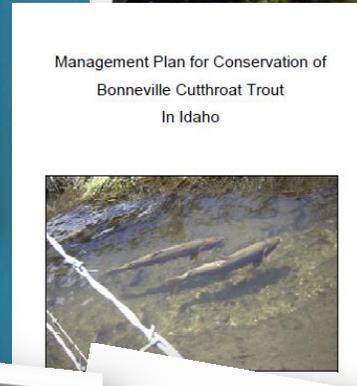
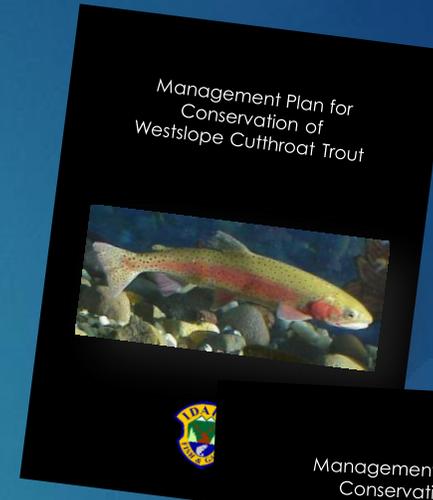
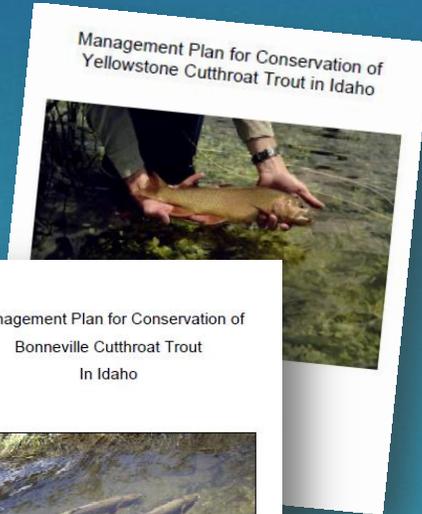
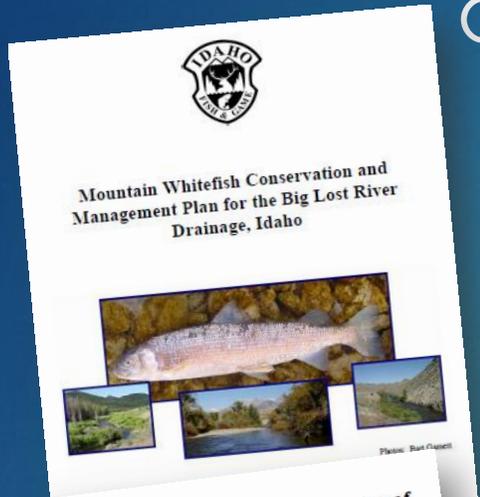
Big Lost whitefish

leatherside chub

Pacific lamprey



Idaho Fish & Game Commission approved plans





Idaho
**State Wildlife
Action Plan**



670 vertebrates

4198 invertebrates

Species of Greatest Conservation Need

73 vertebrates

132 invertebrates

Tier 1: Highest priority species with the most critical conservation needs, an early-warning list of taxa that may be heading toward extirpation.

43 Tier 1 species in Idaho:

- Pacific Lamprey • White Sturgeon (Kootenai River DPS) • Steelhead • Sockeye Salmon
- Chinook Salmon • Burbot • Columbia Spotted Frog • Greater Sage-Grouse
- Yellow-billed Cuckoo • Wolverine • Grizzly Bear • Caribou
- Northern Idaho Ground Squirrel • Southern Idaho Ground Squirrel
- Banbury Springs Limpet • Snake River Physa • Pixie Pebblesnail
- Bruneau Hot Springsnail) • Bear Lake Springsnail • Bliss Rapids Snail
- Marbled Jumping-slug • Magnum Mantleslug • Blue-gray Taildropper
- Papillose Taildropper • Rocky Mountain Axetail • Marbled Disc
- Seven Devils Mountainsnail • Thin-ribbed Mountainsnail • Whorled Mountainsnail
- Lava Rock Mountainsnail • Selway Forestsnail • Salmon Oregonian
- Mission Creek Oregonian • Cottonwood Oregonian • Kingston Oregonian
- Bruneau Dune Tiger Beetle • A Click Beetle • A Skiff Beetle • Blind Cave Leiodid Beetle
- Morrison's Bumble Bee • Western Bumble Bee • Suckley's Cuckoo Bumble Bee



State Trust responsibilities vs. Federal

- ▶ Endangered Species Act
- ▶ Migratory Bird Treaty Act
- ▶ Marine Mammal Protection Act
- ▶ Wilderness and Wild/Scenic Rivers
- ▶ National Wildlife Refuges
- ▶ National Parks & Monuments
- ▶ Federal Energy Regulatory Commission – hydro projects
- ▶ Federal Land judicial decisions



Sage Grouse: a huge WGA/WAFWA success with a not warranted decision



- ▶ Highly collaborative effort to bring science to the table for useful information to address the prioritized threats in management plans
- ▶ Leadership by Governors and WGA with WAFWA
- ▶ Applied a triage thinking
- ▶ BUT, addition of strategies after plans completed to add protections without state review – SFAs, grazing standards, etc. has created question of policy vs. science that will play out in the courts.

Proactive ESA and conservation management actions

WAFWA working with WGA on CHAT

- ▶ Comprehensive data gathering
- ▶ Management plans for Idaho's wildlife
- ▶ Peer reviewed science
- ▶ State involvement in the status review
- ▶ Collaborative management - local and bottom up
- ▶ Legal intervention or challenge as appropriate
- ▶ Defense of state sovereignty for management



What to do?

- ▶ Legislate
- ▶ Litigate
- ▶ Adjudicate
- ▶ Regulate

and

Collaborate !



Recovering America's Wildlife Act 2018

Introduced in House (12/14/2017)

115TH CONGRESS
1ST SESSION

H. R. 4647

To amend the Pittman-Robertson Wildlife Restoration Act to make supplemental funds available for management of fish and wildlife species of greatest conservation need as determined by State fish and wildlife agencies, and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

DECEMBER 14, 2017

Mr. FORTENBERRY (for himself and Mrs. DINGELL) introduced the following bill; which was referred to the Committee on Natural Resources

A BILL

To amend the Pittman-Robertson Wildlife Restoration Act to make supplemental funds available for management of fish and wildlife species of greatest conservation need as determined by State fish and wildlife agencies, and for other purposes.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Recovering America's Wildlife Act".

SEC. 2. FINDINGS.

Congress finds the following:

- (1) A diverse array of species of fish and wildlife is of significant value to the United States for aesthetic, ecological, educational, cultural, recreational, economic, and scientific reasons.
- (2) More than 100 million citizens of the United States participate in outdoor recreation through hunting, fishing, birding, and other wildlife-dependent recreation, all of which have significant value to the citizens who engage in those activities and provide economic benefits to local communities.
- (3) It is in the interest of the United States—

Lead Sponsors:

Jeff Fortenbury (R-NE)

Debbie Dingell (D-MI)





Questions?



..."The IDFG has collected data in violation of federal law and intends to use that data to seek approvals in the future for more helicopter landings in the Wilderness Area. While the helicopter landings represent harm that has passed, the IDFG's possession of the data constitutes an ongoing harm that continues to this day and beyond. The only remedy that will directly address the ongoing harm is an order requiring destruction of the data – no monetary award or other such sanction will alleviate the ongoing harm. **Thus, the Court will issue a mandatory injunction ordering the Director to destroy the data received on the elk and wolves collared in this project.** "