

HOUSE BILL NO. 294

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Daily Data Tracking History

H0294.....by WAYS AND MEANS
WOLVES - Adds to and amends existing law to provide legislative intent; to provide for transition from federal management of wolves to state management; to provide for certain authorities and duties of the Fish and Game Commission and the Office of Species Conservation relating to wolf conservation and management; and to revise the authorities and duties of the Department of Fish and Game relating to wolf conservation and management.

02/24 House intro - 1st rdg - to printing

02/25 Rpt prt - to Res/Con

03/06 Rpt out - rec d/p - to 2nd rdg

03/07 2nd rdg - to 3rd rdg

03/26 3rd rdg - PASSED - 61-6-3

AYES -- Andersen, Barraclough, Bauer, Bedke, Bell, Bieter(Bieter), Black, Block, Boe, Bolz, Bradford, Campbell, Cannon, Clark, Collins, Cuddy, Deal, Denney, Douglas, Eberle, Edmunson, Ellsworth, Eskridge, Field(23), Gagner, Garrett, Henbest(Bray), Jaquet, Jones, Kellogg, Lake, Langhorst, Martinez, McGeachin, Meyer, Miller, Mitchell, Moyle, Naccarato, Nielsen, Raybould, Ridinger, Ringo, Roberts, Robison, Rydalch, Sali, Sayler, Schaefer, Shepherd, Shirley, Skippen, Smith(30), Smith(24), Smylie, Snodgrass, Stevenson, Tilman, Trail, Wills, Mr. Speaker

NAYS -- Barrett, Harwood, Kulczyk, Langford, McKague, Wood

Absent and excused -- Crow, Field(18), Ring

Floor Sponsors - Stevenson & Langhorst

Title apvd - to Senate

03/27 Senate intro - 1st rdg - to Res/Env

04/08 Rpt out - rec d/p - to 2nd rdg

04/09 2nd rdg - to 3rd rdg

04/11 3rd rdg - PASSED - 35-0-0

AYES -- Andreason, Bailey, Brandt, Bunderson, Burkett, Burtenshaw, Calabretta, Cameron, Compton, Darrington, Davis, Gannon, Geddes, Goedde, Hill, Ingram, Kennedy, Keough, Little, Lodge, Malepai(Kumm), Marley, McKenzie, McWilliams, Noble, Noh, Pearce, Richardson, Schroeder, Sorensen, Stegner, Stennett, Sweet, Werk, Williams

NAYS -- None

Absent and excused -- None

Floor Sponsor - Little

Title apvd - to House

04/14 To enrol

04/15 Rpt enrol - Sp signed

04/16 Pres signed - to Governor

Governor signed

Session Law Chapter 302

Effective: 07/01/03

Bill Text

IN THE HOUSE OF REPRESENTATIVES

HOUSE BILL NO. 294

BY WAYS AND MEANS COMMITTEE

AN ACT

RELATING TO WOLVES; PROVIDING LEGISLATIVE INTENT; AMENDING SECTION 36-715, IDAHO CODE, TO PROVIDE FOR TRANSITION FROM FEDERAL MANAGEMENT OF WOLVES TO STATE MANAGEMENT, TO PROVIDE FOR CERTAIN AUTHORITIES AND DUTIES OF THE FISH AND GAME COMMISSION AND THE OFFICE OF SPECIES CONSERVATION RELATING TO WOLF CONSERVATION AND MANAGEMENT AND TO REVISE THE AUTHORITIES AND DUTIES OF THE DEPARTMENT OF FISH AND GAME RELATING TO WOLF CONSERVATION AND MANAGEMENT.

Be It Enacted by the Legislature of the State of Idaho:

SECTION 1. LEGISLATIVE INTENT. It is the public policy of the state of Idaho to use every option to assert state sovereignty and mitigate the impacts of gray wolves on residents of the state of Idaho and to seek the delisting and management of gray wolves at recovery levels that will ensure viable, self-sustaining populations pursuant to the Idaho Wolf Conservation and Management Plan. The state of Idaho arrived at this policy in 2002 with the passage of Senate Concurrent Resolution No. 134, which approved the Idaho Wolf Conservation and Management Plan after objecting to the reintroduction of wolves and after adopting a memorial seeking the removal of wolves from the state. The Idaho Wolf Conservation and Management Plan affirms that Idaho is on the record asking the federal government to remove wolves from the state by the adoption in 2001 of House Joint Memorial No. 5 but that in order to use every available option to mitigate the severe impacts on the residents of the state of Idaho, the state will seek delisting and manage wolves at recovery levels that will ensure viable, self-sustaining populations pursuant to the Idaho Wolf Conservation and Management Plan. Pursuant to Section 67-818, Idaho Code, the Idaho Wolf Conservation and Management Plan is the policy of the state of Idaho subject to legislative approval, amendment or rejection by concurrent resolution. Idaho directly opposes the fundamental flaw in the federal Endangered Species Act that allows the wolf reintroduction and other federal initiatives to override state policy. Therefore, in addition to the duties described below, the Fish and Game Commission, through the Department of Fish and Game, shall assist the Governor's Office of Species Conservation in seeking changes to federal policy that will ensure full partnership between state and federal government in species conservation.

SECTION 2. That Section 36-715, Idaho Code, be, and the same is hereby amended to read as follows:

36-715. **WOLVES -- TRANSITION -- AUTHORITIES AND DUTIES OF THE OFFICE OF SPECIES CONSERVATION -- FISH AND GAME COMMISSION -- DEPARTMENT OF FISH AND GAME.** ~~REGARDING THE ENDANGERED SPECIES ACT.~~ (1) ~~Since wolf/dog hybridizations are known to exist within Idaho and these hybrids are not protected by the United States endangered species act, a biological evaluation shall be required of the animal to determine species priority before the department of~~

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~~fish and game may take any action in accordance with the United States endangered species act.~~

(2) During the transition from federal management of wolves to state management, the governor's office of species conservation shall be the lead agency and direct implementation of wolf management policy. The department of fish and game ~~shall not may assist the office of species conservation in efforts to expedite an orderly transition to state management of wolves pursuant to the provisions of the Idaho wolf conservation and management plan. This transition shall be authorized to expend funds, transfer assets or enter into~~ implemented through new or existing cooperative agreements with any agency, department or entity of the United States government ~~concerning wolves unless expressly or any state agencies as authorized by state statute except that the Idaho wolf conservation and management plan.~~

(2) The office of species conservation, and the commission through the department, is are authorized to ~~provide a representative to~~ participate on the northern rocky mountain wolf recovery team and to participate in activities regarding nuisance wolves, and ~~except that the department is are~~ allowed to meet and confer with state, local and federal agencies, departments or entities or federally recognized Indian tribes to discuss ~~those federal or tribal entities' plans for wolf reintroduction or for~~ monitoring wolf ~~reintroduction and wolf~~ recovery programs. Additionally, the office of species conservation, and the commission through the department, may cooperate with the legislature, counties, federal agencies, departments, such as the United

24 States department of agriculture wildlife services, or entities or federally
 25 recognized Indian tribes regarding damage complaints, depredation, effects on
 26 ungulate populations, and other conflicts regarding wolves in this state.

27 (3) The office of species conservation, in conjunction with the depart-
 28 ment, of fish and game is not authorized to participate in investigations or
 29 enforcement actions involving violations of the final rules of the United
 30 States fish and wildlife service or section 9 of the United States endangered
 31 species act, as the final rules and section 9 regulate shall prepare and sub-
 32 mit an annual report to the reintroduction of wolves into central senate
 33 resources and environment committee and the house resources and conservation
 34 committee on the implementation and progress of the Idaho wolf conservation
 35 and management plan. Such report shall document gray wolf effects upon wild-
 36 life, depredation on domestic livestock, and any other subject matter as
 37 deemed appropriate and requested in writing by the chairman of the senate
 38 resources and environment committee or the chairman of the house resources and
 39 conservation committee, or any member of the legislature.

40 ~~(3) If a wolf is sighted, the burden of proof concerning the reported~~
 41 ~~presence of the wolf within Idaho shall rest with the observer and the depart-~~
 42 ~~ment of fish and game shall take no action to enforce the United States endan-~~
 43 ~~gered species act regarding wolves in absence of that proof.~~

44 ~~(4) From the effective date of this act through December 31, 2003, the~~
 45 ~~department of fish and game is authorized to work in conjunction with the wolf~~
 46 ~~oversight committee, as established by the wolf EIS participation plan dated~~
 47 ~~February, 1992, in the development and implementation of an Idaho wolf manage-~~
 48 ~~ment plan, provided that:~~

49 ~~(a) The office of species conservation, in conjunction with the depart-~~
 50 ~~ment, is authorized to work in conjunction with the wolf oversight commit-~~
 51 ~~tee to develop and coordinate wolf management plans with state agency~~
 52 ~~officials of the states of Wyoming and Montana.~~

53 ~~(b) Any Idaho In implementing the wolf conservation and management plan,~~
 54 ~~so developed by the office of species conservation, and the commission through~~
 55 ~~the department, and wolf oversight committee shall consult with local units of~~

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1 government with respect to, and take into consideration, local economies, cus-
 2 tom, culture, and private property rights. The office of species conservation
 3 and the department and the wolf oversight committee may consult with federal
 4 entities and shall coordinate with state and local government entities in the
 5 development implementation of the plan.

6 ~~(c) Upon completion of an Idaho wolf management plan, the department~~
 7 ~~and of fish and game, under the wolf oversight committee shall provide a~~
 8 ~~report to direction of the senate resources and environment committee and to~~
 9 ~~commission, is authorized to participate in the house resources and conserva-~~
 10 ~~tion committee and shall provide written copies to all interested parties.~~
 11 ~~When the plan is complete, the speaker of the house of representatives and the~~
 12 ~~president pro tempore of the senate may authorize a joint meeting of the sen-~~
 13 ~~ate resources and environment committee and the house resources and conserva-~~
 14 ~~tion committee to be held during the interim to review the Idaho development~~
 15 ~~of wolf delisting procedures and interim management plan activities including,~~
 16 ~~but not limited to, studies relating to the management of game herds impacted~~
 17 ~~by wolves.~~

18 ~~(d) Members of the wolf oversight committee shall serve without compensa-~~
 19 ~~tion, but shall be reimbursed actual expenses for attending meetings of~~
 20 ~~the committee from funds provided by the department of fish and game at~~
 21 ~~prevailing state rates.~~

Statement of Purpose / Fiscal Impact

STATEMENT OF PURPOSE RS 13056C1

The purpose of this legislation is to amend existing law, adding language that allows the Governor's Office of Species Conservation to coordinate an orderly transition from federal management of gray wolves to state management under the Idaho Wolf Conservation Management Plan, including participating in activities regarding nuisance wolves, discussing wolf recovery programs, and cooperating with state and federal entities regarding wolf conflicts in Idaho.

FISCAL IMPACT

There is no fiscal impact to the General Fund. The fiscal impact to the Department of Fish and Game's dedicated fund will be satisfied solely from federal pass-through funding and non-game funding sources and specifically not sportsmen fees.

Contact

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STATEMENT OF PURPOSE/FISCAL NOTE

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