

**Idaho Fish and Game Commission
Special Meeting-December 16, 2021
Idaho Department of Fish and Game
Nampa, Idaho**

A meeting of the Idaho Fish and Game Commission was held by Zoom conference, attended by Commissioners Dave Bobbitt, Don Ebert, Tim Murphy, Greg Cameron, Lane Clezie, Derick Attebury, and Ron Davies

IDFG staff present: Director Ed Schriever, Deputy Director Scott Reinecker, Deputy Attorneys General, Owen Moroney and Kathleen Trever, Mary Boyer, Valerie Taro, Lance Hebdon, Sharon Kiefer, and Frank Edelman. IDFG staff participating via phone: Toby Boudreau, Chip Corsi, JJ Teare, Jon Rachael, Craig White, Dan Garren, Jim White and Tom Curet.

Chairman Cameron called the meeting to order at 9:02 a.m. MST.

SEASON SETTING AND RULES

Chronic Wasting Disease (CWD) Update

Deputy Director Scott Reinecker gave an update on CWD (Appendix 54, Exhibit 63). The CWD team is looking for samples and issued tags that were species specific, gender specific, and unit specific, and covered both public and private lands. Tags went on sale on December 7th for public land tags. There were 673 tags available. December 8th private land tags went on sale. There were 703 tags available.

Two of the CWD units closed on December 12th. These were Antlered White tail on both public and private lands in Unit 14.

The Department has received 190 samples from the CWD hunt area and overall from previous hunts have 456 samples. The Department is awaiting results on 201 samples. The Department still needs (+/-10) 560 samples. An email was sent to all tag holders on December 14th encouraging them to harvest and that resulted in another 72 samples collected in 2 days. These hunts are scheduled to close December 19th. The Department does have the ability to extend these hunts if necessary to address sample needs.

Deputy Director Reinecker also mentioned there have been a few samples that could not be used due to quality. There have also been a few minor issues with people harvesting outside the unit their tag was for, harvesting the wrong species, or harvesting fawns. He also stated that the Department will continue with educating the public on the purpose of these surveillance hunts. People are confusing these hunts with management hunts and it is important that the public understands the differences.

Once the surveillance hunts are complete the team will focus on the goal of CWD management, which is to minimize prevalence in these populations and contain it so it doesn't distribute.

There have been no additional positives at this time.

Update on State Petitions for Delisting of Grizzly Bears and Approval of Revision to 2016 Tri-State Memorandum of Agreement and 2016 Commission Proclamation regarding Greater Yellowstone Grizzly Bear

On October 12, 2021 Wyoming formally notified the Department of their intent to petition the US Fish and Wildlife Service to designate and delist the Greater Yellowstone Ecosystem (GYE) distinct population of grizzly bear. The Department has recently learned that Montana intends to file a similar petition for delisting the Northern Continental Divide Ecosystem as a distinct population of grizzly bears.

Wyoming has asked Idaho and Montana to update the 2016 Tri-State Memorandum of Agreement (MOA) regarding management of hunting and other grizzly bear mortalities. Wyoming's Commission approved the updates on November 30, 2021 and Montana's Commission approved their updates on December 14, 2021.

The purpose of the updates to the MOA are to address deficiencies in state regulatory mechanisms identified in court decisions that resulted in the relisting of Greater Yellowstone grizzly bears.

In 2016 the Commission concurrently adopted an Idaho-specific proclamation that reflects the commitments of the Tri-State MOA. Since the proclamation needs to refer to the current MOA a revised Idaho-specific proclamation is being presented for approval as well.

Deputy Attorney General Kathleen Trever presented the updates to the MOA (Appendix 54, Exhibit 64). There are two areas of focus in the updated MOA. The first involves the commitment to promote genetic health by moving bears around. The GYE population is isolated from other populations and has been healthy to date. There is a new section in the MOA that identifies how grizzly bears will be moved around and commits to moving 2 grizzly bears into the GYE by 2025 unless migration from outside the GYE is detected in the interim. Genetic monitoring will continue and will be re-assessed every 14 years after 2025. If effective migration is not detected, translocations from outside the GYE will continue.

The second commitment relates to population numbers and mortality rates that are used to make sure the population stays healthy. Grizzly bears have slower reproduction, so one of the key areas for delisting is monitoring mortalities including human-caused mortalities, whether due to the potential of opening a harvest season or other discretionary mortality related to state agencies' management of bears that are nuisances or that present other public safety concerns.

The table from the 2016 MOA has been updated because the court identified a deficiency that the States had not committed to recalibrating the mortality rates and population estimates if there were a change in the population estimator. Chao2, the estimator used in the 2016 MOA, is recognized as increasingly conservative and inaccurate as the population grew. Chao2 underestimates the population of grizzly bears but it was still the best estimator available for managing and identifying mortalities in 2016.

Recently the Interagency Grizzly Bear Study Team reassessed Chao2 and found ways to improve its accuracy by identifying a few changes as to how counts are done based on females. Based on the refined Chao2 model, the revised MOA shows a higher range of management objectives for around 932 grizzly bears. The higher number is reflective of using the new data to calculate the population size. It is still using the same data collected from 2002 -2014 and adding in the additional data from

2015 - 2019. The additional 250 bears are not new bears on the landscape, the revised number reflects the original agency commitment for managing bears based on what the population has been from 2002-2014. This is an adjustment based on the improved information of what the bear population looked like from 2002-2019. The mortality rates in the table stay the same in percentages. This addresses the court's concern about recalibrating. This is a demonstration of how the States recalibrate, and there is now an express commitment in the revised MOA to recalibration if there are changes to model estimators in the future.

In the past there has been a baseline population that the States have agreed to for closure of discretionary hunting. This MOA identifies a distinction in hunting closure if the bear population drops below 831 due to discretionary hunting. If there is an overage, it would be subtracted from the next year's discretionary mortality available for harvest. Also if the population is less than 600 discretionary mortality will not occur except for management removal to address human safety issues.

In Idaho the Commission has authority by Proclamation to set limits for the take of wildlife (Appendix 54, Exhibit 65). This is an appropriate mechanism to use to demonstrate to Fish and Wildlife Service, for purposes of delisting, that the States have adequate regulatory mechanisms in place. The update to the Proclamation defines the GYE and Demographic Monitoring Area (DMA) that is suitable habitat for grizzly bears that is within the ecosystem. It also updates the map to be consistent with the Tri-State MOA and identifies the Wind River Reservation in Wyoming. It also distinguishes discretionary mortality and non-discretionary mortality to be consistent with the Tri-State MOA. The update also reflects the reference to the 2021 Tri-State MOA.

21-91 Commissioner Attebury moved and Commissioner Clezie seconded the Commission approve revision of the 2016 Tri-State MOA and Proclamation concerning Grizzly Bears in the Greater Yellowstone Ecosystem as presented. Motion carries.

21-92 Commissioner Clezie moved the Commission go into executive session under Idaho Code 74-206 subsection 1(b) and (f).

Roll Call vote Ayes: Dave Bobbitt, Don Ebert, Tim Murphy, Greg Cameron, Lane Clezie, Derick Attebury, and Ron Davies.

The Commission discussed personnel and legal.

Executive Session

21-93 Commissioner Attebury moved and Commissioner Bobbitt seconded the Commission come out of executive session with the record to reflect no final action was taken. Motion carries.

Intervention in Litigation and Participation in Administrative Process regarding Grizzly Bears

21-94 Commissioner Attebury moved and Commissioner Clezie seconded the Commission, subject to consultation by the Director's Office with the Governor's Office of Species Conservation, intervene in litigation pending in the U.S. District Court in Montana, which concerns the "10j" status of the grizzly bear in the Selway-Bitterroot. Motion carries.

Regarding Montana and Wyoming's intent to petition for designation and delisting of certain grizzly bear population segments, the Director plans to work with the Governor's Office of Species Conservation to review the petitions and relevant scientific information. The agencies will recommend appropriate submittals for Idaho to make to USFWS regarding the ESA status of grizzly bear in Idaho.

Adjourn

A handwritten signature in black ink, appearing to be 'Greg Cameron', with a stylized, flowing script.

Greg Cameron
Chairman

A handwritten signature in black ink, appearing to be 'Ed Schriever', with a stylized, flowing script.

Ed Schriever
Secretary