

Meeting Date: August 8, 2016

Agenda Item No. 4D

Agenda Item: Review of MOA; Proclamation Limiting
Grizzly Bear Take (Action Item)

Bureau Chief Approval: _____

Prepared by: Jeff Gould

Background:

See Agenda Item No. 4E regarding Grizzly Bear Administrative Rules.

The Commission is not proposing to open a hunting season for grizzly bear in GYE, and the Department is not making any recommendation to open such a hunting season.

The adequacy of existing regulatory mechanisms is one of the factors U.S. Fish and Wildlife Service must evaluate in making delisting decisions under the Endangered Species Act. In March 2016, USFWS issued a draft rule to delist the Greater Yellowstone Ecosystem (GYE) grizzly bear population. The draft rule identified certain actions that the States of Idaho, Montana, and Wyoming must take related to regulation of human-caused mortality, including mortality from hunting, should the states decide to establish hunting seasons after delisting.

Based on comments the Department has received, much confusion exists as to the status of state grizzly bear hunting seasons. This confusion stems from the draft delisting rule's discussion of the adequacy of regulatory mechanisms should states authorize hunting. There is no proposed hunting season in Idaho; all seasons remain closed for grizzly bear in the GYE. Idaho has reached agreement with Montana and Wyoming regarding allocation of discretionary mortality among the States and identified proposals for administration of a hunting season should the Commission make a decision in the future to open such a season.

To address this confusion and provide greater clarity regarding existing state regulatory mechanisms, the Department requests the Commission adopt the proposed proclamation related to the limit of take of grizzly bear in the GYE.

Tri-State MOA: In May, 2016, the Idaho Fish and Game Commission reviewed and approved an MOA among Idaho, Montana, and Wyoming that defined a process for coordinating management and allocation of discretionary mortality of GYE grizzly bears.

The States agreed to manage the GYE grizzly bear population consistent with the long-term average and associated confidence intervals estimated during the period of 2002-2014. The States identified adjustable mortality rates (see Paragraph IV. 2) to manage human-caused mortality within the Demographic Mortality Area (DMA), which is based on suitable habitat, to levels that will sustain this population range, conservatively estimated to be between 600-747 (based on the model-averaged Chao2 estimate). The MOA framework applies lower mortality limits at lower population levels and increases flexibility with higher populations. The states also agreed to limit discretionary mortality, unless necessary to protect human safety, if the population is less than 600 bears within the DMA.

Staff will update the Commission about minor edits made by Montana and ask the Commission to reaffirm their approval of the MOA as edited (attached).

Proclamation: Within the mortality limits identified in the Tri-State MOA, each state

will have discretion after delisting to determine whether it will propose a grizzly bear hunting season consistent with allocation of discretionary mortality among the States.

Adopting the proposed proclamation (attached) would clarify that there is currently no open season for grizzly bear and clarify how the Commission would use its existing discretion to open and close hunting seasons, prohibit harvest of adult bear accompanied by young, and otherwise set numeric limits for the take of grizzly bear in the GYE should the Commission authorize a season after delisting. The Tri-State MOA and proposed proclamation will ensure that the GYE population remains recovered.

Statutory Authority and/or Policy Issues:

Idaho Code 36-104(b)(2) and 36-105(3) grant authority to the Commission to adopt proclamations related to the limit on numbers, size, sex or species of game animals.

Public Involvement Process:

The Commission received briefings regarding the draft Tri-State MOA at the January and March, 2016 Commission meetings. The Commission approved the MOA on May 17, 2016. There was opportunity for public review of the draft MOA and public comment to the Commission in conjunction with each of these meetings.

Notice of the proposed proclamation is scheduled for publication in the Administrative Bulletin on August 3, 2016.

Should the Commission decide to open hunting seasons after delisting, public involvement would occur consistent with scoping and public comment for big game seasons.

Staff Recommendation:

The Department recommends that the Commission reaffirm the Tri-State MOA and adopt a proclamation limiting grizzly bear take as presented.

Suggested Motion:

I move that the Commission adopt the Tri-State MOA with Montana's edits and adopt the Proclamation Relating to the Limit of the Take of Grizzly Bear in the GYE.