

Fish & Game.
R2-14
JT-??

Resolution of the Idaho Chapter of the Wildlife Society (ICTWS), proposed by
W. DEAN CARRIER

Whereas the Director of the U. S. Fish and Wildlife Service (USFWS) has delineated specific portions of the State of Idaho as Critical Grizzly Bear Habitat under Section 7, PL 93-205, The Endangered Species Act and

Whereas this delineation is not supported by recognized experts of the biological community presently involved in grizzly bear research and management and

Whereas this delineation is not based on the ecological needs of the grizzly bear but, for the most part, on convenient legal land lines and

Whereas the delineation of approximately 800,000 acres of land in the State of Idaho is unnecessary for the protection and preservation of the grizzly bear and

Whereas there is much disagreement among grizzly experts that the species should even be classified as threatened under the Endangered Species Act. and

Whereas use of unfounded biological information to delineate critical habitat degrades the purpose of the Endangered Species Act and threatens to weaken it.

Now therefore be it resolved:The ICTWS urges the USFWS to retract its proposed delineation of critical habitat for grizzly bear until such a time that:

- 1) Research by qualified biologists determine actual botanical and/or geographical components of grizzly bear habitat needs, and
- 2) Delineation is designed to protect those components and not encompass large blocks of unoccupied habitat for the sake of convenience in definition.

Resolution of the Idaho Chapter of The Wildlife Society (ICTWS), proposed by
J. NEE

Whereas adequate minimum stream flows are vital to maintain the fish,
wildlife, ~~and~~ recreational ^{+ aesthetic} resources of Idaho's streams and

Whereas the Idaho State Legislature has not adopted legislation which
would provide for such flows.

Now therefore be it resolved: That the ICTWS strongly urges the Idaho
State Legislature to pass a minimum stream flow law during the 1977 legisla-
tive session which will:

1. Encompass the entire State.
2. Provide the minimum flows described in the 1975 Idaho Department of
Water Resources report entitled "Stream Resource Maintenance Flow
Studies - 1975" by T. COCHNAUER.
3. Recommend re-operation of Brownlee and Dworshak Reserviors to pro-
vide adequate Snake River flows for fish, wildlife and recreation
downstream from Hells Canyon Dam to the Idaho-Washington State lines.

Resolution of the Idaho Chapter of The Wildlife Society (ICTWS), proposed by
J. NEE

Whereas the Idaho State Director, Bureau of Land Management (BLM) has denied a request for a Desert Land Entry development in the Grindstone Butte area southeast of Glens Ferry and

Whereas the decision will preserve 480 acres of valuable wildlife habitat and

Whereas the land had been withdrawn from agricultural entry specifically to protect this wildlife habitat and

Whereas the applicant farmers have appealed the decision of the State Director to the Secretary of the Interior.

Now therefore be it resolved: That the ICTWS commends the Idaho State Director, BLM, for denying said request and urges the Secretary of the Interior to also deny the request.

A Resolution
for the Idaho Chapter of
the Wildlife Society

Ham Royce 9th
wrote to Tom
Hayes

Subject: Idaho State List of Wildlife Species of Concern

Submitted by: Mike Rath, BLM

Whereas there is presently in existence no official listing of wildlife species of concern for the State of Idaho and

Whereas several unofficial lists presently exist which differ in content and

Whereas there exists an immediate need in the State for various agencies and professionals to make land management decisions involving species of public and ecological concern and

Whereas the Idaho Chapter of the Wildlife Society feels the Idaho Department of Fish and Game is the appropriate organization to coordinate the development and compilation of such an official species of concern list.

Therefore be it resolved: That the Idaho Chapter of the Wildlife Society recommends that the Idaho Fish and Game Commission, through the Idaho Department of Fish and Game:

1. Establish uniform criteria for determining the status of ~~sensitive~~ ^{species of} Idaho wildlife species, and
2. Review any existing lists that have been previously prepared by universities and colleges, governmental agencies, and professional organizations in Idaho, and
3. Develop an official Idaho State List of ^{Species of} Concern that best represents the consensus of professional thinking on this subject.

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Callahan

Now

Resolution of the Idaho Chapter of the Wildlife Society (ICTWS), proposed by

Whereas big game species in Idaho provide high quality recreational sport hunting for an increasing human population and

Whereas the populations of these big game species are presently on a downward trend and

Whereas the loss of habitat, increased human access, illegal harvest and other factors are contributing to this downward trend and

Whereas control of illegal harvest is one method of reducing this trend and

Whereas present interpretation and application of the law and subsequent penalties applied to individuals apprehended and convicted of violations of these laws are not severe enough to serve as a deterrent to subsequent violations and

Whereas fines and sentences have not increased in proportion to other costs in protection and management of these big game species and

Whereas the State of Idaho Fish and Game Code has sections which have not been updated in over forth years.

Therefore be it resolved: The ICTWS urges the passage of the attached revision of the State of Idaho Fish and Game Code to ensure adequate protection and preservation of big game species; and the State of Idaho be directed to file civil damage suits against those individuals convicted of violation of these regulations to the extent of the economic worth of the illegally harvested big game species.

SEIZURE OF UNLAWFUL DEVICES AND UNLAWFULLY TAKEN WILDLIFE: FORFEITURE AND DISPOSITION.

(1) All wildlife taken by, or in the possession of any person in violation of the wildlife laws, and all guns, boats, vehicles, traps, fishing apparatus and implements used in angling, hunting or trapping or taking any wildlife in violation of the wildlife laws may be seized by any person authorized to enforce the wildlife laws, and may be forfeited.

(2) If forfeited, such property shall be turned over to the commission by order of the court at the time of passing sentence or for forfeiture of bail for the violation.

(3) The commission may dispose of such property in any manner it considers proper, but any moneys derived from the sale of any seized guns, boats, vehicles, traps, fishing apparatus or implements shall be deposited in the State Fish and Game Law Enforcement Budget. Any wildlife taken in violation of the wildlife laws may be disposed of forthwith or used for food purposes, under rules of the commission, to prevent spoilage.

DISPOSITION OF FINES AND CONFISCATION SALE PROCEEDS.

(1) One-half of all fines imposed in the courts as provided in the wildlife laws, and collected in money, shall be paid to the treasurer of the county in which the action or proceedings were commenced and credited to the general fund of the county. The district attorney of the county, upon payment of any judgment, shall satisfy it of record as attorney for the state. The other one-half of such moneys shall be paid by the courts to the State Treasury, who shall deposit those moneys in the State Fish and Game Law Enforcement Budget.

(2) All moneys arising from the sale of confiscated property under the provisions of the wildlife laws, shall be paid to the State Treasury. The State Treasurer shall deposit these moneys in the State Fish and Game Enforcement Budget.

(3) Payment of fines and sale proceeds under the section shall be made within the first 20 days of the month following the month in which collected.

HUNTING WITH ARTIFICIAL LIGHT RESTRICTED.

(1) Except as provided in subsection (2) of this section, no person shall hunt wildlife with the aid of any artificial light.

(2) The commission, by permit, may authorize hunting with the aid of an artificial light to alleviate damage by wildlife to other resources.

SHINING ARTIFICIAL LIGHT ON GAME, MAMMAL OR LIVESTOCK WHILE IN OR NEAR A MOTOR VEHICLE AND WHILE IN POSSESSION OF WEAPON RESTRICTED.

(1) No person shall cast from a motor vehicle or from within 500 feet of a motor vehicle an artificial light upon any field or forest or other place where mammals may reasonably be expected to be present while there is in his possession or in his immediate physical presence a weapon with which the mammal could be killed.

(2) Subsection (1) of this section does not apply to a person who casts artificial light upon game, mammals, predators or livestock:

- a. From the headlights of a motor vehicle that is being operated on a road in the usual manner, if that person makes no attempt

to kill the game, mammal, predators or livestock: or

- b. When the weapon that person has in his possession or immediate physical presence is disassembled or stored, or in the trunk or storage compartment of a motor vehicle; or
- c. On land owned or lawfully occupied by the person; or
- d. On publicly owned land when that person has an agreement with the public body to use that property.

(3) As used in this section, "predatory animal" has the meaning for that term provided in Chapter 2 - 36201.

DISCHARGING WEAPON ON OR ACROSS HIGHWAY.

(1) Any person who discharges any bow and arrow, air rifle, gun, revolver or other firearm upon or across any highway or other public road in this state shall be punished, upon conviction, by imprisonment in the county jail for not more than one year, or a fine of not more than \$500, or both. Any bow and arrow, air rifle, rifle, gun, revolver or other firearm in the possession of the person that was used in committing a violation of this subsection may be confiscated and forfeited to the State of Idaho. This subsection does not prevent the discharge of firearms by peace officers in the performance of their duty or by military personnel within the confines of a military reservation.

PENALTIES.

(1) First Conviction.

- a. Any person violating any of the provisions of this title with

respect to methods of take, seasons, or limits relating to deer and black bear shall be guilty of a misdemeanor and upon conviction thereof shall be fined in a sum of not less than three hundred dollars (\$300) nor more than one thousand dollars (\$1,000) for each offense and/or by commitment to jail for a period of not more than one year and/or loss of hunting and fishing privileges for a period not to exceed two years.

- b. Any person violating the provisions of the chapter with respect to the protection of moose, elk, buffalo, mountain goat, mountain sheep, antelope, mountain lion, grizzly bear, and caribou shall be guilty of a misdemeanor and shall be fined in a sum of not less than five hundred dollars (\$500) nor more than one thousand five hundred dollars (\$1,500) for each offense and/or by commitment to jail for a period of not more than one year and/or loss of hunting and fishing privileges for a period not to exceed two years.

(2) Second Conviction of Section 1, a. or b.

- a. For the second conviction within a ten-year period, a fine of not less than five hundred dollars (\$500) nor more than two thousand dollars (\$2,000) and/or by commitment to jail for a period of not more than one year and/or loss of hunting and fishing privileges for a period not to exceed five years.

(3) Third Conviction and Subsequent Convictions of Section 1, a or b.

For the third and subsequent convictions within a ten-year period,

a fine of not less than one thousand (\$1,000) nor more than three thousand dollars (\$3,000) and/or by commitment to jail for a period of not more than one year and/or loss of hunting and/or fishing privileges for the rest of his natural life.

- (4) In addition to the penalties of subsection (2) of this section, all wildlife taken by, or in the possession of any person sentenced under subsection (2) of this section and all guns, boats, traps and hunting apparatus, and vehicles used in violation shall be seized by persons authorized to enforce the wildlife laws and shall be ordered forfeited by the court in which the conviction occurs.