



GAIL NORTON
SECRETARY OF THE DEPARTMENT OF INTERIOR



DIRK KEMPTHORNE
GOVERNOR OF THE STATE OF IDAHO

MEMORANDUM OF AGREEMENT

BETWEEN

THE SECRETARY OF THE INTERIOR

AND

THE STATE OF IDAHO

I. AUTHORITY

This memorandum of agreement (MOA) between the Secretary of Interior acting through the U.S. Fish and Wildlife Service (hereinafter referred to as the “Service”) and the State of Idaho (hereinafter referred to as the “State”) is entered into under the authority of Fish and Wildlife Coordination Act of 1934 (16 USC Section 661-666c; 48 Stat. 410), as amended; Endangered Species Act of 1973 (16 USC 1531-1543; 87 Stat. 884) [“ESA”], and the experimental population regulations for the gray wolf in the Northern Rocky Mountains area, 50 CFR 17.84(n) (“the 10(j) rule”).

II. BACKGROUND

In 1995, gray wolves were reintroduced into Idaho by the Service as a non-essential experimental population as part of the federally-directed wolf recovery program in the northern Rocky Mountain region. By December of 2002, the biological requirements for wolf recovery in Idaho, Montana and Wyoming had been met. On February 7, 2005, the Service promulgated a new rule under ESA section 10(j) to grant those states with approved management plans an opportunity to assume many of the management responsibilities currently performed by the Service. The Service has approved Idaho and Montana’s state wolf management plans.

III. PURPOSE AND OBJECTIVES

This MOA between the Service and the State is entered into in order to facilitate an orderly transition from federal management to state management and to further enhance the conservation of the gray wolf. Under the 10(j) rule, and this agreement, the State becomes the designated agent within the non-essential experimental area. A permit under ESA section 10(a)(1)(A), when granted, will allow the State to also manage wolves north of Interstate 90 in Idaho. The State will assume lead wolf management authority as described herein under both management regimes. The State will begin to implement its federally approved Idaho Wolf Conservation and Management Plan of 2002 to the extent possible as permitted by the 10(j) rule. For those endangered wolves found north of Interstate 90, the State will employ the 1999 Wolf Control Plan in accordance with the section 10(a)(i)(A) permit. The Idaho Department of Fish and Game is the primary managers for the state.

IV. RESPONSIBILITIES OF THE PARTIES

A. The Service shall:

1. Conduct all ESA section 7 consultations in the State of Idaho.
2. Issue written authorization for taking wolves by private citizens on tribal reservations.
3. Loan existing Service-owned field equipment to assist the State in carrying out wolf management and the duties and responsibilities identified in this Agreement.

4. Subject to available appropriations, provide annual funding to the State to assist the State to carry out wolf management and the duties and responsibilities identified in this Agreement.
5. Lead federal law enforcement efforts involving the Endangered Species Act and other federal laws regarding wolves in Idaho while cooperating and coordinating with IDFG and other agencies as appropriate.
6. Expedite the processing and issuance of appropriate and necessary permits under authorities including but not limited to ESA sections 6 and 10(a)(1)(A) so that the Idaho Department of Fish and Game can carry out wolf management throughout Idaho.

B. The State shall:

1. Be the designated agent of the Service for all wolf management within its boundaries and implement the provisions of the 10(j) Rule and the Section 10(A)(1)(a) permit except those authorities retained by the Service.
2. Assume the responsibility of initial contact and response for investigations in any take, including incidental take, of a wolf on private or public land.
3. Determine when a wolf may be considered a threat to human safety and either direct USDA Wildlife Services to remove the wolf or conduct wolf removal actions in these cases.
4. Issue 1-year take authorizations for intentional harassment to private landowners and federal permittees after verified persistent wolf activity on their private land or allotment. The written take authorizations would allow intentional and potentially injurious, but non-lethal, harassment of wolves.
5. Control problem wolves as defined in the 10(j) rule, by implementing proactive strategies and conducting non-lethal and lethal control actions to reduce or resolve wolf-livestock conflicts.
6. Implement lethal control or translocation of wolves to reduce impacts on wild ungulates in accordance with the process outlined in the amended 10(j) rule.
7. Confirm depredations, coordinate, assist or review USDA Wildlife Services depredation confirmation consistent with any MOU or MOA between the State and Animal Damage Control Board, and issue written take authorizations for landowners as provided for in 50 CFR § 17.84(n)(4)(iii)(B).
8. Provide written authorization for take for research purposes that would be reasonably expected to result in data that will lead to development of sound management of the gray wolf, and lend to enhancement of its survival as a species.
9. When acting in the course of official duties, state agents may take wolves from the wild, if such action is:
 - a. for scientific purposes;
 - b. to avoid conflict with human activities;
 - c. to relocate a wolf within the NEP areas to improve its survival & recovery prospects;
 - d. to aid or euthanize sick, injured, or orphaned wolves;
 - e. to salvage a dead specimen which may be used for scientific study;
 - f. to aid in law enforcement investigations involving wolves; or
 - g. to prevent wolves with abnormal physical or behavioral characteristics, as determined by the Service, from passing on or teaching those traits to other wolves.
10. Determine disposition of wolf carcasses, hides, skulls, or other parts that are not needed for enforcement purposes. These uses will be for educational purposes, scientific purposes, or for display that will increase understanding of wolves and their management and conservation.
11. Conduct wolf monitoring and research, outreach, and agency coordination.
12. Prepare and submit to the Service annually by March 1 of each year a report as called for in the 10(j) rule.

V. PERIOD OF PERFORMANCE

This agreement is effective through March 2010, unless terminated or wolves are delisted. This agreement may be terminated by either party after 90 days written notice in accordance with the 10(j) rule.

VI. ADMINISTRATIVE CONTACTS

U.S. Fish and Wildlife Service

Jeff Foss, Project Leader
1387 S. Vinnell Way
Room 368
Boise, Idaho 8309
(208) 378-5243

Governor's Office of Species Conservation

James Caswell
300 N. 6th Street, Suite 101
Boise, ID 83702
(208) 334-2190

Idaho Department of Fish & Game

Steven Huffaker
600 S. Walnut St.
Boise, ID 83712
(208) 334-5159

VII. MODIFICATIONS

Amendments or renewals may be proposed at any time during the period of performance by either party and shall become effective upon signing by both parties. No change to this agreement shall be binding unless and until reduced to writing and signed by duly authorized officials of both parties.

VII. FUNDING

The Parties agree that funding to implement this agreement shall be provided through the annual appropriations process to the extent feasible, and memorialized in a cooperative agreement between the State and the Service. If adequate funding is not forthcoming, this agreement may be terminated. Nothing in this agreement shall be construed as a commitment or requirement that any Federal agency obligate or expend funds in advance or excess of appropriations.

IX. NO THIRD PARTY RIGHTS

Nothing in this agreement creates any enforceable rights in third parties.

IN WITNESS THEREOF each party hereto has caused this Agreement to be executed by an authorized official on the date set forth below.

DIRK KEMPTHORNE
Governor

GALE A. NORTON
Secretary of the Interior

Signed

Signed

Date January 5, 2006

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