



IDAHO DEPARTMENT OF FISH AND GAME

UPPER SNAKE REGION  
4279 Commerce Circle  
Idaho Falls, Idaho 83401

C.L. "Butch" Otter / Governor  
Cal Groen / Director

September 1, 2009

[REDACTED]

Subject: Request for Public Records for information related to June 2009 aerial shooting incident

[REDACTED]

The Department received your public records request for investigatory reports regarding an aerial shooting incident in June 2009.

Pursuant to Idaho Code §9-339(3), the Idaho Department of Fish and Game is partially granting and partially denying your above-referenced request for copies of public records as described below. Pursuant to Idaho Code §9-339(4), a Deputy Attorney General representing the Department of Fish and Game has reviewed your request.

A copy of the report related to an inactive investigation is enclosed.

Please note that the Department has redacted some material from this report as exempt from disclosure under Idaho Code §9-340B(1). Pursuant to Idaho Code §9-335, the Department has determined that the release of this redacted information would constitute an unwarranted invasion of personal privacy. In weighing an individual's interest in maintaining privacy against the public's need for disclosure under Idaho Code §9-335, the Department has redacted information related to the identities of persons who were the subject of the investigation, identities of persons providing information to law enforcement personnel, identities of third persons referred to in the reports, identities of federal investigation offers or agents (consistent with federal agency interpretation of privacy interests), and statements made by private individuals that were not germane to the incident being investigated (in which statements those persons would have a privacy interest).

You may provide the Department with other information you wish it to consider regarding the public interest in disclosure of information the Department has redacted as an unwarranted invasion of personal privacy pursuant to Idaho Code §9-335.

You also have the right to appeal this partial denial of your public records request pursuant to Idaho Code Section 9-343 within one hundred eighty (180) calendar days of today's date (February 28, 2010).

Sincerely,

A handwritten signature in black ink that reads "Steve Schmidt".

Steve Schmidt  
Regional Supervisor  
Upper Snake Region

*Keeping Idaho's Wildlife Heritage*



# IDAHO DEPARTMENT OF FISH AND GAME ENFORCEMENT REPORT

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| <b>Subject(s) of Investigation<br/>Name(s) (LAST, First, Middle)</b><br><br><div style="background-color: black; width: 100px; height: 15px; margin-top: 10px;"></div>   | <b>Date of Report</b><br><br>6-9-09  |  |
|  | <b>Report Made By</b><br><br>RCO John Hanson   |  |
|  | <b>Distribution of Copies</b>  |  |
| <p style="text-align: center;"><b>CHECK ONE</b></p> Investigation <input checked="" type="checkbox"/> Intelligence<br>Interview <input type="checkbox"/> Other (specify) | <p style="text-align: center;"><b>CHECK ONE</b></p> Narrative <input checked="" type="checkbox"/><br>Continuation <input type="checkbox"/> | <b>CASE NUMBER</b><br><br><b>CITATION NUMBER</b> |

Synopsis

On Friday, June 5, 2009 [REDACTED] called the Regional Office to report he shot a wolf from a powered-parachute near the [REDACTED] buck-sheep pen at Sand Creek. [REDACTED] claimed to possess a hunting license, a pilot's license and an aerial gunning permit. He shot the wolf under the authority and direction of [REDACTED]. [REDACTED] believed the wolf had a collar and believed it was dead, although he could not confirm either claim.

Officers Observations

June 5, 2009 @ 9 am

- Receive phone call at RO from [REDACTED] (Ph # [REDACTED]/Hamer resident).
- [REDACTED] reported the following information:
  - He shot a wolf from a powered-parachute NE of the [REDACTED] buck sheep pen on Sand Creek.
  - He shot the wolf @ 8 am that morning.
  - He shot it with a shotgun
  - He observed 4 wolves inside the fenced compound. By the time he fired on a wolf they were outside of the compound and ¼ to ½ mile NE of the sheep pen.
  - He shot the wolf at least 2 times on subsequent fly-over.
  - When he flew over the 3<sup>rd</sup> time he was unable to locate the wolf. (He believed the wolf had crawled under some brush and died). He could not confirm that the wolf was dead.
  - He believed the shot wolf had a radio collar.
  - After he shot the one wolf, he was unable to locate the remaining wolves.
  - He was flying under authority of [REDACTED].

- He has a hunting license, pilots license an aerial gunning permit from Dept. of Ag.
- I contacted [REDACTED] with WS to report the wolf shooting.

June 5, 2009 @ 1 pm

- I met with [REDACTED] and traveled to the [REDACTED] sheep pen on Sand Creek.
- We observed 2 individuals riding 4-wheelers outside of sheep pen on the east side. The individuals were later identified as [REDACTED] (owner) and [REDACTED] (WS trapper).
- [REDACTED] attempted to locate assigned wolf collar frequencies utilizing the telemetry receiver. No signal was received.
- We hiked the east perimeter of the sheep fence (8 ft woven-wire fence) and observed the following:
  - Several dig areas where wolves had crawled under the fence.
  - Wolf tracks on north-west side (creek bottom).
  - No other tracks or visible sign of wolves.
- [REDACTED] and I spoke with [REDACTED] (WS Agent) who reported the following:
  - He had been searching known wolf frequencies for the past 3 days with no results
  - He was Unable to locate the reported dead wolf
  - WS was removing their trap sets.
- [REDACTED] and I spoke with [REDACTED]. He was riding a 4-wheeler and had a rifle slung over his shoulder. [REDACTED] stated the following:
  - He had been in contact with the pilot [REDACTED], that morning regarding the wolf shooting from the powered-parachute.
  - After the pilot observed the wolves inside the compound, [REDACTED] called [REDACTED]. [REDACTED] instructed the pilot to shoot the wolves after receiving the go-ahead from [REDACTED].
  - He believed the pilot shot the wolf approximately ½ mile NE of the corner of their sheep pen.
  - He believed the pilot shot the wolf with No. 4 shot from a shotgun.
  - He had searched the area the pilot claimed he shot the wolf. [REDACTED] had GPS coordinates from the pilot, but wasn't sure of their accuracy way-points. [REDACTED] was unable to locate a dead wolf.
  - They would continue to aerial gun wolves again until someone tells him he can't.
  - If it is determined that they cannot shoot wolves from the air, he intended to continue to pursue the wolves even if he could only use the powered-parachutes to locate them so he could shoot them from the ground.
  - He implied he also owned a powered-parachute.
- I informed [REDACTED] the legal issue of pursuing wolves (air and ground) away from their sheep pen. That the law allows lethal removal of wolves if they are in the process of hunting/attacking their sheep or if they are molesting the sheep without a permit. I explained it in the context of a cause and effect response from the sheep to the presence of the wolves. I further explained that once the wolves leave the sheep pen, his authority to lethally remove wolves' decreases. They are no longer an active threat (hunting mode) to the sheep.

June 6, 2009 @ 1pm

- [REDACTED] reported that he returned to the [REDACTED] sheep pen to observe the following:
  - He was still unable to locate any wolf collar frequencies using the radio telemetry receiver.
  - At approximately 8 am he observed a powered-parachute (occupied by 2 individuals) with a rainbow colored (green-purple dominate) canopy and a red undercarriage.
  - The powered-parachute flew over sheep pen area and continued to fly 1+ mile to the east and northeast of the pen.
  - No shots were heard and he did not observe either individual with a firearm.
  - He observed fresh wolf tracks/dig under the sheep pen fence.