

The Idaho Department of Fish and Game considers the following document to be an agency guidance document for purposes of Idaho Executive Order 2020-002. The guidance document is not new law; it is the Department's interpretation or implementation of existing law.

Department Point of Contact (to obtain additional information or provide input):

Deputy Director, Programs and Policy
Idaho Department of Fish and Game
P.O. Box 25
Boise, ID 83707
Phone: (208) 334-3771
Email: rules@idfg.idaho.gov



IDAHO DEPARTMENT OF FISH AND GAME

600 S. Walnut/P.O. Box 25
Boise, Idaho 83707

C.L. "Butch" Otter/Governor
Virgil Moore/Director

Idaho Department of Fish and Game Interpretation of Rules

Regarding Use of Bait for Take of Gray Wolf

In accordance with Idaho Code 67-5201(19)(b)(iv), IDAPA 13.01.008.002, and IDAPA 13.01.17.002, the Idaho Department of Fish and Game (IDFG) hereby makes a written interpretation as to the use of bait for the take of unrestrained gray wolf by those authorized to take gray wolf by trapping. This document is to remain available for public inspection and copying at cost at IDFG headquarters office at 600 South Walnut, Boise, Idaho.

Interpretation

The use of bait in the taking of an unrestrained gray wolf is allowed if a person is in compliance with the requirements for use of bait for trapping gray wolf and with the requirements for hunting gray wolf that are unrelated to use of bait. To comply with both of these requirements all of the following conditions must be met:

1. The taker must have a valid hunting license, a valid trapping license, a wolf trapper certification, and one or more valid wolf tags;
2. Both trapping and hunting seasons for gray wolf must be open at the time and place of the taking;
3. Any shooting at an unrestrained gray wolf must occur during hours established for hunting of big game and comply with weapons restrictions for hunting gray wolf; and
4. Bait and its placement must be lawful for the take of gray wolf by trapping.

If a licensed hunter with a wolf tag does not have a trapping license or a wolf trapper certification, that hunter may only take gray wolf incidental to bear baiting.

Background

IDFG has received various inquiries regarding the application of use of bait rules under IDAPA (Idaho Administrative Code) as they apply to the take of an unrestrained wolf that may be attracted to lawful bait for trapping gray wolf, where both gray wolf hunting and trapping seasons are open.

13.01.06.100.d classifies gray wolf as a big game animal in Idaho.

IDAPA 13.01.08.250.i. provides that gray wolf tags may be used ONLY as allowed by the gray wolf seasons and quotas set by Commission proclamation under Section 36-106(3), Idaho Code. The 2017/2018 and 2018/2019 proclamation provides:

Wolf Hunting and Trapping Tags

Hunters may buy up to five gray wolf hunting tags per calendar year. Certified wolf trappers may buy up to five gray wolf trapping tags per trapping season for use in those zones with an open trapping season. In addition to the gray wolf trapping tags, certified wolf trappers may use wolf hunting tags in zones in which both the hunting and trapping seasons are open at the same time. Wolf trapping tags may also be used for wolves that are hunted in zones in which both the

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hunting and trapping seasons are open at the same time. All hunting and trapping seasons and tag limits apply.

Please note that gray wolf trapping tags are valid for the entire trapping season, and expire on June 30 of that trapping year. Gray wolf hunting tags, however, are valid only for a single calendar year and expire on December 31 of that year.

The Commission has thus authorized by proclamation the interchangeable use of wolf hunting and trapping tags by certified wolf trappers in zones in which both hunting and trapping seasons for gray wolf are open.

IDAPA 13.01.08.410.05.b (Rules for the Take of Big Game Animals in Idaho) prohibits, with certain exceptions, the take of big game animals with the use of bait "including grain, salt in any form (liquid or solid), or any other substance (not to include liquid scent) to constitute an attraction or enticement."

IDAPA 13.01.08.410.05.b does allow use of bait in compliance with IDAPA 13.01.17, *Rules Governing the Use of Bait and Trapping for Taking Big Game Animals*. IDAPA 13.01.17.400.05, however, incorporates the prohibitions stated in 13.01.08.410 (including the prohibition against use of bait), except for the allowance that a trapped gray wolf may be dispatched with any rimfire rifle, rimfire handgun or any muzzleloading handgun.

IDAPA 13.01.17.100.01 defines bait for hunting purposes as "any substance placed to attract big game animals, except liquid scent for deer and elk." IDAPA 13.01.100.03 restricts the animal species whose parts may be used for bait or scent.

IDAPA 13.01.17.400.01.a defines bait for trapping purposes as "any animal parts; except bleached bones or liquid scent." IDAPA 13.01.17.400.02 restricts the animal species whose parts may be used for bait for trapping purposes and prohibits the use of live animals as a bait or attractant.

IDAPA 13.01.17.400.03 allows trapped gray wolves to be dispatched any time of day or night.

Idaho Code 36-202 defines certain terms as follows:

- (i) "Take" means hunt, pursue, catch, capture, shoot, fish, seine, trap, kill, or possess or any attempt to so do.
- (j) "Hunting" means chasing, driving, flushing, attracting, pursuing, worrying, following after or on the trail of, shooting at, stalking, or lying in wait for, any wildlife whether or not such wildlife is then or subsequently captured, killed, taken, or wounded. Such term does not include stalking, attracting, searching for, or lying in wait for, any wildlife by an unarmed person solely for the purpose of watching wildlife or taking pictures thereof.
- (l) "Trapping" means taking, killing, and capturing wildlife by the use of any trap, snare, deadfall, or other device commonly used to capture wildlife, and the shooting or killing of wildlife lawfully trapped, and includes all lesser acts such as placing, setting or staking such traps, snares, deadfalls, and other devices, whether or not such acts result in the taking of wildlife, and every attempt to take and every act of assistance to any other person in taking or attempting to take wildlife with traps, snares, deadfalls, or other devices.

IDFG has reviewed the authorizations and prohibitions for hunting and trapping of gray wolf, including the Commission's authorization by proclamation for the use of wolf trapping tags and hunting tags at times and places where both hunting and trapping seasons are open.

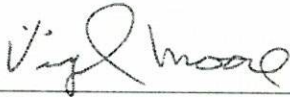
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The reciprocal references in 13.01.08.410.05.d and 13.01.17.400 risk ambiguity or circularity as they apply to the use of bait by individuals who meet licensing and tag requirements for both trapping and hunting of gray wolf where both trapping and hunting seasons are open. One could interpret these reciprocal provisions to require that a licensed trapper who is conducting lawful wolf trapping and who is a licensed hunter during an open wolf season may shoot an unrestrained gray wolf ONLY in locations that are entirely outside the area where his/her lawful wolf trapping bait may attract gray wolf. However, IDFG finds it more reasonable to interpret these provisions to allow a holder of both hunting and trapping licenses and wolf trapper certification to shoot an unrestrained wolf without regard for distance to bait that is lawful for trapping of gray wolf when both hunting and trapping seasons for gray wolf are open.

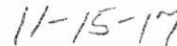
If a licensed hunter with a wolf tag does not have a trapping license or a wolf trapper certification, the hunter can only take a gray wolf with use of bait incidental to lawful bear baiting activity as provided in 13.01.17.100 and 200.

Future Review of this Interpretation

IDFG will review this interpretation in the event that: (1) the Commission substantively modifies rules for the use of bait for the take of gray wolf by hunting or trapping or (2) the Commission substantively modifies the above-referenced language in season proclamations as to the use of wolf trapping or hunting tags.



Virgil Moore, Director



Date