

IN THE SENATE

SENATE BILL NO. 1305

BY AGRICULTURAL AFFAIRS COMMITTEE

AN ACT

1 RELATING TO THE CONTROL OF DEPREDATION OF WOLVES; AMENDING SECTION 36-1107,
2 IDAHO CODE, TO PROVIDE THAT WITHIN A SPECIFIED TIME PERIOD OF LIVESTOCK
3 OR DOMESTIC ANIMALS BEING MOLESTED OR ATTACKED, THE OWNER AND THEIR
4 EMPLOYEES AND AGENTS MAY CONTROL THE WOLF OR WOLVES FROM A MOTORIZED
5 VEHICLE AT ANY TIME OF THE DAY OR NIGHT, TO AUTHORIZE THE USE OF CERTAIN
6 EQUIPMENT, TO REQUIRE THAT THE OWNER HOLD A SPECIFIED PERMIT FROM THE
7 IDAHO DEPARTMENT OF AGRICULTURE IF USING A POWERED PARACHUTE, HELI-
8 COPTER OR FIXED WING AIRPLANE, TO PROVIDE THAT IN THE EVENT USDA-APHIS
9 WILDLIFE SERVICES OR THE IDAHO DEPARTMENT OF FISH AND GAME VERIFIES A
10 LOSS OF LIVESTOCK OR DOMESTIC ANIMALS DUE TO WOLF DEPREDATION, THE OWNER
11 MAY OBTAIN A PERMIT FROM THE DIRECTOR OF THE DEPARTMENT OF FISH AND GAME
12 AUTHORIZING THE OWNER AND THEIR EMPLOYEES AND AGENTS TO CONTROL THE WOLF
13 OR WOLVES FROM A MOTORIZED VEHICLE AT ANY TIME OF THE DAY OR NIGHT, TO AU-
14 THORIZE THE USE OF CERTAIN EQUIPMENT, TO PROVIDE FOR THE DURATION OF THE
15 PERMIT, TO REQUIRE THAT THE OWNER HOLD A SPECIFIED PERMIT FROM THE IDAHO
16 DEPARTMENT OF AGRICULTURE IF USING A POWERED PARACHUTE, HELICOPTER OR
17 FIXED WING AIRPLANE, TO PROVIDE FOR REPORTING TO THE DIRECTOR OF THE
18 DEPARTMENT OF FISH AND GAME AND TO PROVIDE THAT WOLVES SO TAKEN SHALL RE-
19 MAIN THE PROPERTY OF THE STATE; AMENDING SECTION 22-102A, IDAHO CODE, TO
20 PROVIDE THAT PERMITS MAY BE ISSUED BY THE DIRECTOR OF THE DEPARTMENT OF
21 AGRICULTURE TO SHOOT WOLVES AS PROVIDED BY SPECIFIED LAW WHILE AIRBORNE
22 IN AN AIRCRAFT; AND DECLARING AN EMERGENCY.
23

24 Be It Enacted by the Legislature of the State of Idaho:

25 SECTION 1. That Section 36-1107, Idaho Code, be, and the same is hereby
26 amended to read as follows:

27 36-1107. WILD ANIMALS AND BIRDS DAMAGING PROPERTY. Other provisions
28 of this title notwithstanding, any person may control, trap, and/or remove
29 any wild animals or birds or may destroy the houses, dams, or other struc-
30 tures of furbearing animals for the purpose of protecting property from the
31 depredations thereof as hereinafter provided.

32 The director may delegate any of the authority conferred by this section
33 to any other employee of the department.

34 (a) Director to Authorize Removal of Wildlife Causing Damage. Except
35 for antelope, elk, deer or moose when any other wildlife, protected by this
36 title, is doing damage to or is destroying any property, including water
37 rights, or is likely to do so, the owner or lessee thereof may make complaint
38 and report the facts to the director or his designee who shall investigate
39 the conditions complained of. In the case of water rights, the director
40 shall request an investigation by the director of the department of water
41 resources of the conditions complained of. The director of the department
42 of water resources shall request a recommendation from the local water mas-

1 ter, if any, and upon such examination, shall certify to the director of
2 the department of fish and game whether said wildlife, or houses, dams or
3 other structures erected by said wildlife is injuring or otherwise adversely
4 impacting water rights. If it appears that the complaint is well-founded
5 and the property of such complainant is being or is likely to be damaged or
6 destroyed by any such wildlife protected under this title, the director may:

7 1. Send a representative onto the premises to control, trap, and/or re-
8 move such protected wildlife as will stop the damage to said property.
9 Any animals or birds so taken shall remain the property of the state and
10 shall be turned over to the director.

11 2. Grant properly safeguarded permission to the complainant to con-
12 trol, trap and/or remove such protected wildlife or to destroy any
13 houses, dams, or other structures erected by said animals or birds. Any
14 protected wildlife so taken shall remain the property of the state and
15 shall be turned over to the director.

16 3. Whenever deemed to be in the public interest, authorize or cause the
17 removal, modification or destruction of any dam, house, structure or
18 obstruction erected by any furbearing animals. The director shall have
19 authority to enter upon all lands, both public and private, as neces-
20 sary, to control, trap or remove such animals, or to so remove, modify
21 or destroy such dam, house, structure or obstruction that is injuring or
22 otherwise adversely impacting water rights, or to require the landowner
23 to do so. The director shall make a reasonable effort to contact any
24 private landowner to schedule a date and approximate time for the re-
25 moval, modification or destruction. No liability whatever shall accrue
26 to the department or the director by reason of any direct or indirect
27 damage arising from such entry upon land, destruction, removal or modi-
28 fication.

29 4. Issue a permit to any bona fide owner or lessee of property which is
30 being actually and materially damaged by furbearing animals, to trap
31 or kill or to have trapped or killed such animals on his own or leased
32 premises. Such permit may be issued without cost to a landholder ap-
33 plicant and shall designate therein the number of furbearing animals
34 that may be trapped or killed, the name of the person who the landowner
35 has designated to take such furbearers and the valid trapping license
36 number of the taker. Furbearers so taken shall be the property of the
37 taker. Beaver so taken shall be handled in the manner provided in sec-
38 tion 36-1104, Idaho Code. The term "premises" shall be construed to
39 include any irrigation ditch or right-of-way appurtenant to the land
40 for which said permit is issued.

41 (b) Control of Depredation of Black Bear, Mountain Lion, and Predators.
42 Black bear, mountain lion, and predators may be disposed of by livestock own-
43 ers, their employees, agents and animal damage control personnel when same
44 are molesting or attacking livestock and it shall not be necessary to obtain
45 any permit from the department. Mountain lion so taken shall be reported to
46 the director within ten (10) days of being taken. Livestock owners may take
47 steps they deem necessary to protect their livestock.

48 (c) 1. Control of Depredation of Wolves. Wolves may be disposed of by
49 livestock or domestic animal owners, their employees, agents and ani-
50 mal damage control personnel when the same are molesting or attacking

1 livestock or domestic animals and it shall not be necessary to obtain
2 any permit from the department. Notwithstanding any other provisions
3 of Idaho law, within thirty-six (36) hours of the livestock or domes-
4 tic animal being molested or attacked, the owner, their employees and
5 agents, may control the wolf or wolves from a motorized vehicle, includ-
6 ing from a powered parachute, helicopter or fixed wing airplane, at any
7 time of day or night, shall be authorized to use any center fire rifle,
8 pistol or shotgun or archery, including crossbow, shall be authorized
9 to use night scopes capable of being mounted on a weapon and artificial
10 lights as well as calls, including electronic calls, and shall be au-
11 thorized to use traps with any bait, including live bait. In the event
12 a powered parachute, helicopter or fixed wing airplane is used for con-
13 trolling the wolf or wolves, the owner shall also hold a permit from the
14 Idaho department of agriculture pursuant to the provisions of section
15 22-102A, Idaho Code. Wolves so taken shall be reported to the director
16 within seventy-two (72) hours, with additional reasonable time allowed
17 if access to the site where taken is limited. Wolves so taken shall re-
18 main the property of the state.

19 2. Notwithstanding any other provisions of Idaho law, in the event
20 USDA-APHIS wildlife services or the Idaho department of fish and game
21 verify a loss, confirmed or probable, of livestock or domestic animals
22 due to wolf depredation, the owner of the livestock or domestic animal
23 that has been killed by a wolf or wolves may obtain a permit from the
24 director authorizing the owner, their employees and agents, to control
25 the wolf or wolves from a motorized vehicle, including from a powered
26 parachute, helicopter or fixed wing airplane, at any time of day or
27 night, shall be authorized to use any center fire rifle, pistol or shot-
28 gun or archery, including crossbow, and shall be authorized to use night
29 scopes capable of being mounted on a weapon and artificial lights as
30 well as calls, including electronic calls. Such permit shall be valid
31 for a period of time not to exceed sixty (60) days. The permit shall also
32 authorize the use of traps with any bait, including live bait. In the
33 event a powered parachute, helicopter or fixed wing airplane is used
34 for controlling the wolf or wolves, the owner shall also hold a permit
35 from the Idaho department of agriculture pursuant to the provisions
36 of section 22-102A, Idaho Code. Wolves so taken shall be reported to
37 the director of the department of fish and game within seventy-two (72)
38 hours, with additional reasonable time allowed if access to the site
39 where taken is limited. Wolves so taken shall remain the property of the
40 state.

41 3. Livestock and domestic animal owners may take all nonlethal steps
42 they deem necessary to protect their property. A permit must be ob-
43 tained from the director to control wolves not molesting or attacking
44 livestock or domestic animals. Control is also permitted by owners,
45 their employees and agents pursuant to the Idaho department of fish and
46 game harvest rules. For the purposes of this subsection (c), "molest-
47 ing" shall mean the actions of a wolf that are annoying, disturbing or
48 persecuting, especially with hostile intent or injurious effect, or
49 chasing, driving, flushing, worrying, following after or on the trail
50 of, or stalking or lying in wait for, livestock or domestic animals.

1 (d) Taking of Muskrats in Irrigation Systems Authorized. Muskrats may
2 be taken at any time in or along the banks of irrigation ditches, canals,
3 reservoirs or dams, by the owners, their employees, or those in charge of
4 said irrigation ditches or canals.

5 SECTION 2. That Section 22-102A, Idaho Code, be, and the same is hereby
6 amended to read as follows:

7 22-102A. AIRCRAFT USE IN CONTROLLING UNPROTECTED OR PREDATORY ANI-
8 MALS. The director of the department of agriculture is hereby designated as
9 the authorized agent of this state to aid in the administration or protection
10 of land, water, wildlife, livestock, domesticated animals, human life or
11 crops for the purposes of issuing permits to persons to shoot or attempt to
12 shoot, capture, harass or kill unprotected or predatory animals, as desig-
13 nated by the director, or wolves as provided in section 36-1107(c)1. and
14 (c)2., Idaho Code, while such person is airborne in an aircraft, under au-
15 thority vested in such agency by public laws 92-159 and 92-502.

16 The director shall issue such permits to applicants at no charge and
17 shall require each permittee to submit a report each calendar quarter. The
18 director also shall file with the United States secretary of the interior an
19 annual report as prescribed in public laws 92-159 and 92-502.

20 The director is authorized to promulgate such regulations as may be
21 necessary for the effective administration of this subsection. Any viola-
22 tion of such regulations shall constitute a civil offense for which a civil
23 penalty of not to exceed one thousand dollars (\$1,000) may be imposed per
24 incident of violation.

25 SECTION 3. An emergency existing therefor, which emergency is hereby
26 declared to exist, this act shall be in full force and effect on and after its
27 passage and approval.