

TITLE 36
FISH AND GAME

CHAPTER 11
PROTECTION OF ANIMALS AND BIRDS

36-1101. TAKING OF WILDLIFE UNLAWFUL EXCEPT BY STATUTE OR COMMISSION RULE OR PROCLAMATION -- METHODS PROHIBITED -- EXCEPTIONS. (a) It is unlawful, except as may be otherwise provided by Idaho law, including this title or commission rules or proclamations promulgated pursuant thereto, for any person to take any of the game animals, birds or furbearing animals of this state.

(b) Except as may be otherwise provided under this title or commission rules or proclamations promulgated pursuant thereto, it is unlawful for any person to:

1. Hunt from Motorized Vehicles. Hunt any of the game animals or game birds of this state from or by the use of any motorized vehicle, including any unmanned aircraft system, except as provided by commission rule; provided however, that the commission shall promulgate rules which shall allow a physically disabled person to apply for a special permit which would allow the person to hunt from a motorized vehicle which is not in motion. A physically disabled person means a person who has lost the use of one (1) or both lower extremities or both hands, or is unable to walk two hundred (200) feet or more unassisted by another person, or is unable to walk two hundred (200) feet or more without the aid of a walker, cane, crutches, braces, prosthetic device or a wheelchair, or is unable to walk two hundred (200) feet or more without great difficulty or discomfort due to one (1) or more of the following impairments: neurological, orthopedic, respiratory, cardiac, arthritic disorder, blindness, or the loss of function or absence of a limb.

The commission shall specify the form of application for and design of the special permit which shall allow a physically disabled person to hunt from a motorized vehicle which is not in motion. No fee shall be charged for the issuance of the special permit and the issuance of a special permit shall not exempt a person from otherwise properly purchasing or obtaining other necessary licenses, permits and tags in accordance with this title and rules promulgated pursuant thereto. The special permit shall not be transferable and may only be used by the person to whom it is issued. A person who has been issued a special permit which allows a physically disabled person to hunt from a motorized vehicle not in motion shall have that permit prominently displayed on any vehicle the person is utilizing to hunt from and the person shall produce, on demand, the permit and other identification when so requested by a conservation officer of the department of fish and game. A person possessing a special permit shall not discharge any firearm from or across a public highway. In addition to other penalties, any unauthorized use of the special permit shall be grounds for revocation of the permit.

2. Molest with Motorized Vehicles. Use any motorized vehicle, including any unmanned aircraft system, to molest, stir up, rally or drive in any manner any of the game animals or game birds of this state.

3. Communicate from Aircraft. Make use of aircraft, including any unmanned aircraft system, in any manner to spot or locate game animals, game birds or furbearing animals of this state from the air and communicate the location or approximate location thereof by any signals what-

soever, whether radio, visual or otherwise, to any person then on the ground.

4. Hunt from Helicopter. Make use of any helicopter in any manner in the taking of game or loading, transporting, or unloading hunters, game or hunting gear in any manner except when such use is at recognized airports or airplane landing fields, or at heliports which have been previously established on private land or which have been established by a department or agency of the federal, state or local government or when said use is in the course of emergency or search and rescue operations. Provided however, that nothing in this chapter shall limit or prohibit the lawful control of wolves or predatory or unprotected animals through the use of helicopters when such measures are deemed necessary by federal or state agencies in accordance with existing laws or management plans.

5. Hunt with Aid of Aircraft. Make use of any aircraft, including any unmanned aircraft system, to locate any big game animal for the purpose of hunting those animals during the same calendar day those animals were located from the air. Provided however, that nothing in this chapter shall limit or prohibit the lawful control of wolves or predatory or unprotected wildlife through the use of aircraft when such measures are deemed necessary by federal or state agencies in accordance with existing laws or management plans.

6. Artificial Light. Hunt any animal or bird except raccoon by the aid of a spotlight, flashlight or artificial light of any kind. The act of casting or throwing, after sunset, the beam or rays of any spotlight, headlight or other artificial light capable of utilizing six (6) volts or more of electrical power upon any field, forest or other place by any person while having in his possession or under his control any uncased firearm or contrivance capable of killing any animal or bird, shall be prima facie evidence of hunting with an artificial light. Provided nothing in this subsection shall apply where the headlights of a motor vehicle, operated and proceeding in a normal manner on any highway or roadway, cast a light upon animals or birds on or adjacent to such highway or roadway and there is no intent or attempt to locate such animals or birds. Provided further, nothing in this subsection shall prevent the hunting of unprotected or predatory wildlife with the aid of artificial light when such hunting is for the purpose of protecting property or livestock, is done by landowners or persons authorized in writing by them to do so and is done on property they own, lease or control; and provided further that the hunting and taking of unprotected or predatory wildlife with the aid of artificial light on public lands is authorized after obtaining a permit to do so from the director. The director may, for good cause, refuse to issue such permit.

Other provisions of this subsection notwithstanding, the commission may establish rules allowing the hunting of raccoon with the aid of an artificial light.

7. Regulation of Dogs.

(A) No person shall make use of a dog for the purpose of pursuing, taking or killing any of the big game animals of this state except as otherwise provided by rules of the commission.

(B) Any person who is the owner of, or in possession of, or who harbors any dog found running at large and which is actively tracking, pursuing, harassing or attacking, or which injures or kills deer

or any other big game animal within this state shall be guilty as provided in section [36-1401](#)(a)1.(F), Idaho Code. It shall be no defense that such dog or dogs were pursuing said big game animals without the aid or direction of the owner, possessor, or harbinger.

(C) Any dog found running at large and which is actively tracking, pursuing, harassing, attacking or killing deer or any other big game animal may be destroyed without criminal or civil liability by the director, or any peace officer, or other persons authorized to enforce the Idaho fish and game laws.

8. Attempt to Take Simulated Wildlife.

(A) Attempt to take, by firearm or any other contrivance capable of killing an animal or bird, simulated wildlife in violation of any of the provisions of this title or commission rules applicable to the taking of the wildlife being simulated, when the simulated wildlife is being used by a conservation officer or other person authorized to enforce Idaho fish and game laws or rules promulgated pursuant thereto. No person shall be found guilty of violating either this subparagraph, or subparagraph (B) of this paragraph, provided that no other law or rule has been violated.

(B) Any person pleading guilty to, convicted of or found guilty for attempting to take simulated wildlife within this state shall be guilty of a misdemeanor and shall be punished as provided in either subsection (c) or (e) of section [36-1402](#), Idaho Code, and shall pay restitution in an amount of no less than fifty dollars (\$50.00) for the repair or replacement of the simulated wildlife.

9. Devices Accessed via Internet.

(A) No person shall shoot at or kill any bird or animal in Idaho, wild or domestic, including domestic cervidae governed under the provisions of [chapter 37, title 25](#), Idaho Code, with any gun or other device accessed and controlled via an internet connection. Accessing, regulating access to, or regulating the control of a device capable of being operated in violation of this paragraph shall be prima facie evidence of an offense under this paragraph.

(B) Any person pleading guilty to, convicted of or found guilty of a violation of this paragraph shall be guilty of a misdemeanor and shall be punished as provided in section [36-1402](#), Idaho Code.

[36-1101, added 1976, ch. 95, sec. 2, p. 353; am. 1978, ch. 363, sec. 1, p. 950; am. 1979, ch. 196, sec. 1, p. 566; am. 1986, ch. 75, sec. 1, p. 231; am. 1986, ch. 297, sec. 1, p. 746; am. 1989, ch. 95, sec. 1, p. 221; am. 1992, ch. 81, sec. 27, p. 241; am. 1992, ch. 218, sec. 1, p. 655; am. 1994, ch. 94, sec. 1, p. 214; am. 1994, ch. 115, sec. 1, p. 262; am. 1998, ch. 170, sec. 7, p. 580; am. 2005, ch. 180, sec. 1, p. 553; am. 2007, ch. 36, sec. 1, p. 85; am. 2007, ch. 67, sec. 1, p. 172; am. 2007, ch. 261, sec. 1, p. 773; am. 2011, ch. 281, sec. 1, p. 762; am. 2015, ch. 106, sec. 4, p. 266; am. 2016, ch. 26, sec. 1, p. 65.]

36-1101A. ARCHERY EQUIPMENT. Notwithstanding any other provision of this title, during any archery season, licensed hunters may employ the use of lighted nocks and mechanical broadheads in the taking of wildlife as authorized by their license.

[36-1101A, added 2022, ch. 18, sec. 1, p. 37.]

36-1102. PROTECTION OF BIRDS. (a) Game, Song, Insectivorous, Rodent Killing, and Innocent Birds Protected. Except for English sparrows and starlings, no person shall at any time of the year take any game, song, rodent killing, insectivorous or other innocent bird, except as provided by commission proclamations promulgated pursuant hereto, or for any person to intentionally disturb or destroy the eggs or nests of such birds at any time.

(b) Migratory Birds.

1. No person shall hunt, take or have in possession any migratory birds except as provided by federal regulations made pursuant to the federal migratory bird treaty act, as amended, and in accordance with related rules and proclamations promulgated by the commission.

2. No person subject to the federal migratory bird hunting stamp act tax shall hunt any migratory waterfowl unless at the time of such hunting he carries on his person an unexpired federal migratory bird hunting stamp validated by his signature in ink across the face of the stamp or an electronically issued unexpired validation on a valid license while hunting such birds.

(c) Falconry. The commission is authorized to establish a falconry program and to promulgate rules and proclamations governing same. As may be required by commission rule, the fees for a falconry permit, raptor captive breeding permit and raptor in-state transfer permit shall be as specified in section [36-416](#), Idaho Code. The falconry and the raptor captive breeding permit shall expire three (3) years from date of issue.

[36-1102, added 1976, ch. 95, sec. 2, p. 355; am. 1990, ch. 2, sec. 1, p. 3; am. 1992, ch. 81, sec. 28, p. 243; am. 1998, ch. 170, sec. 8, p. 583; am. 2000, ch. 211, sec. 28, p. 568.]

36-1103. FUR-BEARING ANIMALS -- SEASONS -- METHODS -- AMOUNTS. No person shall trap or take by any method or means, at any place or time, in any amount, or have in possession any wild fur-bearing animals or pelts thereof, except as permitted by provisions of this title and commission rules and proclamations promulgated pursuant thereto.

(a) Trapping. No person shall:

1. Use any edible portions as defined in section [36-1202](#), Idaho Code, of a game bird, game animal, or game fish for bait in trapping or taking of any wildlife, except wildlife parts salvaged pursuant to section [36-506](#), Idaho Code, may be used for bait in trapping wildlife.

2. Destroy, disturb, or remove the trap or traps of any licensed trapper within this state, provided, however, that the director may inspect such traps and seize same when unlawfully set.

(b) Seizure and Sale of Unclaimed Traps. Traps or other trapping equipment unlawfully set shall be seized by the director or any officer charged with the enforcement of the wildlife laws and may be sold, and the moneys of such sale shall be credited to the state fish and game account.

(c) Muskrat House Protected. No person shall trap in or on or destroy or damage any muskrat house at any time. For the purpose of this section, what is known as a push-up is not construed to be a muskrat house in the sense of the law pertaining to trapping in or on muskrat houses.

[36-1103, added 1976, ch. 95, sec. 2, p. 355; am. 1992, ch. 81, sec. 29, p. 243; am. 1998, ch. 170, sec. 9, p. 584; am. 2021, ch. 91, sec. 1, p. 319.]

36-1104A. SPECIAL BOBCAT OR OTTER EXPORT TAGS -- FEE. The commission may provide for, and regulate the issuance of, a special tag to be attached to the hide of any bobcat or any otter legally taken in the state of Idaho. A tag shall be authority to export bobcat or otter hides taken in Idaho as provided by regulation of the U.S. fish and wildlife service.

The commission may set the price to be charged for such tags, at a cost not to exceed the fee as specified in section [36-416](#), Idaho Code, per tag.

No export tag shall be issued for any bobcat or otter hide not taken in Idaho.

[36-1104A, added 1981, ch. 69, sec. 1, p. 102; am. 2000, ch. 211, sec. 30, p. 569; am. 2009, ch. 201, sec. 4, p. 650.]

36-1105. REPORT OF TRAPPERS -- PENALTY FOR FAILURE TO REPORT. By the 31st of July of each year, the director shall be furnished with an accurate, written report from all persons who held a trapping license during the preceding license year as to the number and kinds of wild animals caught, killed and pelted during the open season, where the hides and pelts were sold and the amount derived from the sale thereof. Any trapper failing to make such a report by said date shall be refused a license to trap animals for the ensuing year.

[36-1105, added 1976, ch. 95, sec. 2, p. 356.]

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

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

(a) Director to Authorize Removal of Wildlife Causing Damage. Except for antelope, elk, deer or moose when any other wildlife, protected by this title, is doing damage to or is destroying any property, including water rights, or is likely to do so, the owner or lessee thereof may make complaint and report the facts to the director or his designee who shall investigate the conditions complained of. In the case of water rights, the director shall request an investigation by the director of the department of water resources of the conditions complained of. The director of the department of water resources shall request a recommendation from the local water master, if any and, upon such examination, shall certify to the director of the department of fish and game whether said wildlife, or houses, dams or other structures erected by said wildlife, is injuring or otherwise adversely impacting water rights. If it appears that the complaint is well-founded and the property of such complainant is being or is likely to be damaged or destroyed by any such wildlife protected under this title, the director may:

1. Send a representative onto the premises to control, trap, and/or remove such protected wildlife as will stop the damage to said property. Any animals or birds so taken shall remain the property of the state and shall be turned over to the director.
2. Grant properly safeguarded permission to the complainant to control, trap and/or remove such protected wildlife or to destroy any houses, dams, or other structures erected by said animals or birds. Any

protected wildlife so taken shall remain the property of the state and shall be turned over to the director.

3. Whenever deemed to be in the public interest, authorize or cause the removal, modification or destruction of any dam, house, structure or obstruction erected by any furbearing animals. The director shall have authority to enter upon all lands, both public and private, as necessary, to control, trap or remove such animals, or to so remove, modify or destroy such dam, house, structure or obstruction that is injuring or otherwise adversely impacting water rights, or to require the landowner to do so. The director shall make a reasonable effort to contact any private landowner to schedule a date and approximate time for the removal, modification or destruction. No liability whatever shall accrue to the department or the director by reason of any direct or indirect damage arising from such entry upon land, destruction, removal or modification.

4. Issue a permit to any bona fide owner or lessee of property that is being actually and materially damaged by furbearing animals, to trap or kill or to have trapped or killed such animals on his own or leased premises. Such permit may be issued without cost to a landholder applicant and shall designate therein the number of furbearing animals that may be trapped or killed, the name of the person who the landowner has designated to take such furbearers and the valid trapping license number of the taker. Furbearers so taken shall be the property of the taker. The term "premises" shall be construed to include any irrigation ditch or right-of-way appurtenant to the land for which said permit is issued.

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

(c) Control of Depredation of Wolves on Livestock and Domestic Animals. Wolves may be disposed of by livestock or domestic animal owners, their employees, agents and animal damage control personnel when the same are molesting or attacking livestock or domestic animals and it shall not be necessary to obtain any permit from the department. Wolves so taken shall be reported to the director within thirty (30) days of being taken. Livestock and domestic animal owners may take all steps they deem necessary to protect their property. A permit must be obtained from the director to control wolves not molesting or attacking livestock or domestic animals. Wolves may be disposed of by any federal agency, state agency, private contractor, political subdivision of the state of Idaho, or agency of another state. The wolf depredation control board shall be authorized to renew such permits or transfer such permits to a different contracting party. Control is also permitted by owners, their employees and agents pursuant to the Idaho department of fish and game harvest rules. For the purposes of this subsection, "molesting" means the actions of a wolf that are annoying, disturbing or persecuting, especially with hostile intent or injurious effect, or chasing, driving, flushing, worrying, following after or on the trail of, or stalking or lying in wait for, livestock or domestic animals.

(d) Control of Depredation of Wolves on Wildlife Populations. Wolves may be disposed of by any federal agency, state agency, private contractor, political subdivision of the state of Idaho, or agency of another state when the population has exceeded the recovery goals of the Idaho wolf conservation and management plan in an effort to maintain a balance of all wildlife populations. Wolves so taken shall be reported to the director within thirty (30) days of being taken. A permit must be obtained from the director.

(e) Control of Depredation of Grizzly Bears. For purposes of this section, "grizzly bear" means any grizzly bear not protected by the federal endangered species act. Grizzly bears may be disposed of by livestock or domestic animal owners, their employees, agents and animal damage control personnel when the same are molesting or attacking livestock or domestic animals and it shall not be necessary to obtain any permit from the department. Grizzly bears so taken shall be reported to the director within seventy-two (72) hours, with additional reasonable time allowed if access to the site where taken is limited. Grizzly bears so taken shall remain the property of the state. Livestock and domestic animal owners may take all nonlethal steps they deem necessary to protect their property.

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

[36-1107, added 1976, ch. 95, sec. 2, p. 357; am. 1984, ch. 144, sec. 1, p. 338; am. 1988, ch. 32, sec. 1, p. 41; am. 1988, ch. 321, sec. 1, p. 980; am. 1990, ch. 370, sec. 4, p. 1013; am. 1996, ch. 64, sec. 1, p. 187; am. 1996, ch. 394, sec. 1, p. 1322; am. 2008, ch. 294, sec. 1, p. 821; am. 2017, ch. 61, sec. 7, p. 147; am. 2019, ch. 161, sec. 6, p. 533; am. 2021, ch. 307, sec. 5, p. 920.]

36-1108. CONTROL OF DAMAGE BY PRONGHORN ANTELOPE, ELK, DEER OR MOOSE -- COMPENSATION FOR DAMAGES. (a) Prevention of depredation shall be a priority management objective of the department, and it is the obligation of landowners to take all reasonable steps to prevent property loss from wildlife or to mitigate damages by wildlife. When any pronghorn antelope, elk, deer or moose is doing damage to or is destroying any property or is about to do so, the owner or lessee thereof may make complaint and verbally or electronically report the facts to the director or his designee who shall, within seventy-two (72) hours, investigate the conditions complained of. If it appears that the complaint is well-founded and the property of the complainant is being or is likely to be damaged or destroyed by such pronghorn antelope, elk, deer or moose, the director may:

1. Send a representative onto the premises to control, trap, and/or remove such animals as will stop the damage to said property. Any animals so taken shall remain the property of the state and shall be turned over to the director. The director may provide written authorization for possession of animals so taken.
2. Grant properly safeguarded permission to the complainant to control, trap and/or remove such animals. Any animals so taken shall remain the property of the state and shall be turned over to the director. The director may provide written authorization for possession of animals so taken.
3. Make an agreement with the owner or lessee to allow continued use of lands by the animals where damage by them has occurred to stored,

growing or matured crops, prepared seedbed ground, or irrigation equipment on private property whether owned or leased. The agreement made under the provisions of this subsection may provide for financial compensation to the owner or lessee. If made, financial compensation under the provisions of this subsection shall be governed by the provisions of section [36-115](#), Idaho Code, and shall not be in addition to any payments for the same crop losses from any other source. Compensation for damages under the provisions of this subsection shall be available for damages done to private lands, whether owned or leased, if the owner or lessee allowed hunters reasonable access to the property or through the property to public lands for hunting purposes during the preceding hunting season or as a measure of response to depredation. This provision shall not negate the provisions of section [36-1603](#), Idaho Code, relating to the necessity of obtaining permission to enter private land. If necessary, the arbitration panel provided for in subsection (b) of this section shall determine the reasonableness of access allowed.

(b) 1. In order to establish eligibility for submission of claims for damages, persons suffering crop, prepared seedbed ground, or irrigation equipment damages on privately owned or leased land caused by pronghorn antelope, elk, deer or moose must:

(A) Notify the department within seventy-two (72) hours of discovery of damage.

(B) Follow up verbal notification with a written, which may be electronic, notice within twenty (20) days of the discovery of damages.

(C) The department shall not be held liable or accountable for any damages occurring more than twenty (20) days prior to the initial notification of damage. However, the department may extend the period up to thirty (30) days under exceptional circumstances.

The owner or lessee must have allowed hunters reasonable access to the property or through the property to public lands for hunting purposes during the preceding hunting season or as a measure of response to depredation, provided such access does not impact on their operations, or the claim for damages may be disallowed. Compensation for crop, prepared seedbed ground, or irrigation equipment damages claims shall not be in addition to any payments for the same crop losses from any other source and shall not include fence or other types of property damage. While fences are not subject to claim for payment, the department is allowed to provide support and assistance, including provision of materials to design, construct, and maintain fences for control of depredation. The notice of damages caused must be in written form, shall be in the form of a claim for damages substantially the same as required by section [6-907](#), Idaho Code, shall be attested to by the claimant under oath, and the claim shall be at least seven hundred fifty dollars (\$750). The claim shall not be amended after it is filed, provided however, that a claimant may file an additional claim in the event additional damage occurs subsequent to filing the initial claim. The department shall prepare and make available suitable forms for notice and claim for damages. Claims may be submitted only for the fiscal year (July 1 through June 30) in which they occurred, with allowance for submission within the first sixty (60) days of the following fiscal year if the claim occurred within the last sixty (60) days of

the previous fiscal year. Any person submitting a fraudulent claim shall be prosecuted for a felony as provided in section [18-2706](#), Idaho Code. For purposes of this subsection, crop damages shall mean damage to plants grown or stored for profit and exclude ornamental plants, and damage to prepared seedbed ground or irrigation equipment shall include necessary parts and documented labor.

2. Upon receipt by the department, the department shall review the claim, and if approved, pay it as provided in section [36-115](#), Idaho Code, or order it paid as provided in section [36-115](#), Idaho Code. Failure on the part of the owner or lessee to allow on-site access for inspection and investigation of alleged losses shall void the claim for damages.

3. In the event the owner or lessee and the department fail to agree on the amount of damages within fifteen (15) business days of the written claim, either party may elect to retain the services of an independent certified insurance adjuster licensed in the state of Idaho to view the affected property and determine the amount of damages. In the event the owner or lessee and the department fail to agree on the amount of damages and neither party elects to retain the services of an independent certified insurance adjuster, provisions of paragraph 4. of this subsection shall apply. The independent certified adjuster shall complete his review and determination within twenty (20) days from the date he is retained, and will report his determination in writing by certified mail to the department and to the owner or lessee. Neither the owner or lessee, nor the department, shall disturb the affected property prior to review and determination by the independent insurance adjuster. Costs associated with the services of the independent insurance adjuster shall be divided equally between the owner or lessee and the department, subject to reapportionment of the costs by an arbitration panel pursuant to the provisions of paragraph 4. of this subsection. If the department, or the owner or lessee rejects the determination of the adjuster, they shall notify the other party in writing of the rejection within five (5) business days of receipt of the adjuster's determination. In the event that either party rejects the adjuster's determination, the provisions of paragraph 4. of this subsection shall apply.

4. Within five (5) business days of a rejection of an adjuster's determination of damages or failure of the owner or lessee and the department to agree on damages when a certified insurance adjuster is not used, the director must convene an arbitration panel. To convene an arbitration panel, the director must, within five (5) business days, appoint the department's representative and notify the landholder of the appointment. The landholder(s) shall, within the next five (5) business days following such notice from the department, appoint his representative and notify the department of the appointment. Within the next five (5) business days, the department representative and the landholder must mutually appoint the third arbitrator. The arbitration panel shall consist of three (3) members, as follows:

- (A) The director of the department of fish and game or his designee;
- (B) The owner or his designee, or the lessee or his designee;
- (C) One (1) member selected by the two (2) members above.

The panel shall convene within thirty (30) days of the selection of the third arbitrator, and render its decision within fourteen (14) days after the hearing. When convened, the arbitration panel shall have the same authority to make on-site inspections as the department. The owner or lessee shall be responsible for payment of the expenses of his appointee; the director shall pay the expenses of his appointee from the expendable big game depredation fund; and the expenses of the third member shall be a joint responsibility of the owner or lessee, and the department. Provided however, the panel is authorized to review the costs associated with retaining the independent insurance adjuster and to determine whether those costs should instead be borne solely by the owner or lessee, solely by the department, or be apportioned between the owner or lessee and the department. In cases where an independent insurance adjuster was used, the party electing to use the adjuster shall assume the insurance adjuster's determination of damage as their estimate of damage. The panel shall consider the claim submitted by the owner or lessee, and the estimate of damages submitted by the department, and shall select one amount or the other as being the closest to the actual damages sustained by the claimant. The arbitration panel shall report its decision in writing to both the owner or lessee and to the department within ten (10) days of the decision, and the decision of the panel shall be binding on the owner or lessee and the department. The fish and game advisory committee shall develop guidelines to govern arbitration procedures in accordance with [chapter 52, title 67](#), Idaho Code.

(c) Any claim received by the department under the provisions of subsection (b) of this section must be processed by the department within sixty (60) calendar days of receipt. If the claim is approved for payment, payment must be made within forty-five (45) calendar days of such approval. Any damage claim determination by an independent insurance adjuster pursuant to subsection (b)3. of this section, accepted by the parties, must be paid by the department within forty-five (45) calendar days of the determination. If the claim is arbitrated, the arbitration must be completed within one hundred eighty (180) calendar days of filing the claim for such damages.

[36-1108, added 1990, ch. 370, sec. 6, p. 1015; am. 1994, ch. 218, sec. 1, p. 680; am. 2004, ch. 189, sec. 3, p. 593; am. 2005, ch. 403, sec. 4, p. 1374; am. 2017, ch. 195, sec. 8, p. 475; am. 2018, ch. 350, sec. 13, p. 839; am. 2019, ch. 72, sec. 1, p. 168.]

36-1109. CONTROL OF DAMAGE BY BLACK BEARS, GRIZZLY BEARS OR MOUNTAIN LIONS -- COMPENSATION FOR DAMAGE. (a) Prevention of depredation shall be a priority management objective of the department, and it is the obligation of landowners to take all reasonable steps to prevent property loss from black bears, grizzly bears or mountain lions or to mitigate damage by such. The director, or his representative, will consult with appropriate land management agencies and landusers before transplanting or relocating any black bear, grizzly bear or mountain lion.

(b) When any black bear, grizzly bear or mountain lion has done damage to or is destroying livestock on public, state, or private land, whether owned or leased, or when any black bear or grizzly bear has done damage to or is destroying berries, bees, beehives or honey on private land, the owner or his representative of such livestock shall, for the purposes of filing a claim, report such loss to a representative of the U.S. department of agriculture animal plant and health inspection services/animal damage

control (APHIS/ADC) who shall, within seventy-two (72) hours, investigate the conditions complained of. For purposes of this section, livestock shall be defined as domestic cattle, sheep, and goats. For purposes of this section, grizzly bear shall be defined as any grizzly bear not protected by the federal endangered species act. If it appears that the complaint is well founded and livestock, berries, bees, beehives or honey of the complainant has been damaged or destroyed by such black bear, grizzly bear or mountain lion, APHIS/ADC shall so inform the owner or his representative of the extent of physical damage or destruction in question. The owner shall provide the director or the department's regional office with the APHIS/ADC determination of damages or destruction. The physical damages, without establishing a monetary value thereon, as determined by the APHIS/ADC representative shall be final, and shall be binding upon the owner or his representative and on the department.

(c) Any claim for damages must be in written form, shall be in the form of a claim for damages substantially the same as required in section [6-907](#), Idaho Code, shall be attested to by the claimant under oath, and the claim shall be for an amount of at least one thousand dollars (\$1,000) in damages per occurrence. The department shall prepare and make available suitable forms for claims for damages. Claims may be submitted only for the fiscal year (July 1 through June 30) in which they occurred. Any person submitting a fraudulent claim shall be prosecuted for a felony as provided in section [18-2706](#), Idaho Code.

1. Upon receipt by the department, the department shall review the claim, and if approved, pay it as provided in section [36-115](#), Idaho Code. Failure on the part of the owner or representative to allow on-site access shall negate the claim for damages.

2. If the department accepts the claim for damages as submitted by the owner or his representative, the department may approve the claim for payment, or may make a counter offer. If the owner or his representative rejects the department's counter offer, this rejection or refusal must be in writing and submitted within five (5) business days. The value of the damage or destruction will then be determined pursuant to the provisions of subsection (b)3. of section [36-1108](#), Idaho Code, and, in circumstances so provided for by the provisions of subsection (b)3. of section [36-1108](#), Idaho Code, pursuant to the provisions of subsection (b)4. of section [36-1108](#), Idaho Code. Any claim received by the department under the provisions of this section must be processed by the department within sixty (60) calendar days of receipt. If the claim is approved for payment, the claim must be immediately forwarded to the department of administration for payment. Any damage claim determination by an independent insurance adjuster, accepted by the parties, must be paid by the department within forty-five (45) days of the determination. If the claim is arbitrated, the arbitration must be completed within one hundred eighty (180) days of filing the claim for such damages.

[36-1109, added 1990, ch. 370, sec. 7, p. 1017; am. 1994, ch. 218, sec. 2, p. 682; am. 2002, ch. 278, sec. 1, p. 814; am. 2004, ch. 189, sec. 4, p. 596; am. 2008, ch. 101, sec. 1, p. 283; am. 2016, ch. 104, sec. 1, p. 304.]

36-1110. CONTROL OF DAMAGE BY GRAZING WILDLIFE -- COMPENSATION FOR DAMAGE. (a) Prevention of depredation shall be a priority management objective

of the department, and it is the obligation of landowners to take all reasonable steps to prevent property loss from grazing wildlife on private lands, whether owned or leased, or to mitigate damage by such. When any grazing wildlife is doing damage to or is destroying forage on private lands, whether owned or leased, the owner or lessee thereof may make a complaint and verbally or electronically report the facts to the director or his designee who shall, within seventy-two (72) hours, investigate the conditions complained of. The director may respond pursuant to section [36-1108](#)(a)1. and 2., Idaho Code. If it appears that the complaint is well founded and the forage is being or is likely to be damaged or destroyed or consumed by grazing wildlife, the owner or lessee shall contract with a qualified range management consultant to prepare an estimate of depredation based on his inspection. The cost of the consultant shall be paid by the owner or lessee. After the initial complaint, it shall be the responsibility of both the department and the owner or lessee to jointly design and implement a mutually agreeable method of determining forage utilization and damage or loss due to wildlife, which may include use of exclosure cages or other devices. For purposes of this subsection, "forage damage" shall mean growing or matured plants grown for livestock feed.

(b) Claims submitted under the provisions of this section shall be limited to loss of forage on private lands, whether owned or leased, and shall be submitted and processed under the provisions of section [36-1108](#)(b), Idaho Code, and approved claims shall be paid under the provisions of section [36-115](#)(f), Idaho Code.

[36-1110, added 1990, ch. 370, sec. 8, p. 1018; am. 1994, ch. 218, sec. 3, p. 683; am. 2017, ch. 195, sec. 9, p. 478.]

36-1120. PENALTIES. (a) Any person convicted of violating any of the provisions of this title with respect to methods of take, seasons or limits relating to mountain lion, shall be fined in a sum of not less than one hundred dollars (\$100) nor more than one thousand dollars (\$1,000) for each offense and/or by commitment to jail for a period of not more than six (6) months.

(b) Any person convicted of violating the provisions of this chapter with respect to the protection of buffalo and caribou shall be fined in a sum of not less than one hundred fifty dollars (\$150) nor more than one thousand dollars (\$1,000) and/or by commitment to jail for not more than six (6) months.

(c) Any person convicted of violating any of the provisions of this chapter for which no penalty is specified shall be subject to the penalty prescribed by section [36-1402](#), Idaho Code.

[(36-1120) 1976, ch. 95, sec. 2, p. 358; am. 1985, ch. 188, sec. 2, p. 485; am. and redesignated 1990, ch. 370, sec. 5, p. 1015; am. 1992, ch. 81, sec. 30, p. 244.]

36-1121. LIVESTOCK DEPREDACTION BY GRIZZLY BEAR AND WOLVES. (1) It is the intent of the legislature to provide compensation to livestock owners that have experienced depredation of livestock by grizzly bear and wolves.

(2) The Idaho state department of agriculture, in consultation with the department of fish and game and the office of species conservation, is authorized to carry out the purposes of this section and has spending authority for compensation pursuant to this section to the extent of leg-

islative appropriation. The depredation of livestock and prevention fund is hereby established in the state treasury. All expenditures from the fund will be paid according to rules promulgated by the Idaho state department of agriculture. Beginning on July 1, 2024, and each July 1 thereafter, the legislature shall appropriate two hundred twenty-five thousand dollars (\$225,000) annually to the fund. One hundred fifty thousand dollars (\$150,000) of that amount shall be used annually to compensate validated claims for depredation, and seventy-five thousand dollars (\$75,000) of that amount shall be used annually for conflict prevention and the provision of information regarding deterrents that have proven effective as determined pursuant to rule as promulgated by the Idaho state department of agriculture. All claims shall be made to the office of species conservation on or before December 31 of each year. Validated claims for depredation shall be paid on a pro rata basis in the event moneys in the fund are insufficient to pay all validated claims in full, until such time as moneys in the fund are depleted. Any moneys in the fund after payment of validated claims shall then be paid to those livestock owners with probable claims for depredation on a pro rata basis in the event moneys in the fund are insufficient to pay all probable claims in full, until such moneys in the fund are depleted. Any moneys in the fund after probable depredation claims are paid shall be carried over to the next calendar year. Interest accruing on moneys in the fund shall be retained in the fund. Moneys shall be continuously appropriated to the fund, but the fund shall not exceed four hundred thousand dollars (\$400,000).

(3) Compensation for claims validated or deemed probable shall be based on current fair market value as provided by the Idaho state department of agriculture. Any other compensation paid to a livestock owner for depredation shall be deducted from the fair market value prior to payment.

(4) For purposes of this section, "livestock" means cattle, sheep, goat, swine, poultry, bees, llamas, or equine animals used for food or in the production of food, fiber, feed, or other agriculture-based consumer products, domesticated game, or other nonplant life; such term shall not include aquatic animals.

[36-1121, added 2024, ch. 51, sec. 1, p. 260.]