

MEMORANDUM OF UNDERSTANDING
BETWEEN
IDAHO DEPARTMENT OF FISH AND GAME
AND
IDAHO STATE ANIMAL DAMAGE CONTROL BOARD

This agreement made and entered into, by and between the Idaho Department of Fish and Game (hereinafter Department), and the Idaho State Animal Damage Control Board (hereinafter Board) is made in reference to the following facts:

RECITALS

- A. The Department is charged with the management, preservation, and protection of wildlife in the state of Idaho pursuant to Title 36, Idaho Code.
- B. The Board is responsible for prevention and control of damage caused by predatory animals and other vertebrate pests, including threatened and endangered species within the State of Idaho as described in Section 25-128, Idaho Code, and has delegated such responsibility to Wildlife Services (hereinafter WS) of the Animal and Plant Health Inspection Service, U.S. Department of Agriculture, by way of a Memorandum of Understanding signed January 7, 1988.
- C. The parties wish to cooperate to facilitate conduct of wildlife damage management activities in the state of Idaho consistent with the Department's lawful charge which includes protecting wildlife species managed by the Department. Such cooperation should include employing available technologies, designation of responsibility, and efficient deployment of personnel, as well as sharing information gathered from such activities.

NOW, THEREFORE, in consideration of the recitals stated above, the parties agree as follows:

SECTION 1
Take Authorization

This MOU is WS's authorization from the Department to take protected wildlife in the state of Idaho in order to prevent or reduce damage to agriculture, natural resources, and property, and to minimize threats to human health and safety. The conditions of this authorization are:

- A. WS employees are exempt from State requirements to possess hunting or trapping licenses or hound hunter permits during the conduct of their official duties.

- B. WS shall supply the Department with a master list of personnel (including mailing addresses and telephone numbers) operating under this authorization. This master list shall be updated by WS anytime a change is made in personnel, addresses, or telephone numbers, and an updated copy of this list will be mailed to the Bureau of Wildlife as soon as is practical. The Bureau of Wildlife will distribute this list to the appropriate Department bureaus and regions.
- C. Only WS traps or snares may be used by WS personnel working under this MOU. Each trap or snare shall be marked with an identification tag, in addition to any stamp on the trap itself, to facilitate officer inspection.
- D. All animals taken other than predators (Idaho Code 36-201) shall remain the property of the Department and all salvageable parts (pelts, claws, teeth, etc.) must be presented to the Department's Regional Office of the region in which they were taken (hereinafter affected region), or disposed of according to its instructions.
- E. WS shall keep complete records pertaining to animals taken and shall prepare and submit an annual report detailing the activities undertaken pursuant to this authorization. WS shall submit said report no later than December 31 of each year to the Chief, Bureau of Wildlife. The report shall include species taken, number of animals taken, method of take, and county of take.

SECTION 2

Accidental Capture of Protected Nontarget Birds and Mammals

Protected nontarget birds and mammals that are accidentally captured shall be treated as follows:

- A. If the animal is dead, salvageable parts shall be turned over to the affected region or disposed of according to its instructions.
- B. If the animal is alive, and judged likely to survive on its own, it will be released at the point of capture.
- C. In the case of protected nontargets whose survival may appear questionable, the Regional Supervisor and WS District Supervisor shall have mutually agreed upon which species will be turned in for rehabilitation and which species will be dispatched. If the animal is to be turned in for rehabilitation, it shall be presented to the affected Regional Office as soon as possible.
- D. All accidental captures, dead and alive, shall be reported in the annual report.

SECTION 3

Migratory Birds

- A. Migratory Nongame Birds:

1. "Minor" complaints involving one or several birds (e.g., woodpeckers damaging cabins or homes, robins damaging strawberries or fruit trees, crows damaging property or being a nuisance, etc.): Whichever agency receives the call will provide technical assistance. If removal of a bird or birds is deemed necessary, WS will provide assistance.
 2. "Major" complaints involving substantial numbers of birds (e.g., starlings at feedlots; crow roosts; large numbers of birds damaging fruit trees, etc.): WS has responsibility for all complaints.
 3. All complaints involving bird depredation at Federal and private fish hatcheries/farms: WS will respond.
 4. Complaints of damage caused by ravens, magpies, or other avian predators: WS will respond.
- B. Locally-produced Ducks, Geese, and Sandhill Cranes:
1. "Minor" complaints involving less than 100 birds between May 1 and August 15, except on or adjacent to U.S. Fish and Wildlife Service (hereinafter USFWS) refuges, including islands in the Snake River owned by the USFWS and administered by the Deer Flat National Wildlife Refuge: The Department will respond.
 2. "Major" complaints involving more than 100 birds between May 1 and August 15, and all complaints adjacent to USFWS refuges, including islands in the Snake River owned by the USFWS and administered by the Deer Flat National Wildlife Refuge: WS will respond.
 3. All complaints between May 1 and August 15 involving geese on or immediately adjacent to Department-owned wildlife management areas or other important production areas where the Department's placement of man-made nest structures or other management efforts have encouraged goose populations to increase: The Department will respond.
- C. Migrating or Wintering Ducks, Geese, and Sandhill Cranes:
1. WS will respond to all complaints between August 16 and April 30.
- D. WS and the Department mutually agree to work cooperatively toward achievement of the goals and objectives outlined in the "Management Plan for Reducing Sandhill Crane Crop Damage in Eastern Idaho" which was approved by the Fish and Game Commission on April 17, 1997.

SECTION 4
Threatened and Endangered Species

The parties mutually agree that depredations by threatened or endangered species shall be handled as follows:

A. Grizzly Bear:

1. The parties shall follow the procedures detailed in either the "Guidelines for Determining Grizzly Bear Nuisance Status and for Controlling Nuisance Grizzly Bears in Northern Idaho and Washington" (interagency guidelines developed in 1984, revised in 1989) or the "Interagency Grizzly Bear Guidelines, 1986" (developed as an interagency effort initially in the Greater Yellowstone Area), whichever is appropriate, to determine nuisance status.
2. Both parties shall consult and cooperate in any trapping efforts. WS will be the lead agency on capture and the Department shall be responsible for immobilization, handling, and release of grizzly bears.
3. Culvert traps shall be used unless mutually determined to be impractical.

B. Gray Wolf:

1. The Department will promptly notify the WS District Supervisor of the affected District as soon as they receive any reports of suspected wolf depredations.
2. WS will provide courtesy notification to the Regional Supervisor of the affected region regarding any confirmed wolf depredations and any control actions taken in response to such depredations.
3. During the period of wolf recovery, and prior to delisting, WS will follow the guidance established under 50 CFR 17.84(i), and specific protocols established in agreement with the Snake River Basin Office of the USFWS for control of nuisance wolves.
4. The USFWS and the Nez Perce Tribe will coordinate with WS on any releases and relocations of gray wolves.

SECTION 5
Game Animals

The parties mutually agree that depredation by game animals shall be handled as follows:

A. Black Bear and Mountain Lion:

1. WS has the responsibility for control of black bears and mountain lions involved in livestock depredations and any other agriculture-related depredation problems. The Department may handle these complaints at the request of WS if mutually agreed upon by the Regional Supervisor and WS District Supervisor.
2. For the purposes of property owners filing depredation claims with the Department, WS has the responsibility to (a) investigate all suspected black bear and mountain lion depredation payment claims involving domestic sheep, cattle, apiaries, and berries within 72 hours of the time it receives damage reports, and (b) file a report with the appropriate Department Regional Supervisor (Idaho Code 36-1109).
3. To facilitate timely and effective control and to facilitate confirmation of damage as required under Idaho Code 36-1109, any reports of black bear or mountain lion depredation received by the Department will be promptly relayed to the appropriate WS District Supervisor or local WS representative.
4. When black bears or mountain lions are involved in depredations during the legally- established sport hunting seasons for that area, WS and the Department will try to facilitate hunter harvest of specific depredating animals whenever practical.
5. Because the Department is required to pay compensation for black bear and mountain lion damage to livestock, and relocation of a depredating black bear or mountain lion could result in future additional depredations, black bears and mountain lions involved in killing livestock will be dispatched in a humane manner.

In those rare situations where the offending animal is a female black bear accompanied by young of the year:

The female will be dispatched.

If practical, the young will be captured and relocated if it is likely that they will survive on their own.

The young will be captured and turned over to a wildlife rehabilitator, if practical, and if it is unlikely that they will survive on their own.

In those situations when it is not practical to relocate them or turn them over to a rehabilitator, the young will be dispatched.

In those rare situations where the offending animal is a female mountain lion accompanied by young of the year:

The female will be dispatched.

If the young weigh less than about 50 pounds:

They will be captured and turned over to a zoo, if practical.

In those situations when it is not practical to capture them and turn them over to a zoo, the young will be dispatched.

If the young weigh more than about 50 pounds:

They will be captured and relocated into suitable habitat, if practical.

In those situations when it is not practical to relocate them, the young will be dispatched.

6. The Department has the responsibility for controlling black bears and mountain lions in nuisance and human safety situations. WS may handle such complaints at the request of the Department if mutually agreed upon by the Regional Supervisor and WS District Supervisor.
7. In those cases involving black bear or mountain lion damage to nonlivestock resources outside of legally-established sport hunting seasons, WS and the Department will ordinarily use nonlethal methods (e.g., live-trapping and relocation, or harassment with trailing hounds) if deemed practical and effective. If these types of damage situations also involve concerns for human safety (e.g., a mountain lion killing a pet at someone's residence), specific circumstances will be considered on a case-by-case basis in determining whether lethal or nonlethal methods are most appropriate.
8. Any relocation of black bears or mountain lions will be coordinated by the Department, in consultation with the appropriate land management agencies and land users, as required under Idaho Code 36-1109.
9. Any leg snares used during black bear or mountain lion control efforts in classified grizzly bear habitat must be sufficient to hold any grizzly bear that may be inadvertently captured. WS will use culvert traps in classified grizzly bear habitat unless determined to be impractical.
10. Any black bear or mountain lion killed by WS or the Department must be reported to a Department Regional Office by submitting a completed Big Game Mortality Report within 14 days of the date of the kill. The complete skull or a complete premolar tooth must accompany the report. If pelts are salvageable, and if salvage of the pelt is deemed cost-effective, carcasses should be skinned and the pelt submitted along with the completed Big Game Mortality Report. Where practical, the meat from any black bear killed in a depredation situation should be salvaged and handled according to Department guidelines.

B. Other Big Game Animals: Depredations by all other game animals (mule deer, white-tailed deer, elk, moose, pronghorn antelope, Rocky Mountain bighorn sheep, California bighorn sheep, and mountain goat) will be the responsibility of the Department.

SECTION 6 Furbearers

The parties mutually agree that depredations by the following protected furbearers shall be handled as follows:

A. Red Fox and Bobcat:

1. WS will respond to complaints of red fox and bobcat predation on livestock and poultry and shall periodically notify the Regional Supervisor of the affected region of areas of suspected depredations.
2. A completed Big Game Mortality Report form, along with the lower jaw or skull of any bobcat killed, must be submitted to the appropriate Department Regional Office within 14 days of the date of the kill.
3. If fur prices are such that salvage of furs is deemed cost-effective, red fox and bobcat carcasses should be skinned and the pelts turned over to the appropriate Departmental Regional Office or disposed of according to its instructions.

B. Raccoon and Badger:

1. The Department and WS will both provide technical assistance to members of the public experiencing property damage caused by raccoons. This will ordinarily consist of providing advice or recommendations on how to deal with the problem, and/or involve the loan of cage traps to capture raccoons.
2. WS will respond to complaints of badgers causing damage to property or agricultural resources.

C. Beaver:

1. The Department has the responsibility for controlling beaver that damage property or interfere with the delivery of irrigation water.
2. The Department will (a) offer first opportunity to licensed trappers to remove offending beaver during the trapping season for fur harvest when pelts are of value; and (b) if the season is closed, issue depredation permits to landowners which authorize them to remove the beaver or have licensed trappers remove the beaver. The Department will remove beaver if no other options for beaver removal are feasible. The Department may remove beaver dams in those rare situations when deemed necessary and appropriate and no other means of removing the dams are available. live transport
3. WS will respond to requests for assistance with beaver damage problems as time and work schedules allow if licensed trappers cannot assist, or if the situation

demands more immediate attention. WS will provide technical assistance on how landowners can deal with beaver problems themselves, and/or will remove beaver and their dams, when requested to do so, on a cost-sharing basis with property owners.

4. Removal of beaver dams in some cases may require issuance of a permit by the Corps of Engineers under Section 404 of the Clean Water Act. The Corps has determined (through Branch Guidance Letter 96-01, dated September 16, 1996) that removal of beaver dams in the following circumstances will ordinarily not require issuance of a permit:

Removal of recently constructed beaver dams (less than 1 year old).

Removal of beaver dams located on man-made irrigation delivery and return canals constructed in uplands.

Removal of beaver dams located on natural waterways in the immediate vicinity (generally within 100 feet) of an authorized irrigation diversion structure which are adversely affecting the operation of the structure.

Removal of beaver dams in any circumstances not covered above may require issuance of a permit, and the responding WS or Departmental representative should direct the complainant to seek advice from the local U.S. Army Corps of Engineers Office.

5. WS may relocate live beaver to other sites on the immediate property owned by the complainant if the owner requests WS to do so and there is little probability that these relocated beaver will create future depredation problems; the Department will provide WS with a list of potential release sites off the immediate property where vacant habitat exists and where WS may release depredating beaver if landowners request them. *public lands?*

D. River Otter:

1. The Department has the responsibility for controlling river otters that damage property.
2. WS will respond to requests for assistance with river otter damage problems as time and work schedules allow and will provide technical assistance on how landowners can deal with river otter problems themselves. WS will also remove river otters when requested to do so, on a cost-sharing basis with property owners.
3. When practical, offending river otters shall be live-trapped and relocated according to Regional Supervisor instructions.
4. Any river otter killed by WS or the Department must be reported to a Department Regional Office within 14 days of the date of the kill.

5. Carcasses may be turned in whole.

**SECTION 7
Other Protected Wildlife Species**

The parties mutually agree that depredations by the following protected wildlife species shall be handled as follows:

- A. Wolverine and Lynx:
 1. WS shall notify the Regional Supervisor of the affected region of any suspected wolverine or lynx depredations or sightings.
 2. Both parties shall consult and cooperate in wolverine and lynx incidents.
 3. When practical, offending wolverines or lynx shall be live-trapped and relocated according to Regional Supervisor instructions.
 4. Any wolverine or lynx killed by WS or the Department must be reported to a Department Regional Office within 14 days of the date of kill.
 5. All carcasses should be turned in whole, if possible.
- B. Upland game birds and upland game mammals (cottontail rabbits and pygmy rabbits):
The Department will be responsible for all complaints.

**SECTION 8
Predators and Unprotected Wildlife**

The parties mutually agree that complaints of damage caused by predators (Idaho Code 36-201) and unprotected wildlife will ordinarily be handled as follows:

- A. Coyotes, Jackrabbits, Marmots, Porcupines, Ground Squirrels, and Other Field Rodents:
WS has responsibility for all complaints.
- B. Skunks, Weasels, and Fox Squirrels:
Technical assistance will be provided by whichever agency receives the request for assistance.

**SECTION 9
Flying Notification**

WS agrees that it will notify the Regional Supervisor of any affected region of its flight schedules. The parties mutually agree that in severe winter situations they will consult and