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Director

Legislative Services Office

Idaho State Legislature

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MEMORANDUM

TO: Senators NICHOLS, Zito, Semmelroth and,
Representatives ANDRUS, Raymond, Mathias

FROM: Alli Olson - Legislative Drafting Attorney

DATE: December 04, 2024

SUBJECT: Temporary Rule

IDAPA 02.01.08 - Rules Governing Grizzly Bear and Wolf Depredation - Adoption of Temporary Rule
- Docket No. 02-0108-2401

We are forwarding this temporary rule to you for your information only. No analysis was done by LSO. This rule is posted on our web site. If you have any questions, please call Alli Olson at the Legislative Services Office at (208) 334-4845. Thank you.

Attachment: Temporary Rule

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IDAPA 02 – DEPARTMENT OF AGRICULTURE
02.01.08 – RULES GOVERNING GRIZZLY BEAR AND WOLF DEPREDAATION
DOCKET NO. 02-0108-2401
NOTICE OF RULEMAKING – ADOPTION OF TEMPORARY RULE

EFFECTIVE DATE: The effective date of the temporary rule is November 12, 2024.

AUTHORITY: In compliance with Sections 67-5226, Idaho Code, notice is hereby given this agency has adopted a temporary rule. The action is authorized pursuant to Section 36-1121, Idaho Code.

DESCRIPTIVE SUMMARY: The following is the required finding and concise statement of its supporting reasons for adopting a temporary rule:

This temporary rule is being adopted to provide guidance and further clarification regarding implementation of the depredation compensation provided by HB592 as passed by the 2024 Idaho Legislature. The program provides depredation compensation to livestock owners that have experienced depredation of livestock by grizzly bears and wolves. As directed by statute, the department has consulted with the Idaho Department of Fish and Game, and the Office of Species Conservation in the development of this rule.

TEMPORARY RULE JUSTIFICATION: Pursuant to Section 67-5226(1)(b), Idaho Code, the Governor has found that temporary adoption of the rule is appropriate for the following reasons:

This temporary rule is adopted to follow the direction of HB592 as passed by the 2024 Idaho Legislature and signed into law by the Governor. The rule is justified as a temporary rule as it provides a benefit outlined by the Legislature, including funding for the current fiscal year. The rule outlines the process through which livestock owners can receive depredation reimbursement in the current fiscal year.

FEE SUMMARY: Pursuant to Section 67-5226(2), the Governor has found that the fee or charge being imposed or increased is justified and necessary to avoid immediate danger and the fee is described herein:

There is no fee being charged by this temporary rule.

ASSISTANCE ON TECHNICAL QUESTIONS: For assistance on technical questions concerning the temporary rule, contact Lloyd Knight.

DATED this 12th day of November, 2024.

Lloyd B. Knight, Deputy Director
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THE FOLLOWING IS THE TEXT OF THE TEMPORARY RULE FOR DOCKET NO. 02-0108-2401
(New Chapter)

02.01.08 – RULES GOVERNING GRIZZLY BEAR AND WOLF DEPREDAATION

000. LEGAL AUTHORITY.

Section 36-1121, Idaho Code.

(11-12-24)T

001. SCOPE.

This chapter governs compensation to livestock owners that have experienced depredation of livestock by grizzly bear and/or wolves.

(11-12-24)T

002. – 009. (RESERVED)

010. DEFINITIONS.

The following are defined as:

(11-12-24)T

01. Depredation. The damage or destruction of property, including livestock, by a predator.

(11-12-24)T

02. Producer. Any person who owns livestock for the purpose of herding, breeding, raising, or selling.

(11-12-24)T

03. Validated. A finding that depredation of the livestock was definitively by a grizzly bear or wolf by a state authorized investigator through a physical field examination.

(11-12-24)T

04. Probable. A finding that depredation of the livestock was likely by a grizzly bear or wolf by a state authorized investigator through a physical field examination.

(11-12-24)T

05. Negative/Unknown Finding. A finding on the physical field examination that the carcass or injured animal was definitively or most likely not due to a grizzly bear or wolf attack or is unknown/inconclusive.

(11-12-24)T

06. State Authorized Investigator. USDA Wildlife Services or other state, federal, or county agency, that has been approved by the Agencies to perform physical field examinations.

(11-12-24)T

07. Physical Field Examination. An on-site examination performed by a state authorized investigator to examine the incident, and a cause will be determined based on evidence collected at the scene.

(11-12-24)T

08. The Agencies. The Idaho State Department of Agriculture, Department of Fish and Game, and Office of Species Conservation, collectively.

(11-12-24)T

011. -- 100. (RESERVED)

101. COMPENSATION MATRIX FOR DEPREDATED LIVESTOCK.

01. Compensation Valuation. The program employs the following protocols for determining compensation valuation of livestock.

(11-12-24)T

a. Prices paid will be based on the market rate for the grazing season/calendar year in which the losses occurred. This market rate is based on the type of livestock that was depredated. Reports that may be used are: a comprehensive nationwide average through Cattlefax (www.cattlefax.com), USDA reports, American Sheep Industry market reports, a compilation of USDA private market data and local prices. The rates are listed for adult cows, bulls, calves, ewes, rams, lambs, equine, goats, llamas, swine, poultry, and bees.

(11-12-24)T

b. Compensation will be paid based upon site specific information regarding actual losses (kills or injuries) submitted by the applicant with the Species Depredation Investigation Report being the foundation of the

claim. (11-12-24)T

c. Injured Livestock Compensation: (11-12-24)T

i. The compensation program will pay for injured livestock that are sold at a reduced price due to an eligible attack. The reimbursement will be the difference of the sale price from the fair market value. (11-12-24)T

ii. The compensation program will pay the cost of veterinary care up to seventy percent (70%) of the market rate as determined above for confirmed injured livestock. Invoices for care from a licensed veterinarian must be submitted with the application. (11-12-24)T

iii. If an animal is validated as injured due to a grizzly bear or wolf and then must be euthanized due to its injuries, an investigator will need to complete an updated Species Depredation Investigation Report to document the change in status. (11-12-24)T

d. 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. (11-12-24)T

e. Any moneys in the fund after payment of validated claims shall then be paid to those livestock owners with probable claims of depredation by grizzly bear or wolf attack. Claims shall be paid 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. Negative/Unknown findings will not be paid through this program. (11-12-24)T

f. Compensation will not be automatic and the determination of the compensation by the Agencies will be final. (11-12-24)T

102. Claims. All claims must be submitted to the Office of Species Conservation no later than December 31 for claims during that calendar year. The Office of Species Conservation will submit all eligible claims for payment to the Idaho State Department of Agriculture no later than the end of January following the year of the claim. The Idaho State Department of Agriculture will issue eligible compensation payments no later than the end of February following the year of the claims. Full or pro-rated payments will be dependent on available funding. (11-12-24)T

102. -- 109. (RESERVED)

110. PHYSICAL FIELD EXAMINATIONS.

Physical field examinations will be conducted by a state authorized investigator. A field examination process will be performed by the investigator to determine a finding for reported suspected depredation incidents. A list of state authorized investigators and field examination protocols can be viewed on the Office of Species Conservation website at www.species.idaho.gov. (11-12-24)T

111. -- 149. (RESERVED)

150. CONFLICT PREVENTION PROGRAM.

The program employs a program for funding projects that will prevent depredation from grizzly bears and wolves. The protocols for determining approvals and funding can be found on the Office of Species Conservation website at www.species.idaho.gov. (11-12-24)T

151. -- 999. (RESERVED)