

Meeting Date: June 12, 2024

Agenda Item No.: 3

Agenda Item: Wolf trapping season 2024-2025 modification (**ACTION**)

Bureau Chief Approval: SR

Prepared by: Rick Ward - State Wildlife Manager and Katie Oelrich - Wildlife Staff Biologist

Background:

On March 19, 2024, U.S. District Court Judge Dale ruled in case 1:21-cv-00479-CWD. The ruling included an injunction which reads as follows:

“a. Idaho Code § 36-201(3), which established a year-round wolf trapping season on all private property, is enjoined;

b. The Director of the Idaho Department of Fish & Game and the Members of the Idaho Fish and Wildlife Commission are permanently enjoined from authorizing recreational gray wolf trapping and snaring on public or private land in grizzly bear habitat (which includes the Panhandle, Clearwater, Salmon, and Upper Snake regions) except during the time period when it is reasonably certain that almost all grizzly bears will be in dens—December 1 to February 28— unless an ITS is obtained from the Director of Fish and Wildlife Services;

c. In light of the impending end of the 2023 – 2024 gray wolf trapping season, and the impracticality of suspending the current trapping season by 12 days, the Court’s injunction is effective for the 2024 – 2025 gray wolf trapping season, or upon further order of the Court.”

On March 28, the Commission amended the 2023-2024 private land wolf trapping seasons for 19 Idaho counties to close them for the remainder of the 2023 - 2024 season (April 1 – June 30, 2024). Subsequently, IDFG staff notified wolf trappers via the IDFG website, emails, and a notification in trapper report card letters.

Idaho has requested judicial reconsideration of the ruling, but that request has not been resolved. The following proposed changes to the 2024-2025 Idaho wolf trapping seasons are intended to align with the injunction. Figure 1 shows a mock-up of 2024-2025 wolf trapping seasons on public and private lands when the court order is applied to the entirety of four IDFG regions. Figure 2 is a map of the 19 counties and Game Management Units affected by the court order.

Statutory Authority and/or Policy issues:

Idaho Code 36-104 grants authority to the Commission to promulgate rules for the taking of wildlife consistent with state policy. Species management plans developed by the Department and adopted by the Commission provide long-term direction for population and harvest management. Idaho Code 36-201(3) established year-round wolf trapping seasons on private land in Idaho. A federal court order issued on March 19, 2024 found that the year-round wolf seasons set by Idaho Code 36-201(3) violated the Endangered Species Act. Under the court order, the Commission may only authorize wolf trapping seasons in the Panhandle, Clearwater, Salmon and Upper Snake Regions between December 1 and February 28(29).

Staff Recommendation:

If the Commission chooses to continue to take a cautious interpretation of the March 19, 2024 court order while the court reviews the state’s request for reconsideration, the 2024-2025 wolf trapping and snaring seasons previously set by the Commission should be amended in the entirety of 19

Idaho counties encompassing the Panhandle, Clearwater, Salmon and Upper Snake Regions to be open only during December 1, 2024 to February 28, 2025.

Suggested Motion:

I move the Commission interpret the March 19, 2024 federal court order as closing wolf trapping seasons in the entirety of 19 Idaho counties encompassing the Panhandle, Clearwater, Salmon and Upper Snake Regions for the 2024-2025 trapping season (July 1, 2024 through June 30, 2025), except during December 1, 2024 to February 28, 2025.

I further move that the record reflects that the interpretation is not a Commission designation of grizzly bear habitat, because these 19 counties contain significant area that is not occupied by, or suitable for, grizzly bears; and that the Commission has formally asked the court to reconsider its order.

Figure 1. Mock-up of proposed changes to the 2024 - 2025 wolf trapping seasons in the 2024 Idaho Big Game Seasons & Rules document to align with the federal court order.

Private Land - Wolf Trapping Seasons July 2024 - June 2025			
For legal methods of take see page 78			
Idaho wolf trapping seasons are the subject of a lawsuit in federal court. Before placing wolf traps, trappers are responsible for checking idfg.idaho.gov/rules/big-game to confirm what seasons are open.			
Units	Season Dates	Foothold Traps Allowed	Snares Allowed
1, 2, 3, 4, 4A, 5, 6, 7, 8, 8A, 9, 10, 10A, 11, 11A, 12, 13, 14, 15, 16, 16A, 17, 19, 20, 21, 21A, 28, 29, 30, 30A, 36A, 36B, 37, 37A, 51, 52A, 58, 59, 59A, 60, 60A 61, 62, 62A, 63A, 64, 65, 66, 67	July 1 - Nov 30 Mar 1- June 30	CLOSED (Wolf trapping seasons in 19 Idaho counties are closed due to federal court decision; see map of closed areas below)	
	Dec 1 - Feb 28	Yes	Yes
18, 19A, 20A, 22, 23, 26, 27, 36, 50, 69 Portion of Units <u>within</u> counties affected by federal court decision (see map)	July 1- Nov 30 Mar 1- June 30	CLOSED (Wolf trapping seasons in 19 Idaho counties are closed due to federal court decision; see map of closed areas below)	
	Dec 1 - Feb 28	Yes	Yes
18, 19A, 20A, 22, 23, 26, 27, 36, 50, 69 Portion of Units <u>outside</u> counties affected by federal court decision (see map)	April 1 – Nov 14	Yes	No
	Nov 15 – Mar 31	Yes	Yes
24, 25, 31, 32, 32A, 33, 34, 35, 38, 39, 40, 41, 42, 43, 44, 46, 47, 54, 55, 56, 57	April 1 – Nov 14	Yes	No
	Nov 15 – Mar 31	Yes	Yes
	April 1 – Oct 9	Yes	No

Private Land - Wolf Trapping Seasons July 2024 - June 2025

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Units	Season Dates	Foothold Traps Allowed	Snares Allowed
45, 52, 53, 70, 71, 72, 73, 73A, 74, 75, 76, 77, 78	Oct 10 – Mar 31	Yes	Yes
48, 49	July 1 – June 30	Yes	No
52A, 63, 66A, 68, 68A Portion of Units <u>within</u> counties affected by federal court decision (see map)	July 1- Nov 30 Mar 1- June 30	CLOSED (Wolf trapping seasons in 19 Idaho counties are closed due to federal court decision; see map of closed areas below)	
	Dec 1 - Feb 28	Yes	Yes
52A, 63, 66A, 68, 68A Portion of Units <u>outside</u> counties affected by federal court decision (see map)	April 1 – Oct 9	Yes	No
	Oct 10 – Mar 31	Yes	Yes

Public Land - Wolf Trapping Seasons July 2024 - June 2025

For legal methods of take see page 78

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1, 2, 4, 4A, 5, 6, 7, 8, 8A, 9, 10, 10A, 11, 11A, 12, 13, 14, 15, 16, 16A, 17, 19, 20, 21, 21A, 28, 29, 30, 30A, 36A, 36B, 37, 37A, 51, 58, 59, 59A, 60, 60A, 61, 62, 62A, 63A, 64, 65, 66, 67	July 1- Nov 30 Mar 1- June 30	CLOSED (Wolf trapping seasons in 19 Idaho counties are closed due to federal court decision; see map of closed areas below)	
	Dec 1 - Feb 28	Yes	Yes
3	July 1- Nov 30 Mar 1- June 30	CLOSED (Wolf trapping seasons in 19 Idaho counties are closed due to federal court decision; see map of closed areas below)	
	Dec 1 - Feb 28	Yes	Yes
		See note 1, Page 82	

Public Land - Wolf Trapping Seasons July 2024 - June 2025

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	Dec 1 - Feb 28	Yes	Yes
18, 19A, 20A, 22, 23, 26, 27, 36, 50, 52A, 63, 66A, 68, 68A, 69 Portion of Units <u>outside</u> counties affected by federal court decision (see map)	Sep 10 - Nov 14	Yes	No
	Nov 15 - Mar 31	Yes	Yes
24, 25, 31, 32, 32A, 33, 34, 35, 40, 41, 42, 43, 44, 45, 46, 47, 52, 53, 54, 55, 56, 57, 70, 71, 72, 73, 73A, 74, 75, 76, 77, 78	Sep 10 - Nov 14	Yes	No
	Nov 15 - Mar 31	Yes	Yes
38	Sep 10 - Nov 14	Yes	No
		See note 2, Page 82	
	Nov 15 - Mar 31	Yes	Yes
		See note 2, Page 82	
39	Sep 10 - Nov 14	Yes	No
		See note 3, Page 82	
	Nov 15 - Mar 31	Yes	Yes
		See note 3, Page 82	
48, 49	None		

Notes: (Page 82)

1. All of Unit 3 is open except the area within the following boundary is CLOSED: starting at 4th of July Pass on Interstate 90 go east to Mill Creek, follow Mill Creek up to Forest Service Road 614, go south on Forest Service Road 614 to the headwaters of the South Fork of Cedar Creek then down South Fork of Cedar Creek to Interstate 90, then follow Interstate

90 east back to beginning (4th of July Recreation Area) AND the area within the following boundary: starting at the intersection of US Hwy 95 and Interstate 90, east on Interstate 90 to East Sherman Avenue, then east on East Sherman Avenue then continue onto East Fernan Lake Road to Fernan Saddle, then north on Forest Service Road 1535 to the junction at Burnt Cabin Saddle, then north on Forest Service Road 206 which turns into Ohio Match Road to the junction with US Hwy 95, then follow US Hwy 95 south to the point of beginning. Map available at Panhandle Regional office.

2. That portion of Unit 38 within Ada County **closed**.
3. That portion of Unit 39 within Ada County is **closed**. Trapping open in that portion of Unit 39 within Boise and Elmore Counties **only**.

Figure 2. Map of area with wolf trapping seasons restricted by federal court order (shown in yellow). Seasons are restricted in the 19 counties comprising the Panhandle, Clearwater, Salmon, and Upper Snake Regions under Idaho Code 36-102. Counties and Game Management Unit boundaries do not always align, so GMU boundaries are also shown.

