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Department Point of Contact (to obtain additional information or provide input):

Deputy Director, Programs and Policy  
Idaho Department of Fish and Game  
P.O. Box 25  
Boise, ID 83707  
Phone: (208) 334-3771  
Email: [rules@idfg.idaho.gov](mailto:rules@idfg.idaho.gov)



## IDAHO DEPARTMENT OF FISH AND GAME

600 S Walnut / P.O. Box 25  
Boise, Idaho 83707

Brad Little / Governor  
Ed Schriever / Director

### Clarifications on bait and baiting

#### What is baiting?

Bait is “any substance placed to attract big game animals, except liquid scent for deer and elk.” IDAPA §13.01.017.100. Bait may include grain, salt in any form (liquid or solid), or any other substance to constitute an attraction. IDAPA §13.01.08.410.05(b).

#### When is baiting allowed for hunting purposes?

The use of bait is prohibited for hunting any big game animal except for black bear. A black bear baiting permit is required and the use of bait must comply with IDAPA §13.01.017.

#### Does hunting for mountain lions/bears/wolves over a gutpile/carcass qualify as hunting with bait?

Under IDAPA §13.01.017, an activity qualifies as baiting only if the substance is placed for the purpose of attracting big game. If a carcass/bones/gutpile happens to be at a lion/ bear/wolf hunting location by coincidence—whether through take by the same or another hunter, roadkill, predation or other causes, a hunter may legally hunt over it. Lawful harvest and field processing of a game animal consistent with reasonable hunting practice does not qualify as bait placement. However, it is baiting if the carcass is not at its location by coincidence (e.g., the hunter moved it for the purpose of his predator hunting opportunity), or if the hunter adds other substances to it (like salt or scent). Although it may also qualify as baiting if used to attract big game, leaving excessive meat in the field is more clearly illegal under IDAPA §13.01.08.351 (waste of meat).

#### Does someone applying for a bear baiting permit need a hunting license?

Yes. The baiting law and regulations were establishing for the hunting and taking of bears. Under Idaho Code §36-409(j) “any person placing or using bait as may be allowed by rule for the purpose of attracting bear must have in his possession a valid bear baiting permit which may be purchased by a license holder for a fee....”

#### Do photographers need bear baiting permits?

While it is illegal for hunters, it is legal for unarmed photographers and wildlife watchers to use bait to attract any big game animals under Title 36. However, local ordinances, USFS regulations, etc., prohibiting littering and other activities, would still apply. For example, on USFS lands, a bear baiting photographer has two alternatives: (1) obtain a USFS special use permit for what is otherwise illegal littering; (2) take advantage of the USFS littering exemption for hunting activities by obtaining a state hunting license and bear baiting permit.

Idaho Code §36-409(j) states that “any person placing or using bait...for the purpose of attracting bears must have in his possession a valid bear baiting permit,” but the legal context indicates that such permits are only required for hunting. Idaho Code §36-202(j) specifically

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excludes unarmed photography and wildlife watching from the definition of “hunting.” Idaho Code §36-409 in its entirety relates to requirements for tags and permits for hunting/killing/taking/fishing. The specific bear baiting permit provision indicates permits are issued to hunting license holders. IDAPA Rules (§13.01.017) prohibiting use of bait for bears without a permit are titled “Rules Governing the Use of Bait for Taking Big Game Animals.”