

**The Idaho Department of Fish and Game considers the following document to be an agency guidance document for purposes of Idaho Executive Order 2020-002. The guidance document is not new law; it is the Department's interpretation or implementation of existing law.**

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## IDAHO DEPARTMENT OF FISH AND GAME

### **Idaho Wildlife Public Safety POLICY NO.: W 3.0**

Revision Date: August 2019

#### **POLICY STATEMENT**

This policy is intended to provide guidance, flexibility, and appropriate discretion to Idaho Department of Fish and Game (IDFG) personnel in managing wildlife involved in human safety, depredation on livestock and domestic animals, and public nuisance situations. Because of the variables involved response to any given wildlife/human conflict may be considered unique circumstances of the particular interaction.

In implementing Idaho's Wildlife Policy to preserve, protect, perpetuate, and manage wildlife and provide for continued supplies of wildlife for hunting, fishing, and trapping. IDFG attempts to address conflicts between wildlife and people in a way that balances the interests of public safety, public use, private property, and wildlife. Even so, it is inherent in Idaho's Wildlife Policy, with the presence of both people and wildlife on the landscape and the "wildness" of wildlife that IDFG cannot prevent all potential or actual wildlife-human conflict.

IDFG categorizes wildlife-human conflicts based on human injury and the behavior of the wildlife involved (see attached chart). IDFG will provide guidelines to its personnel for addressing situations involving human injuries or fatalities caused by wildlife attacks on livestock and domestic animals, and nuisance behavior.

For incidents involving serious bodily injury or death of a person, the Wildlife-Human Attack Response Team (WHART) will be activated and respond consistent with WHART Guidelines and Procedures. The WHART's responsibilities include acting to protect the safety of the public and incident responders; attempting to identify, locate, and control the animal(s) involved in the incident; and conducting, documenting and reporting investigative findings.

IDFG's intent is to provide timely and appropriate response to wildlife-human conflicts, particularly attacks on humans, human safety threats, and loss of domestic animals. IDFG may take appropriate measures to control wildlife, up to and including lethal control, in such situations. Control measures will be conducted as safely and humanely as practicable under the circumstances. IDFG may also promote preventative measures to reduce such conflicts.

Nothing herein shall be construed as waiving or modifying discretionary function liability protections or other immunities for the State contained in the Idaho Tort Claims Act, Idaho Code Section 6-901 *et seq.*



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#### Related legal authorities:

- A. The U.S. and Idaho Constitutions support a right of reasonable defense of human life.
- B. Actions involving species listed as threatened or endangered under the Endangered Species Act (ESA) are regulated by the U.S. Fish and Wildlife Service, and any "take" of ESA-listed species must be consistent with federal law and regulations.
- C. Idaho Code §36-1107 allows livestock and domestic animal owners to control, without advance permission from IDFG, black bear, mountain lion, wolves, grizzly bears (when not protected by the federal endangered species act) and predators when the same are molesting or attacking livestock. (Where the same are not molesting or attacking livestock, an IDFG permit must be obtained for a private individual to take a control action.) IDFG has responsibilities for control of certain property damage by wildlife as specified by Idaho Code §§ 36-1107 through 36-1110.



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Category of Conflicts and Response Actions

	On-scene Response	Post-Incident Review	Authorization of Control Action	Other	WC-1 Form
<p>Category [Red] Wildlife has caused serious physical human injury or death (Animal has been killed or remains at large)</p>	<p>J  WHART GUIDELINES</p>	<p>J  WHART GUIDELINES</p>	<p>Killing of animal without additional authorization if imminent threat to human safety; USFWS authorization needed for non-imminent threats by ESA-listed animals, IDFG DO/RS authorization for other non-imminent threats</p>	<p>Law enforcement investigation if claim protected animal killed in defense of human life/property (Refer to USFWS if listed species)</p>	<p>J</p>
<p>Category [Orange] Wildlife has caused minor/no human injury AND involved animal has been killed/captured</p>		<p>J  WHART GUIDELINES</p>	<p>Handling of captured animal per USFWS authorization for ESA-listed animals or per IDFG authorization for non-listed animals.</p>	<p>Law enforcement investigation if claim protected animal killed in defense of human life/property (Refer to USFWS if listed species)</p>	<p>J</p>
<p>Category [Yellow] Wildlife is at large and:</p> <ul style="list-style-type: none"> <li>• Demonstrates aggressive behavior toward humans or otherwise poses significant risk to human safety</li> <li>• Has killed Livestock and/or domestic animals</li> <li>• Poses public nuisance</li> </ul>			<p>USFWS authorization needed for ESA-listed animals and IDFG Director/RS authorization needed for other species, unless response to imminent threat to human safety, or unless response to threat to property as authorized under Idaho law</p> <p>Orphaned, Injured and Problem Wildlife Guidelines</p>	<p>Report attack or molesting of domestic animals to USDA-WS</p>	<p>J</p>
<p>Category [Green] Report of wildlife activity NOT involving aggressive or problem behavior</p>				<p>Forward report to regional staff; if multiple sightings, assess for Category [Yellow]</p>	

## **Wildlife Human Attack Response Team (WHART) Guidelines**

### **Coordination**

1. State coordinator (1) -Assistant Chief - Enforcement:
  - a. Coordinate state training events and policy/guideline review/revision as needed
  - b. Coordinate an annual coordinators meeting and table top exercise
  - c. Coordinate a large scale training as required (high attrition)
2. Regional Coordinators (7); Appointed by Regional Supervisor (RS):
  - a. Coordinate regional training and maintain documentation
  - b. Develop, maintain, distribute regional contact roster for WHART response

### **Role (Note: The local Sheriff has the authority for public safety and we assist at their request)**

1. Respond to wildlife attacks involving humans
2. Investigate incident, gather evidence, and report findings
3. Coordinate with local authorities

### **Composition**

1. IDFG Policy W-3.0
  - a. Designated WHART Teams will consist of: Conservation Officer, Wildlife Biologist, Regional Conservation Educator/Public Information Officer (Note: It is recognized that not all WHART members may be available to respond to any given incident and other personnel may be involved due to their knowledge, talents and location, but all designated WHART team members will have the minimum WHART training.)
  - b. Additional members at RS discretion
2. Operate under the direction of the Regional Supervisor in the region the incident occurs

### **Pre-Incident Outreach**

1. Communicate and coordinate with sheriffs and other appropriate officials prior to an incident (e.g. EMTs, Search & Rescue, Hospitals, Coroners, USPS, BLM, etc.)
2. Provide information to first responders about safety concerns and evidence preservation at wildlife incident scenes
3. Provide EMTs, coroners, and hospitals with information about evidence collection

### **On Scene Response Priorities**

1. Ensure public safety and team safety
2. Notify local law enforcement and establish Incident Command authority
3. Notify appropriate land management agency
4. Secure the scene

5. Collect evidence and information from victim as appropriate
6. Document and gather evidence at the scene
7. Report findings to the Regional Supervisor (or designee)
8. Coordinate information dissemination to internal staff and media (refer to policy C-3.0 Sensitive Issues)

### **Post-Incident Review**

1. Conduct debriefing-formal review with participants to identify lessons learned and what actions can be sustained and/or improved
2. Coordinate dissemination of lessons learned to internal staff

### **Training**

1. WHART training may include both classroom and scenario components
2. WHART members will have minimum training described below, but non-WHART members may be assigned a task(s) they have been trained to do or have some experience doing
3. Minimum training for **ALL** designated WHART Team members:
  - a. IS 100.b & IS 200.b (FEMA Emergency Management Institute courses; IS 100 is a prerequisite to IS 200)
  - b. First aid and CPR certification
  - c. Evidence collection (power point)
4. Specialty skills training for anyone assigned to use a firearm or pharmaceutical agent
  - a. Firearms (IDFG Policy E-3.0)
  - b. Pharmaceutical agents/chemical restraint (IDFG Policy W-2.0)
    - i.. Safety training
  - c. OC/Pepper spray (Follow manufacturer's instructions)
5. Annually Review:
  - a. Membership, policy, procedures, communication systems, kits and supplies, evidence collection/submission/storage

## **Guidelines for Responding to Orphaned, Injured and Problem Wildlife**

These guidelines have been developed to provide consistent direction and support to Idaho Department of Fish and Game employees when dealing with Orphaned, Injured, or Problem Wildlife. They are also intended to explain the rationale for decisions made by IDFG personnel. Potential threats to public safety, which can be caused by habituation to humans, disease, genetics, or other factors, must be considered when making difficult decisions about what to do with Orphaned, Injured, or Problem Wildlife.

### **I. Background**

The mission of the Idaho Department of Fish and Game (36-103) includes: all wildlife shall be preserved, protected, perpetuated, and managed for citizens to provide for continued supplies for hunting, fishing and trapping. This mission requires the Department to focus resources on managing populations rather than on individual animals.

It can be difficult for people to watch an animal experience protracted illness, injury, starvation, or death, especially when young animals are involved. There are also times when individual animals have undesirable interactions with humans prompting the Department to respond as a matter of public service or public safety. In both cases, members of the public may become emotionally invested, resulting in direct involvement or active following of the case of an individual animal. As a profession that also cares for wild animals, we share in the public's compassion. During those times when Department staff responds as a matter of public service or public safety to an individual animal, we will remain cognizant of public sentiment as we focus on our primary responsibility.

### **II. Decision Framework**

Idaho Code 36-106(e) (5) provides broad discretion for the agency to evaluate the circumstances of each situation and make decisions regarding the take of wildlife "in the interest of fish and game resources of the state."

The Director has delegated authority regarding disposition of orphaned, sick, or injured animals to Regional Supervisors, Bureau Chiefs and their designees. Legal requirements also need to be considered (*e.g.*, Endangered Species Act, Migratory Bird Treaty Act, state restrictions on certain species to avoid disease transmission (*e.g.*, Idaho Code 25-236 restricting possession of skunk, raccoon, and fox; ISDA brucellosis rules), and damage control and compensation programs under Idaho Code 36-1107 to 36-1110)).

As a matter of standard operating procedure, the Department will respond to Injured, Orphaned, or Problem wildlife based on level of concern for public safety or private property damage. When incidences occur with little risk to human safety or private property damage, Department efforts will focus on providing technical assistance designed to change behavior of the animal, without need for intrusive intervention and removal of the animals. Wildlife creating a concern for public safety or private property damage, and under the jurisdiction of the Department, should receive active intervention.

### **III. Definitions**

An "orphaned" animal is dependent on parental care, but for which parental care is no longer being provided as a result of death or abandonment.

An “injured” animal is incapable of functioning normally due to physical injury or illness.

A “problem” animal poses a threat to human health or safety, or causes or is about to cause damage to private property (except for grazing damage by antelope, elk, deer or moose; see Idaho Code 36-1107(a)).

**IV. Factors to consider when considering intervention options may include, but are not limited to:**

- Conservation management value of the individual animal, including consistency with management objectives described in:
  - Species Management Plan
  - Predation Management Plan
  - State Wildlife Action Plan
  - Interagency Agreement (*e.g.*, 2016 Conservation Strategy for Greater Yellowstone Grizzly Bear)
- In cases of disease, potential effects to wildlife populations, livestock, domestic animals or humans.
- Probability of the animal to be successfully rehabilitated or relocated, such that it can contribute to the population in the wild.
- Availability of appropriate rehabilitation facilities.
- Future risks to public safety or property, or other conflict with humans.
- Condition of the animal.
- Diversion of agency personnel/fiscal resources from other conservation management/benefit.
- Social concerns (*e.g.*, heightened human emotion to dispatch or relocation of animal).

**V. General options**

• **Indirect Intervention**

-To be used where there is little risk to human safety or damage to private property, and there are not extenuating social issues

-Provide technical assistance to alter behavior of the animal so that intervention is no longer required

-Do not intervene, allowing the greatest chance of natural processes and biological functions to operate

• **Direct Intervention**

-Humane dispatch (*e.g.*, firearm, chemical euthanasia, or other methods appropriate for animal's location, public safety considerations, and other relevant factors [see *American Veterinary Medical Association (AVMA) Guidelines for the Euthanasia of Animals: 2013 Edition, S7.6 Free-Ranging Wildlife*]).

-Limited rehabilitation for release back into the wild (confinement for short-term observation/limited intervention)

-Veterinary treatment prior to rehabilitation and release back to the wild

-Rehabilitation at authorized facility for release back into the wild

-Transfer to captivity at Association of Zoos and Aquariums (AZA) accredited facility or other captive wildlife facility authorized by Regional Supervisor, Bureau Chief, or IDFG veterinarian

-Relocation/release (animal remains in the wild)

To avoid diversion of agency resources from other conservation/management purposes, IDFG will not accept financial responsibility for private veterinary treatment or rehabilitation, or the transfer out of a wild population without prior approval of a Regional Supervisor, Bureau Chief, or Director's Office.

## **VI. Big Game Animals**

IDFG will generally not consider big game animals for rehabilitation. Edible game meat from otherwise healthy game animals may be salvaged when practical.

Relocation/release of black bear, mountain lion or gray wolf should only occur if there is a demonstrated management or conservation need. IDFG may consider transferring big game animals out of the wild when an AZA-accredited zoo or appropriate captive wildlife facility is willing and financially able to take the animal, and such transfer is practical. The receiving facility should have a conservation and management mission consistent with the Department. Response to situations involving grizzly bear will be consistent with applicable management documents.

## **VII. Public Outreach**

The decision maker should consult with their Regional Supervisor, Regional Communications Manager, or Bureau of Communications personnel to determine what, if any public outreach is appropriate to explain why a decision is/was made.