

July 25, 2017

Jon Rachael  
State Game Manager  
Idaho Fish and Game Department

RE: Proposal to allow bait for hunting gray wolf during specific seasons

Dear Mr. Racheal,

Please replace my earlier comments submitted 7/17 electronically through the IDFG portal with this version. Earlier comments are incorporated into the following.

Thank you for the opportunity to comment. I am a trapper and have taken 13 wolves in footholds surrounding bait stations, which is my preferred method of targeting them during the trapping season.

I have caught multiple wolves in the Lochsa drainage each year that it has been legal to do so. I intend to continue trapping them as long as I have a realistic expectation of catching one each year, which includes being able to trap over bait. Trapping related fur sales make up between 10-15% of my yearly income and my tanned wolf hides have contributed towards a significant portion of that income. Beyond that, trapping is an activity that I am passionate about.

I am a member of the Idaho Trappers Association and Foundation for Wildlife Management and a staunch supporter of efforts to reduce wolf numbers, having personally witnessed the decline of the Clearwater elk herd to unsustainable numbers over the last 25+ years of living here. It is disgusting and I only hope my kids can someday experience pursuing elk in the backcountry the same way I got to as a hunting guide many years ago.

I view the State of Idaho and Fish and Game Department in particular, as very progressive and leaders in wildlife management and sportsman's advocacy. That said, I am generally not in favor of the Commission "*specifically*" (emphasis added) allowing baiting for wolf hunters during the winter trapping seasons (generally Nov-Mar). I am concerned that this proposal, if passed, will have unintended consequences that will reduce the efficacy of trapping as a management tool. To be clear, I am completely in favor of wolf management, so long as it does not impact trapping, which accounts for as much as 50% of the annual harvest of wolves.

I respect the Commission's responsiveness in proposing this rule and willingness to explore providing opportunity to licensed hunters. I would again however urge the Commission to evaluate whether the likelihood of success and small numbers of hunters who might engage in this activity would justify the public perception and legal implications, as well as potential to negatively impact otherwise legal baiting for the purposes of trapping.

I have spoken to or corresponded with a number of Commissioners, Department Staff, hunter-advocates and fellow trappers about this proposal. Each has acknowledged my points below are valid, even if/where they disagree. I ask that you consider my comments as constructive suggestions rather than criticisms, and would like to work cooperatively to ensure we're all successful. I offer the following comments and specific suggestions for your evaluation:

**Baiting as a successful means of hunting:** I generally use a significant amount of bait (butcher scraps of non-game species, carcasses, etc) to attract the wolves consistently into an area to the point they can be successfully trapped over. In addition, I commonly use other legal bait (beaver and muskrat carcasses) wired to a tree or cubby to attract species like bobcats into an area to where they can be successfully trapped (note: paying strict attention to trapping regulations including the use of bait).

In the last 7 years of running a 65 mile long (one way) trapline for 4+ months/year on generally a 48 hour check, I have never seen an untrapped wolf on a bait site, despite having caught them in traps repeatedly and on purpose. The notion that a hunter can place a bait and sit over it with the expectation of killing a wolf is a stretch. I have baited bears for many years as a licensed guide and in my experience validated by trail camera, wolves do not respond or become habituated to a bait the same way a bear would. At best, they come thru irregularly and/or at night, generally skirting the bait site at a distance and/or in thick cover. While this behavior lends itself quite well to the trapper, I don't believe it lead to a successful hunting method. The exception to this might be more open areas of the state where an experimental or "proof of concept season" could be held to determine the efficacy of baiting.

The amount and type of bait that is required to successfully get wolves coming back to an area is prohibitive when considering adopting current bear baiting regulations. Whereas a few periodic 5 gallon pails of bait will suffice to attract a bear, it takes a large amount of bait routinely placed to keep wolves visiting a site with any degree of recurrence. At carcass piles, birds will usually eat most of the bait before wolves will revisit the area. And while there may be ways around this such as digging a hole or covering with logs, etc, this does not lead to the same results as far as repeated visitation, in my experience. The bear bait regulations for distances from roads, trails, water and campgrounds further reduces the chances that a hunter will be able to keep a bait active, particularly in winter months when snow would make it almost impossible to carry enough bait to a site. Please also consider wolf bait generally comes in rather large proportions, whether road killed deer/elk or butcher scraps of non-game animals. Realistic expectations on getting the bait to the site should be considered. I do not want to give up my most productive wolf trapping areas and these regulations would result in me needing to forgo a number of bait sites which that have caused no issues to-date requiring further regulation.

The current bear baiting regulations that require the skin to be removed from mammal carcasses would be in conflict with the current allowance on use of legally salvaged (road killed) deer and elk for trapping purposes. I have successfully "repurposed" a number of deer as wolf bait since the rule went into effect, but I cannot imagine a situation where I would skin it first, nor can I see

what would justify such a requirement. I would be reluctant to salvage deer for bait purposes if I were required to skin them first. What would be the appropriate disposal for the hide?

Finally, the limitation to three pre-registered sites is also prohibitive considering the way wolves work the landscape. Quick adjustments are necessary to keep up with wide ranging packs that may not revisit the same places from year-to-year. Again, in my experience, wolves do not respond like bears and a small fixed number of sites might not be effective considering that a lot in-season scouting needs to continue to be successful.

**Proposal could increase restrictions on trapping:** My biggest concern with this proposal would be that baiting rules would necessarily need to carry over into the trapping regulations, which are currently not as restrictive as the bear baiting regulations. How would the Department propose a person discern between a bait placed for wolf hunting and one placed for trapping? Further, what about a bait placed for bobcat or coyote? Would a legal baited cubby or dirthole set be required to maintain the same setbacks from roads, trails or water? Would each of a trappers baited sets now need to be registered? If not, what would be the enforceable threshold for when a bait would need to be registered as a “hunting” bait?

For all practical purposes, there would be no difference between a bait placed for hunting wolves and one placed for trapping wolves. The simplest and cleanest solution to this is to allow the incidental take (by firearm, or “hunting”) of wolves over bait by licensed trappers who have taken the wolf trapping class. The benefits to this approach would be that persons wishing to engage in a baiting activity must have taken the wolf trapping class and have a trapping license. Both of which require a mandatory educational component which carries nothing but positive benefits and is consistent with the Department’s current educational emphasis that has broad support. This approach would further allow wolf trappers who are checking their traps over bait to incidentally harvest non-trapped wolves that they may come across. Currently, this is not allowed, which makes no sense whatsoever. I would be more than willing to volunteer my time to help the Department develop a “baiting” agenda to be used in the wolf trapping class and am a strong advocate for continued educational programs that improve our image.

**Legal Considerations:** The Commission should strongly consider the legal implications of permitting wolf baiting, particularly on National Forest Lands. In particular, please ensure you consider that the national baiting policy upheld in *Funds for Animals V. Thomas* (1997) is dated. For the Commission to *specifically permit* wolf baiting for hunting on National Forest Lands is likely to result in another round of litigation potentially as far reaching as the individual District Ranger level of the Forest Service. Forest Service Manual Direction provides for some degree of discretionary authority at FSM 2643.12 and thus a difference of interpretation could easily be used to demonstrate harms in a complaint. An injunction and/or adverse decision in such a case could have far reaching impacts and set a dangerous precedent that could negatively affect trapping and other State permitted activities. This is particularly concerning when considering a number of recent adverse decisions against the Forest Service in similar situations such as *Nez Perce Tribe v. Brazell* and *Idaho Rivers United v. Hudson*. I don’t pretend to be a lawyer but am acutely aware of the impact of environmentalist litigation and risk-benefit that must be considered.

Further, against the backdrop of the wolverine decision, pending fisher status review and motion to reconsider in the lynx lawsuit, this proposal might confound those matters into an unfortunate direction if further promulgated. Specifically permitting wolf baiting could be also be construed as a change in the status quo, triggering the requirement for the FS to prepare an EIS. I would urge the Commission to consult with Forest Service Officials and your legal staff as you consider this proposal further.

An easy solution to this would be to authorize a proof of concept season on private grounds only where specifically authorizing baiting may be more compatible or conducive to management of wolves to the benefit of the landowner and Department.

**Additional practical considerations:** Trapping has been an effective means of wolf management. That trapper participation is decreasing is testament to the work necessary to be successful. Many people that came out tried it for a few years and have since stopped. However, there are a dedicated group of trappers continuing to “get it done” every year, so please consider unintended consequences of this proposal on trapping.

While the proposal might result in a short term increase in sportsmen interest and even harvest, I believe there could be a corresponding decrease in trapping harvest if restrictions on methods are purposely adopted. I believe that within a short time, people would find out that baiting wolves for the purposes of hunting is not worth the effort and overall participation would drop even further.

Perhaps a proof of concept season in places of the State where hunter-advocates of the proposal most want it would be a good alternative to consider. This type of test area could also be used by advocates and the Department to develop some BMPs around the activity for later adoption at the larger scale. If the method proved to be successful I would certainly support and participate myself.

I would agree that there are areas of the State such as the backcountry wilderness areas where the outfitters could help the Department’s objectives as well as benefit from this proposal, but I would question the efficacy of baiting in such remote areas considering the amount of bait needed. Use of livestock for bait in these situations would likely conflict with Forest Service permitting as well, which is within the discretionary authority of the permit administrators. That would be inviting a lose-lose conflict that currently doesn’t exist if only trapping baiting rules were to apply.

If this proposal is considered further to the point that registration of a bait is adopted, I would request that tagging of the bait sites be accomplished by hanging signs with a registration number on it in lieu of the locking tags like bear bait. It is good practice to sign areas with wolf traps anyway and baiters could hang signs where appropriate and notify the local CO within a specified period of time. This is a simple practice that would keep everyone on the up and up, allow better monitoring of the activity. In the event of a lawsuit, that monitoring data would no doubt be extremely beneficial in defense of the activity. In my experience, signs have actually

reduced conflict and ensured good judgement in selection of trapping/baiting spots. The same would be expected from hunters dedicated enough to pursue this activity.

I do support requiring bait stations to be cleaned up at the end of the season as successfully baiting wolves can require placement of a great deal of attractant throughout the season. There should be some thought given to enforcement however, since cow heads are a common and successful wolf bait. It is not uncommon for a pack of wolves to carry off a head (and other large bones) to parts unknown. Requiring the removal of all bones might again create situations that could put a person in violation of the law if a cow head got packed off only to turn up and discovered after snowmelt. Current baiting rules for trapping leave cleanup to the discretion of the trapper and local CO and have resulted in little to no conflicts that I am aware of.

**Additional considerations:**

1. Bait for the purposes of wolf hunting only during times of the year when there are no open furbearer trapping seasons. Minimize conflicts with trapping regulations and only trapping bait rules apply during trapping seasons.
2. Bait for the purposes of hunting wolves not allowed during open bobcat trapping seasons. Minimize conflicts with bobcat trappers. Trapping bait rules only apply during bobcat season.
3. Hold a “proof of concept” season in certain areas of the state to determine the legitimacy of baiting for the purposes increasing take of wolves. Prove out the method while examining if the Foundation for Wildlife Management’s recent authorization of hunting re-imburement will further incentivize participation in wolf management.
4. Legalize the incidental take of wolves by over bait by licensed wolf trappers. E.g. a holder of a wolf trapping tag (someone who has attended the class) can incidentally harvest a wolf over a bait site.

I appreciate the opportunity to comment and would be happy to discuss this further if you have any questions.

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Cc; Rusty Kramer, Idaho Trappers Association

Justin Webb, Foundation for Wildlife Management

Kathleen Trever, Deputy Attorney General