

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.

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



IDAHO DEPARTMENT OF FISH AND GAME

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

Brad Little / Governor
Ed Schriever / Director

Reasonable Access Guidelines as they relate to processing IDFG Depredation Claims

These guidelines are meant to assist IDFG personnel in assessment of the reasonable access provision regarding a depredation claim. Reasonable access is one point of consideration in determining the validity of a claim submitted by a landowner.

The term Reasonable Access is mentioned in Title 36-1108. “The owner or lessee must have allowed hunters reasonable access to the property or through the property to public lands for hunting purposes during the preceding hunting season or as a measure of response to depredation, provided such access does not impact on their operations, or the claim for damages **may** be disallowed.”

As of May 1, 2017, language regarding Reasonable Access in 36-1108 changed: “or the claim for damages will be disallowed” became “or the claim for damages may be disallowed” and “provided such access does not impact on their operations” was included.

- IDFG staff must fully consider all access being provided by a landowner. Charging for access is a legal activity in Idaho. A landowner charging an access fee does not disqualify a landowner from filing for or being awarded a claim. A landowner allowing family members to hunt is reasonable access. Allowing access to hunters possessing Kill Permits is considered reasonable access.
- The law allows for approval of claims where no access was allowed, if access impacts the operation. Landowners have intimate knowledge of their own business practices and operation and thus are best suited to determine if and when access will be detrimental to their business (potential crop damages, conflicts with irrigation, etc.).
- One of the goals of providing hunter access to a depredation site is to reduce the amount of damage by changing animal behavior or discouraging animal use of that private property. Hunter access is not a tool for affecting a significant population reduction within that group of depredating wildlife. Expecting a landowner to allow enough hunters on their property to reduce the population significantly is not reasonable and is not a requirement for filing a claim.
- Evaluate each depredation on its circumstances. Not all depredation issues can be resolved with hunter access. In those instances access is not an expectation for a landowner to receive compensation for a claim.

Any claim being considered for denial, for any reason, should be discussed with the Bureau of Wildlife headquarters staff. All denials must include documentation justifying the reason for denial.