



Eric Milstead
Director

Legislative Services Office Idaho State Legislature

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MEMORANDUM

TO: Senators VICK, Johnson, Stennett and,
Representatives GIBBS, Lickley, Rubel

FROM: Katharine Gerrity - Deputy Division Manager

DATE: April 07, 2021

SUBJECT: Temporary Rule

IDAPA 13.01.09 - Rules Governing the Taking of Game Birds - Adoption of Temporary Rule - Docket
No. 13-0109-2102

We are forwarding this temporary rule to you for your information only. No analysis was done by LSO. This rule is posted on our web site. If you have any questions, please call Katharine Gerrity at the Legislative Services Office at (208) 334-4845. Thank you.

Attachment: Temporary Rule

Kristin Ford, Manager
Research & Legislation

Paul Headlee, Manager
Budget & Policy Analysis

April Renfro, Manager
Legislative Audits

Glenn Harris, Manager
Information Technology

IDAPA 13 – DEPARTMENT OF FISH AND GAME
13.01.09 – RULES GOVERNING THE TAKING OF GAME BIRDS
DOCKET NO. 13-0109-2102
NOTICE OF RULEMAKING – ADOPTION OF TEMPORARY RULE

EFFECTIVE DATE: The effective date of the temporary rule is March 11, 2021. This temporary rule will expire by its own terms upon adjournment of the First Regular Session of the Sixty-sixth Idaho Legislature, and at which point Pending Rule docket number 13-0109-2002 becomes final and effective.

AUTHORITY: In compliance with Section 67-5226, Idaho Code, notice is hereby given this agency has adopted a temporary rule. The action is authorized pursuant to Sections 36-103, 36-104, 36-408, 36-409, 36-1101, and 36-1102, Idaho Code.

DESCRIPTIVE SUMMARY: The following is the required finding and concise statement of supporting reasons for adopting a temporary rule:

This temporary rule provides for consistency of requirements for spring turkey controlled hunts for 2021. The application period for spring turkey controlled hunts closed at midnight on March 1, 2021. Controlled hunt draw results are typically available within a week of this date. Pending rule change to Section 102 of this Chapter was approved in Senate Resources and Environment and House Resources and Conservation during the 2021 Legislative Session. The Pending rule, poised to become effective upon the 2021 Legislature's adjournment *sine die*, eliminates the need for a separate permit for turkey controlled hunts, and simplifies requirements to the use of a single controlled hunt turkey tag. However, the current earliest date anticipated for *sine die* precedes the date that spring turkey controlled hunt items are scheduled to be available for sale. This temporary rule allows the department to close the gap in sale of controlled hunt permits versus controlled hunt tags, and will simplify compliance with tagging rules when the turkey seasons open for youth controlled hunts on April 8 and for other controlled hunts on April 15, 2021.

TEMPORARY RULE JUSTIFICATION: Pursuant to Sections 67-5226(1)(a) and (c), Idaho Code, the Governor has found that temporary adoption of the rule is appropriate for the following reasons:

The Governor has found that temporary adoption of the rule is appropriate for the protection of the public health, safety or welfare or for otherwise conferring a benefit to resident Idaho hunters.

FEE SUMMARY: Not applicable. This temporary rule does not impose new fees or charges.

ASSISTANCE ON TECHNICAL QUESTIONS: For assistance on technical questions about the temporary rule, contact Toby Boudreau at (208) 334-2920.

DATED this 11th day of March, 2021.

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THE FOLLOWING IS THE TEXT OF THE TEMPORARY RULE FOR DOCKET NO. 13-0109-2102
(Only Those Sections With Amendments Are Shown.)

102. **WILD TURKEY TAGS, ~~STAMPS, PERMITS, AND VALIDATIONS.~~**

No person may hunt wild turkey without having in possession the appropriate hunting license; ~~and tag~~ ~~and controlled hunt permit.~~ ~~(3-20-20)(3-11-21)T~~

01. **Tags.** ~~There are three (3) types of~~ ~~Turkey tags available: the~~ ~~may be~~ ~~general~~ ~~or controlled hunt~~ ~~tags,~~ ~~extra tag,~~ ~~and special unit tag.~~ ~~A hunter may purchase one (1) general tag, two (2) extra tags, and three (3) special unit tags.~~ ~~The general tag and one (1) extra tag may be used during the spring general season; however, if one (1) or both go unused, the unused tag(s) may be used during the general fall season.~~ ~~A second extra tag may also be used during the general fall season.~~ ~~A general tag or an extra tag may be used with a controlled hunt permit in the spring and fall seasons.~~ ~~Special unit tags may be used in designated units during any season set by the Commission or in a depredation hunt when authorized by the Director.~~ ~~(3-20-20)(3-11-21)T~~

02. **Youth General Hunts and Youth Passport Holder Hunt Eligibility.** Youth-only general hunts are limited to participation by hunters who are ten (10) to seventeen (17) years of age with a valid license. (3-20-20)

a. Youth-only general hunts are limited to participation by hunters who are ten (10) to seventeen (17) years of age with a valid license. (3-20-20)

b. Hunting passport holders eight (8) to seventeen (17) years of age are eligible to participate in general season hunts, youth-only general hunts, landowner permission ~~controlled~~ ~~hunts~~ ~~with the appropriate landowner permission tag,~~ and depredation hunts. ~~(3-20-20)(3-11-21)T~~

03. **Controlled Hunts.** A controlled hunt ~~permit tag~~ for wild turkey is valid ~~only~~ for the ~~take of turkey in the controlled~~ hunt area for which the ~~permit tag~~ was ~~drawn issued, and in general hunts.~~ ~~(3-20-20)(3-11-21)T~~

a. Eligibility: The holders of hunting licenses valid for game birds are eligible to apply for spring and fall controlled hunts subject to the following restrictions: (3-20-20)

i. In the event a ~~permit tag~~ is issued based on erroneous information, the ~~permit tag~~ will be invalidated and the person will remain on the drawn list. ~~(3-20-20)(3-11-21)T~~

ii. Landowner permission ~~controlled~~ hunt application eligibility is limited to persons who have a signed permission slip, which includes the landowner's name and address, from a landowner who owns more than seventy-nine (79) acres in the hunt area. ~~(3-20-20)(3-11-21)T~~

iii. Youth-only controlled hunt application eligibility is limited to persons nine (9) to seventeen (17) years of age, provided they will be ten (10) to seventeen (17) years of age during the hunt for which they apply. A nine (9) year old cannot participate in the hunt until turning age ten (10). A person who turns eighteen (18) years of age during the hunt may continue to participate through the end of the youth-only controlled hunt. A person sixty-five (65) years of age or older with a senior or disabled combination or hunting license may apply on a first-come, first-served basis for leftover youth-only controlled hunt ~~permits tags.~~ ~~(3-20-20)(3-11-21)T~~

b. Applications: Applications for spring and fall controlled hunts may be submitted electronically through the automated licensing system at any vendor location, including Department offices, through the Internet, or via telephone, not later than March 1 for spring hunts and June 5 for fall hunts, annually. (3-20-20)

i. Duplicate license numbers will not be accepted. Applications from Holders of a Duplicate License (Type 501) will be processed only if they include original license numbers. (3-20-20)

ii. Only one (1) application per person or group will be accepted. Additional applications will result in

all applicants being declared ineligible. (3-20-20)

iii. A single payment ~~(either cashier's check, money order, certified check, or personal check)~~ may be submitted to cover fees for all applications. If a check or money order is insufficient to cover the fees, all applications will be voided and returned. ~~(3-20-20)~~(3-11-21)T

iv. A "group application" is defined as two (2) hunters applying for the same controlled hunt on the same application. (3-20-20)

v. Hunting license and tag fees will NOT be refunded to unsuccessful applicants. (3-20-20)

c. Drawing information: Single or group applications which are not drawn for the first choice hunt will automatically be entered into a second choice drawing provided the second choice hunt applied for has not been filled. (3-20-20)

04. Tag Validation. (3-20-20)

a. ~~Tag and permit validation and attachment:~~ Immediately after any wild turkey is killed, the turkey tag ~~and permit, if a controlled hunt,~~ must be validated and securely attached to the wild turkey. Tag ~~and permit~~ validation means cutting out and completely removing two (2) triangles on the border of each tag ~~and permit~~, one (1) for the month and one (1) for the day of the kill. ~~(3-20-20)~~(3-11-21)T

b. The tag ~~and permit~~ must remain attached so long as the turkey is in transit or storage. ~~(3-20-20)~~(3-11-21)T

05. Tag Designation. (3-20-20)

a. Any resident adult person who possesses a controlled hunt ~~permit tag~~ may designate the controlled hunt ~~permit tag~~ to his or her resident minor child or grandchild who is qualified to participate in the hunt. ~~(3-20-20)~~(3-11-21)T

b. Any nonresident adult person who possesses a controlled hunt ~~permit tag~~ may designate the controlled hunt ~~permit tag~~ to his or her nonresident minor child or grandchild who is qualified to participate in the hunt. ~~(3-20-20)~~(3-11-21)T

c. The designation of the controlled hunt ~~permit tag~~ is not effective unless it is: ~~(3-20-20)~~(3-11-21)T

i. Made on a form prescribed by the Department and submitted either in person to any Department Office or by mail to the License Supervisor at P.O. Box 25, Boise, ID 83707. (3-20-20)

ii. Completed before the first opening hunt date for the ~~permit tag~~. ~~(3-20-20)~~(3-11-21)T

d. Any child cannot be designated more than one (1) controlled hunt ~~permit tag~~ per calendar year. ~~(3-20-20)~~(3-11-21)T

~~06. Landowner Permission Tags. Landowner permission hunt tags will be sold on a first come, first served basis at Department offices after March 20 for spring hunts and after July 10 for fall hunts. (3-20-20)~~