

IDAPA 13 – DEPARTMENT OF FISH AND GAME -- DOCKET NO. 13-0000-2100F

No changes were made to Fee Rules. The following is a specific description of the fees or charges in IDAPA 13:

- IDAPA 13.01.02.200.02 and 13.01.02.201.02 implement a statutory mandate to charge for hunter, archery, and trapping education. Section 36-412, Idaho Code, mandates that the Commission implement education programs in hunting, trapping, and archery and provides the “commission shall establish fees for each program not to exceed eight dollars (\$8.00).” This rule carries out this statutory mandate by implementing an eight dollar (\$8.00) fee for hunter, archery, and trapper education. These fees have been in effect since March 24, 2017.
- IDAPA 13.01.04.601.01 and 02 provide that non-resident general season and controlled hunt deer or elk tag fees may be refunded in certain circumstances. This rule establishes a \$50 processing fee for tag refunds or a sliding scale for tag refunds in these special circumstances. This rule has been in effect since April 6, 2005.
- IDAPA 13.01.08.263.01.d. provides that overpayment of fees of more than five dollars (\$5) will be refunded and overpayment of five dollars (\$5) or less will not be refunded and will be retained by the Department. This fee rule has been in effect since July 1, 1993.
- IDAPA 13.01.10.410.03 provides bond requirements for large commercial wildlife facilities of fifty thousand dollars (\$50,000) or an amount equal to ten percent (10%) of the total facility construction cost plus two thousand dollars (\$2,000) per animal. This bond is meant to guarantee performance of license conditions and to reimburse the Department for any costs incurred for cleanup of abandoned or closed facilities, removal of animals from abandoned or closed facilities, capture or termination of escaped animals, or disease control. This fee rule has been in effect since July 1, 1999.
- IDAPA 13.01.19.102.04 requires a \$10,000 minimum surety bond for vendors that present an undue risk. This bonding requirement ensures license vendors have sufficient coverage to ensure the Department is fully reimbursed for license sales and mitigating undue risk that may otherwise be placed upon the Department in the absence of such bonding. Section 36-303, Idaho Code, authorizes the Department to require a surety bond for license vendors. These vendor bonding rules have been in place since March 20, 1997

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Changes to IDAPA 13 are summarized in two forms: 1) a bulleted summary of changes by chapter, and for those who would like more detail, 2) a strikethrough version of those pages of rule where changes were made with comment bubbles to explain changes, and page numbers for reference to the ***Committee Rules Review Book***.

The following changes do not significantly change the effect of existing rules and have the intent of streamlining state government through the repeal or simplification of outdated, unnecessary or ineffective rules in compliance with the Governor's Executive Order 2020-01, Zero Based Regulation.

Changes to IDAPA 13.01.01 (the subject of negotiated rulemaking in 2021 under Executive Order 2020-01) include:

- Integration of delegation of authority provisions related to current agency practice for issuing permits, orders, etc. to address property damage from wildlife and feeding emergencies (transferring language from IDAPA 13.01.18.101).

Changes to IDAPA 13.01.04 include:

- The addition of licensed optometrists to those medical professionals authorized to certify qualifying disabilities for applicants for Reasonable [weapon] Modification Permits.
- An increase to outfitter set-aside elk tags to 2,900 (from current temporary rule of 2,800 elk tags). Revision to IDAPA 13.01.04 clarifies resident use of unsold nonresident tags as second tags in light of the agency's adoption of nonresident tag limits for some elk zones and deer units in which residents are not subject to tag limits.

Changes to IDAPA 13.01.07 (the subject of negotiated rulemaking in 2021 under Executive Order 2020-01) include:

- Transfer of requirements for taking of upland game animals and integrating them into the recodified IDAPA 13.01.09. The re-codified IDAPA 13.01.07 consolidates duplicative references in multiple chapters to generally applicable requirements such as seasons and limits; wounded animals; management/hunt area descriptions; closure areas; and shooting hours.
- Game Management Unit (GMU) boundary descriptions previously contained in IDAPA 13.01.08, with minor adjustments to better align with management and enforcement objectives and clarify points of confusion.

Changes to IDAPA 13.01.08 include:

- Clarification to 13.01.08.257.08 (Eligibility for Controlled Hunt Application) to allow either a senior or a disabled license holder to apply for a youth-only hunt in the second application period, or purchase a leftover youth only controlled hunt tag. This correction addresses wording inadvertently omitted in a previous rule revision. Duplicative tag designation provisions for turkey and big game animals were consolidated in the re-codified IDAPA 13.01.04.
- A clarifying edit to IDAPA 13.01.08.350, relating to mandatory report/presentation requirements for portions of carcasses, and allowing for the waiving of evidence of sex / species requirements.

This edit relates to a temporary rule adopted by the Commission following the recent detection of Chronic Wasting Disease (CWD) in Idaho.

- Revision to 13.01.08 to reflect changes arising from legislation enacted in 2021 (House Bill 91 and Senate Bill 1211) regarding allowances for take and shooting hours for wolves.

Changes to IDAPA 13.01.09 (also the subject of negotiated rulemaking in 2021 under Executive Order 2020-01) include:

- Provisions for consistency of controlled hunt applications across game bird species; identification of caliber limits for airguns, allowance of the use of crossbows for upland game birds, and deletion of references to a sage grouse permit to reflect 2021 legislation (House Bill 235) establishing a sage grouse tag. Duplicative tag designation provisions for turkey and big game animals were consolidated in the re-codified IDAPA 13.01.04.
- Clarifying edits relating to purchasing leftover youth only controlled hunts for consistency between hunts for big game and game birds.

Changes to IDAPA 13.01.10 include:

- Modification of rules relating to movement of cervid carcasses in CWD management zones. This modification reflects temporary rule language adopted by the Commission that allows the Director to designate a CWD management zone on a temporary basis; allows the movement of tissue and cervid heads so that they can be presented to the Department for sampling; and clarifies legal consequences for violating cervid transport rules.

Changes to IDAPA 13.01.15:

- Clarification that anyone who harvests black bear, mountain lion, bobcat or fox using dogs, except clients of licensed outfitters, must have a Hound Hunter Permit. This correction addresses wording inadvertently omitted in a previous rule revision.

Changes to IDAPA 13.01.16 include:

- Revisions to integrate rules for trapping of wolves (previously adopted in IDAPA 13.01.17) into IDAPA 13.01.16.

Any additional changes are non-substantive and are only to correct typographical errors, clarify points of confusion and/or make language across chapters consistent

Part 2 – Strike through Summary of Changes

13.01.04 – RULES GOVERNING LICENSING

302. DISABILITY LICENSES.

Disability licenses include: Disabled Combination, Disabled Hunting, Disabled Fishing, Disabled American Veterans Combination, Disabled American Veterans Hunting, Disabled American Veterans Fishing, and Nonresident Disabled American Veterans Hunting.

Commented [F1]: Page 19 of Rules Review Book

01. **Attestation to Disability.** No person may misrepresent any information to obtain a disability license.

02. **Documentation for Eligibility.** ~~The Department will not process an application for a disability license unless To obtain a disability license, an applicant provides must present, to the Department (by mail or in person) a Department office or vendor, or by mail to the Department,~~ one (1) of the following:

a. A Social Security Administration benefit verification letter ~~from the Social Security Administration~~ in the individual's name showing that the applicant is receiving SSI (Supplemental Security Income) or SSDI benefits for the current year;

b. A letter from the Railroad Retirement board verifying disability status dated within three (3) years preceding the application for a disabled license;

c. ~~An official identification card issued by the U.S. Department of Defense, or a letter, of any date prior to license application, from the U.S. Department of Veterans Affairs, office~~ verifying a service-connected disability rating of forty percent (40%) or greater. Such documentation will be required only for the initial application and will not be required for subsequent disability license application. ~~The Department will not process applications Applicants for nonresident Disabled American Veteran licenses must support their applications with unless applicants provide this form of documentation.~~

d. A current year's letter from the U.S. Veterans Affairs office showing an individual is receiving a nonservice-connected pension.

e. Certification of permanent disability on a form prescribed by the Department, completed and signed by the applicant's physician, physician assistant, or nurse practitioner, also signed by the applicant, stating which of the criteria set forth in Subsection 010.04 of this rule, qualifies the applicant as permanently disabled and why. If the physician, physician assistant, or nurse practitioner is not licensed to practice in Idaho, a copy of the physician, physician assistant, or nurse practitioner's medical license must accompany the application.

f. A valid Idaho driver's license if the holder individual meets the disability requirements of Section 49-117(7)(b), Idaho Code, and the driver's license is appropriately marked as disabled.

304. DISABLED ARCHERY PERMIT

Commented [F2]: Page 20 of Rules Review Book.

01. Applications for Disabled Archery Permits.

a. ~~Applications for disabled archery permits will be completed on a form prescribed by the Department signed by the applicant.~~

Consolidation of Disabled Archery & Reasonable Accommodation Permit into Reasonable Modification Permit (below) for Administrative Simplicity

b. ~~Each application shall be accompanied by certification from the applicant's physician, physician assistant, or nurse practitioner stating that the applicant has a permanent disability whereby he does not have use of one (1) or both of his arms or hands, along with the applicant's certification that the applicant is capable of holding and firing, without assistance from other persons, a bow or crossbow. If the physician, physician assistant, or nurse practitioner is not licensed to practice in Idaho, a copy of the physician, physician assistant, or nurse practitioner's medical license must accompany the application.~~

02. Disabled Archery Permits

- a. Disabled archery permits expire on December 31 of the fifth year following the date of issuance.
- b. The disabled archery permit shall be carried on the person of anyone participating in an archery-only season with the use of a crossbow and produced upon officer request.
- c. The disabled archery permit authorizes the holder thereof to participate in an archery-only hunt with the use of a crossbow or a device attached that holds a bow at partial or full draw or a low magnification scope (magnification no greater than four (4) power) containing battery-powered or tritium-lighted reticles.

304. REASONABLE MODIFICATION PERMIT (WEAPON RESTRICTIONS)

01. Application. Applications for reasonable modification permits (for medical reasons) to allow use of equipment otherwise unauthorized in a special weapon season (archery or muzzleloader only) will include:

- a. All information requested on a form prescribed by the Department;
- b. The applicant's signature;
- c. Signed certification from the applicant's physician, physician assistant, optometrist or nurse practitioner stating the criteria limiting the applicant's ability to participate without special accommodation, including checking of the appropriate box for short-term or long-term disability, and for short-term disability, including date when the disability is expected to end;
- d. A copy of the license of the physician, physician assistant, optometrist or nurse practitioner, if that person is not licensed to practice in Idaho;
- e. Applicant's certification that applicant is able to hold and fire, without help from other persons, legal firearms or archery equipment, and
- f. A description of the equipment accommodation requested, and explains how the requested accommodation will allow the applicant to participate in the special weapon hunt without enhancing their abilities beyond the limitations and purpose of the special weapon hunt.

02. Determination. The Department will make its determination based on the reasonableness of the accommodation and its consistency insofar as possible with all provisions guiding other participants in the special weapon hunting season. The Department has discretion to deny the application as unreasonable in light of restrictions for other participants in the hunt, or set a modification different from the modification requested.

- a. Reasonable modification related to accommodation for use of scope or sight magnification (including battery-powered or tritium-lighted reticles) for archery or muzzleloader equipment may include magnification up to 4x power because of equipment availability.
- b. Reasonable modification related to archery only hunts may include the use of a crossbow or a device that holds a bow at partial or full draw.

03. Authority. Reasonable Modification Permits authorize holders to use equipment, as specified in the permit, that is otherwise prohibited in a special weapon season.

04. Expiration and Carrying

- a. Reasonable modification permits expire no later than December 31 of the fifth year following the date of issuance, or the earlier ending of any shorter-term disability.
- b. A permit holder must carry a copy of the permit while hunting in any special weapon hunt in which the permit applies.

401. LANDOWNER APPRECIATION SEASONS.

The Commission sets landowner appreciation seasons, including designation of controlled hunt areas and tag numbers, by proclamation, adopted and published in accordance with Section 36-105(3), Idaho Code.

Commented [d3]: Removed from chapter 4 (licensing) and consolidated in chapter 7 (rules governing the take of wildlife).

500. NONRESIDENT DEER AND ELK TAG OUTFITTER SET-ASIDE.

Commented [F4]: Page 23 of Rules Review Book

01. Tags. The following numbers of nonresident general hunt deer tags and nonresident general hunt elk tags will annually be set aside and reserved for sale to persons who have entered into an agreement to utilize the services of an outfitter licensed under Chapter 21, Title 36, Idaho Code. For each Hunting Season:

- a. One thousand nine hundred eighty-five (1,985) deer tags (the combined total of regular and Whitetailed);
- b. Two thousand ~~eight nine~~ hundred (2,002,900) elk tags (the combined total of A and B tags for all zones).

Commented [F5]: Increases the number of elk tags set-aside for outfitters to ensure sufficient tags available for allocation

560. SALE OF UNSOLD NONRESIDENT GENERAL DEER AND ELK TAGS AS SECOND TAGS.

Any nonresident general deer or elk tags unsold on or after August 1 may be sold to residents and to nonresidents as a second general hunt tag, at the nonresident deer or elk tag price. Unless the Commission has limited the use of second tags in a unit or zone by proclamation, a resident may buy a second tag for an elk zone where a nonresident limit has been reached if the zone is unlimited to residents, and a resident may use a second regular or white-tailed deer tag in any unit in the same manner as a first resident general hunt tag. All privileges and restrictions associated with the use of such nonresident tags will apply equally to tag buyers that are residents.

Commented [d6]: Page 26 of Rules Review Book.

Allowance for resident use of second tags in zones/units where only nonresidents are limited.

950. DESIGNATION OF CONTROLLED HUNT TAGS TO CHILDREN.

Commented [d7]: Page 30 of Rules Review Book.

01. Designation by Residents. Any resident who possesses any big game controlled hunt tag except a moose, bighorn sheep, mountain goat, or grizzly bear tag, or who possesses a turkey controlled hunt tag, may designate that tag to that person's resident minor child or grandchild who is eligible to participate in the hunt.

Tag designation provisions moved from 13.01.08 (Big Game) and 13.01.09 (Game Birds and Upland Game Animals) and consolidated into one section.

02. Designation by Nonresidents. Any nonresident who possesses any big game controlled hunt tag except a moose, bighorn sheep, mountain goat, or grizzly bear tag, or who possesses a controlled hunt turkey tag, may designate that tag to that person's nonresident minor child or grandchild who is eligible to participate in the hunt.

03. Applicability of Controlled Hunt Rules. Rules for eligibility, tag claim deadline, and use for the hunt apply to the adult who possesses and designates a controlled hunt tag and to the designated minor child or grandchild. Rules for application for controlled hunt tags apply to the adult who possesses and designates a controlled hunt tag to his or her minor child or grandchild. Mandatory education requirements will apply to the designated minor child or grandchild.

04. Form. Designation of the controlled hunt tag shall be made on a form prescribed by the Department and may be submitted either in person to any Department Office or by mail to the License Supervisor at P.O. Box 25, Boise, ID 83707.

05. Children. Any resident child or grandchild cannot be designated more than one controlled hunt tag per species per calendar year.

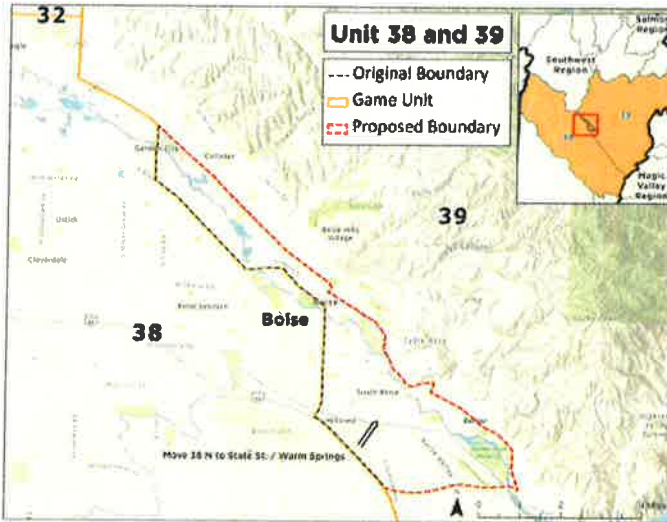
06. Date for Designation. A person may only designate a tag under this Section before the opening date for the hunt for which the tag would be used.

13.01.07 – RULES GOVERNING TAKING OF UPLAND GAME ANIMALS WILDLIFE

(subject of Negotiated Rulemaking)

-Geographical Management Unit Changes – rather than provide strikethrough text of changes, we’ve produced maps that depict the boundary adjustments and the justification for the proposed change.

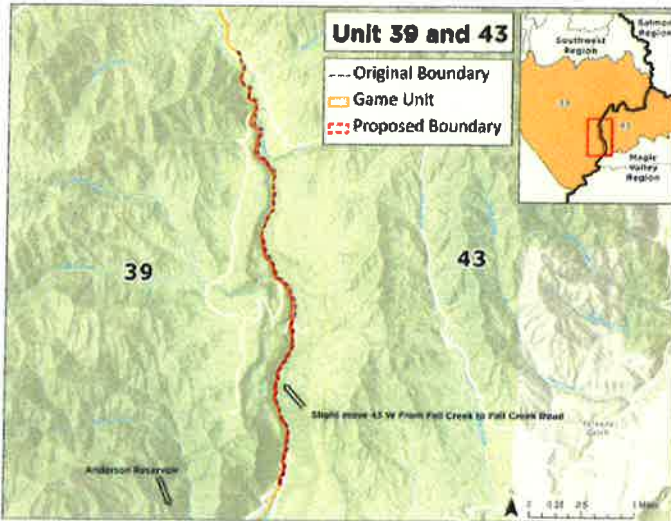
Commented [F8]: Pages 37 – 50 of Rules Review Book



Change: Change the description of “to Boise” to: ...and then east on West State Street, to and then east on East Warm Springs Avenue (by way of Avenue B and E Parkcenter Blvd), to and then south on State Highway 21 to Interstate 84...

Justification:

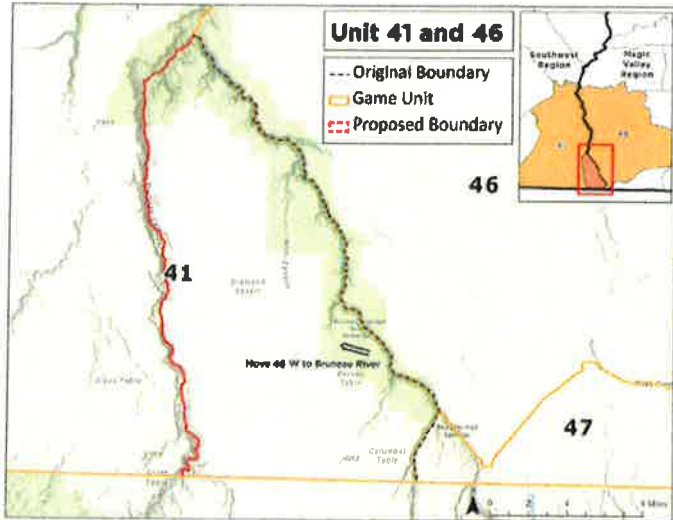
- Shifting GMU 38 north would align that portion of Boise in GMU 39 with the management objectives of GMU 38 while still providing a clean line.
- The current description of “to Boise” leaves open for interpretation how to get to Interstate 84. This alternative would further define the GMU boundary.



Change: Shift a portion of the GMU boundary from Fall Creek to Fall Creek Road and revise boundary description to include current US Forest Service designated route numbers and County road names.

Justification:

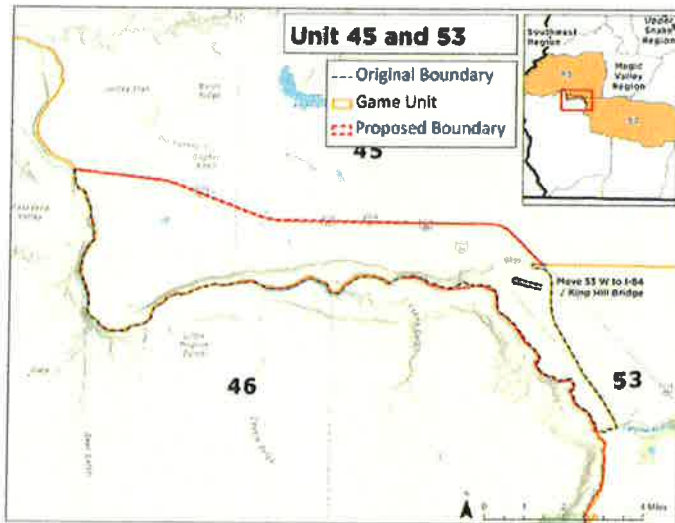
- Revision would more clearly define the unit boundaries for the benefit of hunters and the practicality of enforcement.
- Changes reflect current numbering of US Forest Service designated routes and County road names.



Change: Shifts "Diamond A" portion of GMU 41 (Region 3) to GMU 46 (Region 4)

Justification:

- Access to the Diamond A portion of GMU 41 (between the Bruneau and Jarbidge Rivers) is faster and easier from the Magic Valley Regional Office than from Nampa Regional Office.
- The area is inaccessible from the western side during the winter.
- Because of access, this portion of GMU 41 is already included in several GMU 46 hunts.
- The Magic Valley Region already conducts all wildlife surveys in the Diamond A, including sage-grouse and bighorn sheep.



Change: The proposed wording would shift that portion of GMU 45 between I-84 and Snake River from King Hill to Bliss to GMU 53.

Justification:

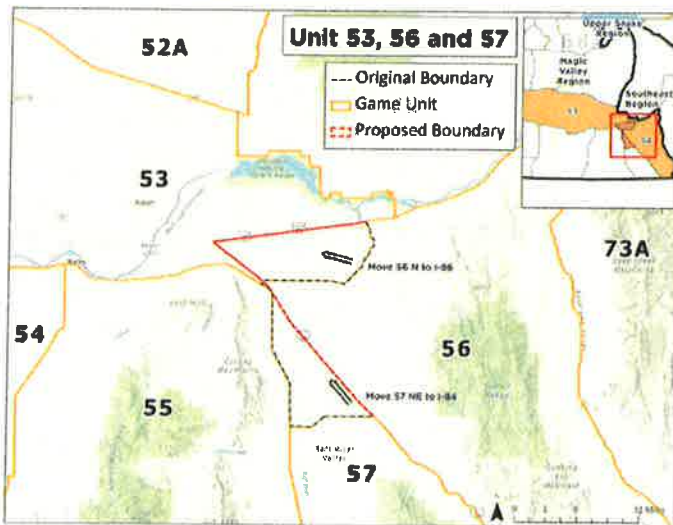
- This portion of the existing boundary is difficult to describe and understand which results in confusion from the hunting public and hunting rules compliance issues, particularly for mule deer.
- Proposed boundary change is much easier to describe and understand because it now follows I-84.



Change: Shifts unit boundary from Copper Creek to the watershed divide between Copper Creek and Cottonwood Creek

Justification:

- Copper Creek has minimal flows and is difficult to determine where the actual drainage is.
- This is the only segment of the boundary that does follow the Little Wood /Big Lost divide.
- Access to this area is much better from the Magic Valley Regional Office than from the Upper Snake.
- The Magic Valley Region already conducts all wildlife surveys and manages all big game depredations and landowner relations in this portion of Unit 50.



Change: Moves portion of GMU 53 south of I-86, east of I-84 and north of the Yale Road to GMU 56 and moves that portion of GMU 56 West of I-84 and northeast of Malta to GMU 57

Justification:

- Existing boundaries are difficult to describe and understand, resulting in recurrent expenditure of staff time to educate the public and enforce rules associated with a small portion of Unit 53, 56, and 57.
- Proposed boundary changes are much easier to describe and understand because they follow I-84 and I-86.

Additional Clarifications (no resulting changes to boundary)

- Unit 5: Change reference to "Mashburn" instead of "Washburn"
- Unit 6-7: Provide clarity on how to get from Avery to the Fishhook Cr. Road (reference to "Milwaukee Road and Siberts Old River Road")
- Units 40, 41, 42: Remove references to Poison Creek and Deep Creek Cliffs Road and add Juniper Mountain Road.
- Units 44-48: Remove unnecessary wording and separate Camp Creek Rd. and Croy Creek Rd. for clarity.
- Units 60-60A: Clears up description of boundary using current road names.

13.01.08 – RULES GOVERNING THE TAKING OF BIG GAME ANIMALS

04. **Additional Use of Nonresident Deer and Elk Tags.** A hunter may use an unfilled nonresident elk or deer tag, excluding a nonresident junior mentored tag, issued for elk or deer to take instead a black bear, mountain lion or gray wolf, during any the open general season corresponding to the elk or deer tag hunt area or unit when the season for the animal taken is also open.

Commented [id9]: Page 54 of Rules Review Book. Commission determined exclusion no longer necessary.

04. **Unlimited Controlled Hunts.** Deer and elk ~~and~~ Unlimited controlled hunts identified by proclamation as "first-choice only" may be applied for only as the applicant's first choice controlled hunt during the controlled hunt application process.

Commented [id10]: Page 57 of Rules Review Book. Made more generic (used for deer, elk, and pronghorn).

05. **Landowner Permission Controlled Hunts.** Landowner permission hunt tags will be sold first-come, first-served basis at the Department's Headquarters or regional offices of the Idaho Department of Fish and Game beginning the first business day on or after July 15.

~~262. — Designation of Controlled Hunt Tags to Children~~

Commented [id11]: Page 61 of Rules Review Book. Deleted--Combined with other similar provisions and moved to Chapter 4

350. IDENTIFICATION OF SEX, SIZE, AND/OR SPECIES IN POSSESSION AND DURING TRANSPORTATION OR SHIPMENT.

Commented [F12]: Page 63 in Rules Review Book

03. **Evidence of Size.** Any person taking a bighorn ram must leave that portion of the skull plate containing the upper one-half (1/2) of the eye socket naturally attached to both of the horns until after the horns have been pinned by the Department. (3-20-20)

Commented [id13]: Deleted as no longer necessary per staff recommendation.

03. **Other.** Proclamation or emergency hunt order may designate seasons and areas in which the head or lower jaw must accompany the carcass in transit portions of a carcass must be presented to the Department within a specified timeframe; or waive an evidence requirement of this section.

Commented [F14]: Provides the ability to require portions of a carcass other than head or jaw to be presented to the Department. This in response to the need for CWD surveillance samples

351. — 399. — (RESERVED)

400. — HUNTING HOURS.

Big game animals may be taken only from one-half (1/2) hour before sunrise to one-half (1/2) hour after sunset.

Commented [id15]: Consolidated in 13.01.07.400

401. — WOUNDING AND RETRIEVING.

No person may wound or kill any big game animal without making a reasonable effort to retrieve it and reduce it to possession.

Commented [id16]: Consolidated in 13.01.07.500

410. UNLAWFUL METHODS OF TAKE – GENERAL.

No person may take big game animals as set forth in this section.

b. With any bait for hunting, including grain, salt in any form (liquid or solid), or any other substance (not to include synthetic liquid scent) to constitute an attraction or enticement, except for black bear baiting and gray wolf trapping, in accordance with IDAPA 13.01.17, "Rules Governing the Use of Bait and Trapping for Taking Hunting Big Game Animals."

Commented [F17]: Page 66 of Rules Review Book

c. With dogs, except for mountain lion or black bear in accordance with IDAPA 13.01.15, "Rules Governing the Use of Dogs."

d. With any net, snare, trap, chemical, deadfall or device other than legal firearm, archery or muzzleloader equipment or airgun, except wolves may be trapped or snared in seasons set by Commission proclamation and in accordance with IDAPA 13.01.16Z, "Rules Governing the Use of Bait and Trapping of Wildlife and Taking of Furbearing Animals for Taking Big Game Animals."

413. EXCEPTIONS FOR METHODS OF TAKE AND SHOOTING HOURS FOR GRAY WOLF

01. Exceptions for Dispatch of Trapped Wolf. A lawfully trapped gray wolf may be dispatched at any hour with any rifle or handgun in exception to IDAPA 13.01.08.400 and 410, "Rules Governing the Taking of Big Game Animals," without additional permit from the Director.

02. Exceptions for Methods of Take. The Commission may set seasons by proclamation for units in which the hunting or trapping of gray wolf is exempt from method of take restrictions for game animals contained in Section 36-1101, Idaho Code, or Sections 410 or 412 of these Rules, where such restrictions do not apply to other wild canines.

03. Permits Involving Waiver of Official Shooting Hours. Where the Commission sets seasons pursuant to Section 413.02 of these Rules, no person may hunt gray wolf by use of artificial light or otherwise outside of official shooting hours set by IDAPA 13.01.07.400, Rules Governing Taking of Wildlife, unless:

- a. On public land, that person has a valid permit from the Director and complies with any permit conditions. The Director may deny a person's application for such permit, limit the time or area for hunting, or impose other conditions for good cause, such as public safety or protection of other wildlife or property, or
- b. On private land, that person is the owner of that land or has written authorization from the landowner or landowner's agent.

420. MANDATORY CHECK AND REPORT REQUIREMENTS.

02. Presentation of Animal Parts. Presenting the following animal parts so that Department personnel may collect biological data and mark the animal parts:

- a. Black Bear: Skull and portion of the hide with evidence of sex attached to be presented to a conservation officer, regional office or official check point for removal and retention of premolar tooth and to have the hide marked.
- b. Grizzly Bear: Skull and portion of the hide with evidence of sex attached to be presented to a conservation officer or regional office for removal and retention of a premolar tooth, and to have the hide marked.
- c. Mountain Lion: Skull and portion of the hide with evidence of sex attached to be presented to a conservation officer or regional office to have the hide marked.
- d. Gray Wolf: Skull and portion of the hide with evidence of sex attached to be presented to a conservation officer or regional office for removal and retention of a premolar tooth, and to have the hide marked.

03. Possession of Raw Pelts of Black Bear, Grizzly Bear, Mountain lion, and Gray Wolf.

a. No person may have in possession, except during the respective time period after lawful harvest allowed for mandatory check in Section 420 of these rules (five (5) or ten (10) days), depending on species), except during the open season and for ten (10) days after the close of the season, any raw black bear, mountain lion, grizzly bear, or raw-gray wolf pelt without an official state export tag attached, unless that person possesses a fur-buyer or taxidermist license or appropriate import documentation.

b. No person may have in possession, except during the open season and for five (5) days after the close of the season, any raw mountain lion or raw grizzly bear pelt without an official state export tag attached, unless that person possesses a fur-buyer or taxidermist license or appropriate import documentation.

500. AREAS CLOSED TO HUNTING OF BIG GAME ANIMALS.

Commented [id18]: Pp. 66-67 of Rules Review Book. Added to address Senate Bill 1211

Commented [F19]: Page 67 in Rules Review Book

Commented [F20]: Page 68 in Rules Review Book

Commented [id21]: Deleted and consolidated in chapter

600. — GAME MANAGEMENT UNIT BOUNDARY DESCRIPTIONS

Commented [id22]: Deleted all sections from 501-799 from chapter 8 and relocated them to 13.01.07

650. — ELK ZONE DESCRIPTIONS.

700. — SEASONS, LIMITS, CONTROLLED HUNTS, AND TAG NUMBERS.

701. — 799. — (RESERVED)

13.01.09 – RULES GOVERNING TAKING OF GAME BIRDS AND UPLAND GAME ANIMALS
(SUBJECT OF NEGOTIATED RULEMAKING)

Commented [id23]: Integrated portions of chapter 7 (formerly "Rules Governing Take of Upland Game Animals") requirements for upland game animals into this chapter.

100. GAME BIRD TAGS.

03. Game Bird Tag Validation and Attachment. Any person who kills a game bird for which a game tag is required under Section 36-409(c), Idaho Code, must immediately validate the appropriate tag and securely attach the validated tag to the carcass. Tag validation means completely removing the two (2) triangles on the tag corresponding to the day and month of the kill date. The validated tag must remain attached to the carcass in during transit or storage to the place of final storage or final consumption.

Commented [F24]: Page 70 in Rules Review Book

110. CONTROLLED HUNTS.

c. A person sixty-five (65) years of age or older, ~~or a person with a senior or disabled combination or hunting license, may apply on a first-come first-served basis for purchase leftover youth-only controlled hunt tags on a first-come, first-served basis.~~

Commented [F25]: Page 70 in Rules Review Book. Clarifies that either a senior OR someone with a disabled license can purchase leftover tags.

05. Nonresident Limit. In any controlled hunt, not more than ten percent (10%) of the tags will be issued to nonresidents.

Commented [id26]: Page 71 in Rules Review Book. Added for Consistency with Big Game Controlled Hunt restrictions.

151. SAGE AND SHARP-TAILED GROUSE PERMIT

No person may hunt sharp-tailed grouse anywhere within the state, without having in possession the appropriate hunting license with validation for sharp-tailed grouse, except on a licensed shooting preserve.

Commented [id27]: Page 71 in Rules Review Book. Deleted sage grouse reference with passage of legislation for sage grouse tag.

300. UPLAND GAME BIRD METHODS OF TAKE.

01. Upland Game Birds. No person may take upland game birds:

a. With a trap, snare, net, ~~crossbow,~~ or firearm.

i. EXCEPT upland game birds may be taken with a shotgun using shells not exceeding three and one-half (3-1/2) inches maximum length, or muzzleloading shotgun; or

ii. EXCEPT, forest grouse only may be taken with a ~~crossbow or~~ firearm.

Commented [F28]: Page 72 in Rules Review Book. Allows the use of crossbows for upland game birds (including turkeys). Currently, short-range weapons including archery equipment and shotguns can be used for upland game birds.

02. Wild Turkey. In addition to the methods listed above, no person may take wild turkey:

a. With lead shot exceeding BB size.

b. With steel shot exceeding T size.

c. By the use of dogs, except during fall hunts.

d. With any airgun using pre-charged pneumatic power to propel a projectile (including shot and arrows) with unignited compressed air or gas and projectiles less than thirty (.30) caliber.

13.01.10 – RULES GOVERNING THE IMPORTATION, POSSESSION, RELEASE, SALE, OR SALVAGE OF WILDLIFE

301. POSSESSION, IMPORTATION, AND TRANSPORTATION OF CERVID CARCASSES OR PARTS FROM AREAS WITH CHRONIC WASTING DISEASE (CWD) UNLAWFUL

01. Designation of CWD Management Zone. The Commission may designate a CWD Management Zone where wildlife is subject to increased risk of acquiring CWD based on the presence of CWD-infected animals and information on wildlife movement. The Director may designate a CWD Management Zone on a temporary basis, for a period not to exceed ninety (90) days and subject to Commission review.

02. Prohibitions. It is unlawful to:

- a. Import into Idaho the carcass or any part of a deer, elk, or moose from another state, province of Canada, or country (other than Canada) with any documented case of CWD;
- b. Transport the carcass or any part of a deer, elk, or moose out of any CWD Management Zone ~~designated by the Commission~~ to any portion of the state that is not a designated CWD Management Zone
- c. Possess the carcass or any part of a deer, elk, or moose that: has been imported from another state, province or country (other than Canada) with a documented case of CWD; or transported out of any CWD Management Zone ~~designated by the Commission~~ to any part of the state that is not a designated CWD Management Zone.

023. Exceptions. This section does not apply to the following animal parts:

- a. Domestic cervids regulated under Chapter 37, Title 25, Idaho Code;
- b. Meat that is cut and wrapped;
- c. Quarters or deboned meat that does not include brain or spinal tissue
- d. Edible organs, ~~that do not include~~ excluding brains;
- e. Hides without heads; (7-1-21)T
- f. Upper canine teeth (ivories, ~~buglers, or whistlers~~);
- g. Finished taxidermy;
- h. Dried antlers; ~~or~~
- i. Cleaned and dried skulls or skull caps;
- j. Skull caps that do not include brain or spinal tissue; or
- k. A head or tissue from a CWD Management Zone, provided it is presented to the Department for sampling purposes, with the Department to keep possession for appropriate tissue disposal.

04. Disposal of Carcasses or Parts in Violation. The Department may seize carcasses or parts imported, transported, or possessed in violation of this section, with a person in violation of this section responsible for handling and disposal costs, as authorized under Chapters 34 and 53, Title 19, Idaho Code

13.01.15 – RULES GOVERNING THE USE OF DOGS

Commented [idf29]: Page 73 in Rules Review Book. Allows use of Airguns. Airguns are short-range weapons. The airgun velocity limitation reduces range and potential safety hazards to that of a shotgun. Calibers below thirty (.30) fired at low velocity do not have sufficient diameter and mass for reliable consistent results without exact shot placement at close ranges. The range, lethality, and accuracy of air guns is similar to the current lawful methods of take for shotguns and archery.

Commented [F30]: Pages 80-81 in Rules Review Book. Modification of rules relating to movement of cervid carcasses in CWD management zones. This modification reflects temporary rule language adopted by the Commission that allows the Director to designate a CWD management zone on a temporary basis; allows the movement of tissue and cervid heads so that they can be presented to the Department for sampling; and clarifies legal consequences for violating cervid transport rules.

200. HOUND HUNTER PERMIT. 01. Hound Hunter Permits.

a. The following persons must have a valid hunting license and Hound Hunter Permit in possession when any dog is being used to hunt, including training or pursuit only, black bear, mountain lion, bobcat, and fox:

- i. Anyone who owns the dog.
- ii. Anyone having control of the dog if owned by another person.

~~iii. Anyone that harvests an animal over dogs, excepts clients of licensed outfitters.~~

Commented [F31]: Page 107 in Rules Review Book. This correction addresses wording inadvertently omitted in a previous rule revision.

13.01.16 – THE TRAPPING OF PREDATORY AND UNPROTECTED WILDLIFE AND THE TAKING OF FURBEARING ANIMALS

Commented [id32]: Page 109 in Rules Review Book. Retitled to encompass wolf trapping

000. LEGAL AUTHORITY.

Sections 36-104(b) and 36-1101(a), Idaho Code, authorize the Commission to adopt rules concerning the trapping of ~~predatory and unprotected~~ wildlife and the taking of furbearing animals.

001. TITLE AND SCOPE.

The title for this chapter for citation is IDAPA 13.01.16, “The Trapping of ~~Predatory and Unprotected~~ Wildlife and the Taking of Furbearing Animals.” These rules govern the ~~taking of trapping predatory and unprotected of~~ wildlife and the taking of furbearing animals ~~in the state of Idaho.~~

002. -- 009. (RESERVED)

010. DEFINITIONS.

IDAPA 13.01.06, “Rules Governing Classification and Protection of Wildlife” defines game animals, furbearing animals and unprotected wildlife. Section 36-201, Idaho Code, defines predatory wildlife.

200. TRAPS.

01. Checking Traps.

a. No person may place snares or traps for gray wolf, furbearing animals, predatory or unprotected wildlife, except pocket gophers, ground squirrels and other unprotected rodents, without visiting every trap or snare once every seventy-two (72) hours and removing any catch therein.

Commented [F33]: Page 110 in Rules Review Book. Consolidation to incorporate wolf trapping in chapter 16

~~300. WOUNDING, RETRIEVING, AND POSSESSION.~~

~~01. Wound or Kill. No person may wound or kill any furbearer by hunting without making a reasonable effort to retrieve it and reduce it to possession.~~

~~02. Live Furbearer. No person may possess a live furbearing animal taken from the wild.~~

Commented [id34]: Integrated into Chapter 7 – Rules Governing the Taking of Wildlife

400. FURBEARING ANIMALS -- METHODS OF TAKE.

~~01. Furbearing Animals. No person may take beaver, muskrat, mink, marten, or otter by any method other than trapping. No person may hunt any furbearing animal with or by the aid of artificial light.~~

Commented [id35]: Page 111 in Rules Review Book. Combine the two subsections as edited into single section.

~~02. Hunting. No person hunting furbearing animals or predatory or unprotected wildlife may hunt with use dogs for the taking of furbearing animals, except in accordance with IDAPA 13.01.15, “Rules Governing the Use of Dogs.”~~

Deleted rule prohibition already specifically addressed in statute. (I.C. 36-1101)

Commented [id36]: Edited to resolve inconsistency with 13.01.15.

~~03. Trapping.~~

450. LIMITS ON TRAPPING.

01. Game Animals. No person may trap for game birds or game animals, except gray wolf.

02. Bait. No person trapping for gray wolf, furbearing animals, or predatory or unprotected wildlife may use for bait or scent:

a. any part of a game bird, big game animal, upland game animal, game fish, or protected nongame wildlife, EXCEPT:

i. ~~Trappers may use portions of game birds, game animals, and game fish that are not edible portions, as defined by Section 36-1202, Idaho Code, and may use parts of accidentally killed wildlife salvaged in accordance with IDAPA 13.01.10, "Rules Governing the Importation, Possession, Release, Sale or Salvage of Wildlife," Subsections 300.02.c. and 300.02.d., unless such use is prohibited in areas identified by Commission Proclamation, adopted and published in accordance with Section 36-105(3), Idaho Code unless Furbearing animals or predatory or unprotected wildlife may be trapped with bait, lures, or other attractants when not prohibited by Section 36-1103(a), Idaho Code.~~

ii. ~~Trappers may place sets Furbearing animals or predatory or unprotected wildlife may be trapped~~ near a big game animal that has died naturally and the carcass has not been repositioned for trapping purposes. Natural causes do not include any man-caused mortality.

~~iii. Gray wolves may be trapped using a carcass of a legally taken gray wolf with the hide removed.~~

b. Live animals.

03. Limits on Sets. No person trapping for gray wolf, furbearing animals, or predatory or unprotected wildlife may:

a. Use any set within thirty (30) feet of any visible bait.

455. GRAY WOLF TRAPPING.

01. Limits on Sets. No person trapping for gray wolf may:

a. Use any set, EXCEPT a ground set.

b. Trap for any gray wolf within one-half (1/2) mile of any active Department big game feeding site.

c. Trap for gray wolf within two hundred (200) yards of the perimeter of any designated dump ground or sanitary landfill.

d. Place or set any ground set snare without two (2) diverters in an area identified by Commission Proclamation as requiring their use (based on levels of non-target catch of animals whose capture may be avoided by diverter use).

4056. -- 499. (RESERVED)

500. MANDATORY CHECK AND REPORT – PELT TAGS.

01. Mandatory Check and Report. Any person taking river otter, ~~or~~ bobcat or gray wolf must comply with the mandatory check, report and pelt tag requirements by:

Commented [F37]: Page 111 n Rules Review Book. Incorporates wolf trapping rules and allows for additional use of bait

Commented [id38]: Deleted as no longer necessary.

Commented [id39]: Page 112 in Rules Review Book. Moved from 13.01.17

a. Bobcat: Present the pelt to any Department office or official check point to obtain the appropriate pelt tag and complete a harvest report.

b. River otter: Present the pelt to the Department office in the region in which the animal was taken within seventy-two (72) hours of taking to obtain the appropriate pelt tag and complete a harvest report. Trappers unable to comply with the tagging requirements due to special or unique circumstances must report their harvest to the appropriate regional office or field personnel within seventy-two (72) hours and make arrangements for tagging at the proper regional office.

c. ~~Gray wolf: Comply with mandatory check and report provisions in IDAPA 13.01.08.420, "Rules Governing Taking of Big Game Animals."~~

~~650. AREAS CLOSED TO THE TRAPPING OF PREDATORY AND UNPROTECTED WILDLIFE AND THE TAKING OF FURBEARING ANIMALS.~~

~~750. SEASONS AND LIMITS.~~

~~The Commission sets the seasons, bag limits, and possessions limits by proclamation, adopted and published in accordance with Section 36-105(3), Idaho Code.~~

Commented [F40]: These sections deleted and integrated into chapter 7, Rules Governing the Taking of Wildlife

13.01.17 – RULES GOVERNING THE USE OF BAIT AND TRAPPING FOR HUNTING TAKING BIG GAME ANIMALS

Commented [id41]: Page 114 in Rules Review Book. Modifies chapter to be specific to the use of bait for hunting, and moves trapping provisions to chapter 16.

000. LEGAL AUTHORITY.

Sections 36-104, 409, and 36-1101, Idaho Code, authorize the Commission to adopt rules concerning the use of bait and trapping for hunting taking big game animals.

001. TITLE AND SCOPE.

The title of this chapter for citation is IDAPA 13.01.17, "Rules Governing the Use of Bait and Trapping for Hunting Taking Big Game Animals." These rules govern the use of bait and trapping for hunting taking big game animals.

010. DEFINITIONS.

01. **Bait (Hunting).** Bait for hunting purposes is any substance placed to attract big game animals, except synthetic liquid scent for deer, and elk or moose.

02. **Bait (Trapping).** Bait for trapping purposes is defined as any animal parts, except bleached bones or liquid scent.

Commented [id42]: Deleted definitions consolidated with those in 13.01.16.

03. **Established Roadway.** A roadway open to the general public for motorized traffic and capable of being traveled by full-sized automobiles.

04. **Ground Set.** Any foothold trap, body-gripping trap, or snare originally set in or on the land (soil, rock, etc.), which includes any traps elevated up to a maximum of thirty-six (36) inches above the natural ground level.

05. **Public Trail (Trapping).** Any trail designated by any city, county, state, or federal transportation or land management agency on the most current official map of the agency.

~~400. TRAPPING BIG GAME ANIMALS.~~

~~450. TRAPS.~~

~~460. MANDATORY CHECK AND REPORT.~~

~~461. MANDATORY WOLF TRAPPER EDUCATION CLASS.~~

Commented [id43]: All of the following sections were consolidated with 13.01.16 (Rules Governing Trapping) and 13.01.07 (Rules Governing the take of Wildlife)

500. — TAG VALIDATION AND ATTACHMENT AND PROXY STATEMENT; IDENTIFICATION OF SEX, SIZE, SPECIES IN POSSESSION AND DURING TRANSPORTATION OR SHIPMENT.
505. — AREAS CLOSED TO HUNTING AND TRAPPING, AND TRAPPING ON GAME PRESERVES AND WILDLIFE MANAGEMENT AREAS.