

Dear Senators SCHROEDER, Pearce & Stennett, and  
Representatives STEVENSON, Wood (35), & Sayler:

The Legislative Services Office, Research and Legislation, has received the enclosed rules of the Idaho  
Department of Fish & Game:

1. IDAPA 13.01.04 - Rules Governing Licensing - Docket No. 13-0104-0801
2. IDAPA 13.01.04 - Rules Governing Licensing - Docket No. 13-0104-0802
3. IDAPA 13.01.04 - Rules Governing Licensing - Docket No. 13-0104-0803
4. IDAPA 13.01.07 - Rules Governing The Taking Of Upland Game Animals -  
Docket No. 13-0107-0801
5. IDAPA 13.01.08 - Rules Governing The Taking Of Big Game Animals -  
Docket No. 13-0108-0801
6. IDAPA 13.01.08 - Rules Governing The Taking Of Big Game Animals -  
Docket No. 13-0108-0802
7. IDAPA 13.01.08 - Rules Governing The Taking Of Big Game Animals -  
Docket No. 13-0108-0803
8. IDAPA 13.01.09 - Rules Governing The Taking Of Game Birds - Docket No. 13-0109-0801
9. IDAPA 13.01.11 - Rules Governing Fish – Docket No. 13-0109-0801  
Docket No. 13-0111-0801
10. IDAPA 13.01.11 - Rules Governing Fish - Docket No. 13-0111-0802
11. IDAPA 13.01.16 - Rules Governing The Trapping Of Predatory And Unprotected Wildlife  
And The Taking Of Furbearing Animals - Docket No. 13-0116-0801
12. IDAPA 13.01.17 - Rules Governing The Use Of Bait For Taking Big Game Animals -  
Docket No. 13-0117-0801
13. IDAPA 13.01.19 - Rules For Operating, Discontinuing, And Suspending Vendors -  
Docket No. 13-0119-0801
14. IDAPA 13.01.20 - Selection Rules Of New Fish And Game License Vendors -  
Docket No. 13-0120-0801

Pursuant to Section 67-454, Idaho Code, a meeting on the enclosed rules may be called by the cochairmen or by two (2) or more members of the subcommittee giving oral or written notice to Research and Legislation no later than fourteen (14) days after receipt of the rules' analysis from Legislative Services. The final date to call a meeting on the enclosed rules is no later than 10-3-08. If a meeting is called, the subcommittee must hold the meeting within forty-two (42) days of receipt of the rules' analysis from Legislative Services. The final date to hold a meeting on the enclosed rules is 10-31-08.

\_\_\_\_\_The germane joint subcommittee may request a statement of economic impact with respect to a proposed rule by notifying Research and Legislation. There is no time limit on requesting this statement, and it may be requested whether or not a meeting on the proposed rule is called or after a meeting has been held.

To notify Research and Legislation, call 334-2475, or send a written request to the address or FAX number indicated on the memorandum enclosed.

## MEMORANDUM

TO: Rules Review Subcommittee of the Senate Resources & Environment Committee  
and the House Resources & Conservation Committee

FROM: Principal Legislative Research Analyst - Katharine Gerrity

DATE: September 16, 2008

SUBJECT: Idaho Department of Fish and Game

- 1. IDAPA 13.01.04 - Rules Governing Licensing - Docket No. 13-0104-0801**
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- 9. IDAPA 13.01.11 - Rules Governing Fish -- Docket No. 13-0109-0801  
Docket No. 13-0111-0801**
- 10. IDAPA 13.01.11 - Rules Governing Fish - Docket No. 13-0111-0802**

**11. IDAPA 13.01.16 - Rules Governing The Trapping Of Predatory And Unprotected Wildlife And The Taking Of Furbearing Animals - Docket No. 13-0116-0801**

**12. IDAPA 13.01.17 - Rules Governing The Use Of Bait For Taking Big Game Animals - Docket No. 13-0117-0801**

**13. IDAPA 13.01.19 - Rules For Operating, Discontinuing, And Suspending Vendors - Docket No. 13-0119-0801**

**14. IDAPA 13.01.20 - Selection Rules Of New Fish And Game License Vendors - Docket No. 13-0120-0801**

**1. IDAPA 13.01.04 - Rules Governing Licensing**

The Department submits notice of proposed rulemaking at IDAPA 13.01.04 - Rules Governing Licensing. According to the Department, the purpose of the rule is to adopt a self-certification rule allowing a disabled applicant to self-certify that they are capable of holding, or holding and firing, without assistance from other persons, legal hunting and fishing equipment. The Department notes that the rule also provides revisions relating to documents in the disability license and motor vehicle permit provisions and defines the term “physician”. The Department adds that the rule amends the lifetime license application to streamline the process and allows reasonable accommodations for persons with disabilities in special weapon hunts. Negotiated rulemaking was not conducted.

We contacted the Department for additional information relating to the self-certification changes as well as provisions relating to modification permits for special weapon hunting seasons. Department personnel indicate that the self-certification is made in the form of an affidavit. The Department also noted that the change, in part, is the result of user concerns that non-handicapped individuals are not required to have a physician certify that they are capable of holding and firing legal hunting equipment. In addition, the Department indicated that the reasonable modification permit for special weapon hunting season provisions were added after some concerns were raised by Fish and Wildlife, and some individuals, in regard to accommodations and ADA requirements.

We have no additional comments regarding this rule as the result of our review. The rulemaking appears to be authorized pursuant to Sections 36-104(b) and 36-1101, Idaho Code.

**2. IDAPA 13.01.04 - Rules Governing Licensing**

The Department submits notice of proposed rulemaking at IDAPA 13.01.04 - Rules Governing Licensing. According to the Department, the purpose of the rule is to replace the word “handicapped” with “disabled” relating to disabled archery provisions, to ensure

consistency with governing law following statutory changes made during the 2008 legislative session.

We have no specific comments regarding the proposed rule as the result of our review. The proposed rulemaking appears to be authorized pursuant to Sections 36-104(b), 36-409A and 36-1101, Idaho Code.

### **3. IDAPA 13.01.04 - Rules Governing Licensing**

The Department submits notice of proposed rulemaking at IDAPA 13.01.04 - Rules Governing Licensing. According to the Department, the purpose of the rule is to set outfitter set-aside tags for the 2008 seasons. The Department notes that the rule also adds a separate additional 1,500 white-tail deer nonresident tag quota. Negotiated rulemaking was not conducted.

We have no comments regarding the proposed rule as the result of our review. The proposed rulemaking appears to be authorized pursuant to Sections 36-104(b), 36-408 and 36-1101, Idaho Code.

### **4. IDAPA 13.01.07 - Rules Governing The Taking Of Upland Game Animals**

The Department submits notice proposed rulemaking at IDAPA 13.01.07 - Rules Governing The Taking Of Upland Game Animals. According to the Department, the purpose of the rule is to amend the provisions to ensure consistency in references to Disabled Motor Vehicle Hunting Permits. Negotiated rulemaking was not conducted.

We have no comments regarding the proposed rule as the result of our review. The proposed rulemaking appears to be authorized pursuant to Sections 36-104(b) and 36-1101, Idaho Code.

### **5. IDAPA 13.01.08 - Rules Governing The Taking Of Big Game Animals**

The Department submits notice of proposed rulemaking at IDAPA 13.01.08 - Rules Governing The Taking Of Big Game Animals. According to the Department, the Wolf Management Plan calls for maintaining viable wolf populations at or near current levels of 500-700 wolves and the proposed rule will allow hunting of wolves pursuant to seasons set by the Commission.

We contacted the Department for additional information. Tags will not be issued until the recent federal court injunction is lifted and the federal government is no longer in charge of management.

We have no additional comments regarding the proposed rule as the result of our review.

The proposed rulemaking appears to be authorized pursuant to Sections 36-104(b) and 36-1101, Idaho Code.

#### **6. IDAPA 13.01.08 - Rules Governing The Taking Of Big Game Animals**

The Department submits notice of proposed rulemaking at IDAPA 13.01.08 - Rules Governing The Taking Of Big Game Animals. According to the Department, the purpose of the rule is to allow the use of “red dot” scopes on crossbows by disabled archers and to allow senior and disabled hunters to apply for leftover youth controlled hunt permits. In addition, the Department notes that the rule will simplify the evidence-of-sex rule to apply only during transportation of a big game carcass to a final place of storage or a commercial meat processing facility and correct obsolete rules concerning 3/4 curl and mandatory class requirements for bighorn sheep hunters. Negotiated rulemaking was not conducted.

We have no additional comments regarding this rule as the result of our review. The rulemaking appears to be authorized pursuant to Sections 36-104(b) and 36-1101, Idaho Code.

#### **7. IDAPA 13.01.08 - Rules Governing The Taking Of Big Game Animals**

The Department submits notice proposed rulemaking at IDAPA 13.01.08 - Rules Governing The Taking Of Big Game Animals. According to the Department, in January, 2007, changes were made to the muzzleloader equipment rules. The Department notes that the most controversial change has been the requirement for a pivoting hammer, functionally prohibiting the use of many in-line muzzleloaders in muzzleloader-only hunts. The Department states that it is now proposing to amend the rule to allow the use of in-line muzzleloaders.

We have no specific comments regarding the proposed rule as the result of our review. The proposed rulemaking appears to be authorized pursuant to Sections 36-104(b) and 36-1101, Idaho Code.

#### **8. IDAPA 13.01.09 - Rules Governing The Taking Of Game Birds**

The Department submits notice of proposed rulemaking at IDAPA 13.01.09 - Rules Governing The Taking Of Game Birds. According to the Department, the purpose of the rule is to extend the youth pheasant hunt season, revise the wildlife management area pheasant program hunter-orange rule, increase turkey controlled hunt tags for general and youth only, expand general season youth hunt and make a number of technical corrections.

Our only comment regarding the proposed rule is that there is a typographical error relating to the period of time within which a public hearing may be requested. The Notice indicates that date is October 15, 2007, rather than 2008. The proposed rulemaking appears to be authorized pursuant to Sections 36-104(b) and 36-1101, Idaho Code.

#### **9. IDAPA 13.01.11 - Rules Governing Fish**

The Department submits notice proposed rulemaking at IDAPA 13.01.11 - Rules Governing Fish. According to the Department, the purpose of the rule is to amend the two-pole permit rule to comply with amendments in governing law.

We have no specific comments regarding the proposed rule as the result of our review. The proposed rulemaking appears to be authorized pursuant to Sections 36-104(b) and 36-901, Idaho Code.

#### **10. IDAPA 13.01.11 - Rules Governing Fish**

The Department submits notice of proposed rulemaking at IDAPA 13.01.11 - Rules Governing Fish. According to the Department, the revisions are part of the Department's biannual review of fishing rules and sets the 2008-09 fishing seasons and regional exceptions. The Department also notes that the rule removes the general 12-inch minimum size limit on bass in North Idaho waters, restricts the use of live leeches, frogs, salamanders and shrimp as bait, and increases the maximum size of traps and seines for minnows and crayfish.

We have no comments regarding the proposed rule as the result of our review. The proposed rulemaking appears to be authorized pursuant to Sections 36-104(b) and 36-901, Idaho Code.

#### **11. IDAPA 13.01.16 - Rules Governing The Trapping Of Predatory And Unprotected Wildlife And The Taking Of Furbearing Animals**

The Department submits notice of proposed rulemaking at IDAPA 13.01.16 - Rules Governing The Trapping Of Predatory And Unprotected Wildlife And The Taking Of Furbearing Animals. According to the Department, the purpose of the rule is to increase otter harvest quotas in the Magic Valley and Upper Snake Regions, close beaver trapping on Willow Creek drainage in Units 66 and 69, increase beaver trapping opportunity in the Southeast and Magic Valley Regions and amend the list of Wildlife Management Areas open to trapping.

We have no specific comments regarding the proposed rule as the result of our review. The proposed rulemaking appears to be authorized pursuant to Sections 36-104(b), 36-1101 and 36-1103, Idaho Code.

#### **12. IDAPA 13.01.17 - Rules Governing The Use Of Bait For Taking Big Game Animals**

The Department submits notice of proposed rulemaking at IDAPA 13.01.17 - Rules Governing The Use Of Bait For Taking Big Game Animals. According to the Department, the purpose of the rule is to clarify the application to bait containers and the required removal at the end of each season.

We have no specific comments regarding this rule as the result of our review. The

rulemaking appears to be authorized pursuant to Sections 36-104(b) and 36-1101, Idaho Code.

**13. IDAPA 13.01.19 - Rules For Operating, Discontinuing, And Suspending Vendors**

The Department submits notice of proposed rulemaking at IDAPA 13.01.19 - Rules For Operating, Discontinuing, And Suspending Vendors. According to the Department, the purpose of the rule is to delete obsolete rules concerning reimbursement of telecommunication costs, correct statutory references and terminology, amend several provisions concerning ordering supplies and canceling documents, and to update terminology to the computerized licensing system.

We have no specific comments regarding this rule as the result of our review. The rulemaking appears to be authorized pursuant to Sections 36-104(b) and 36-301, Idaho Code.

**14. IDAPA 13.01.20 - Selection Rules Of New Fish And Game License Vendors**

The Department submits notice of proposed rulemaking at IDAPA 13.01.20 - Selection Rules Of New Fish And Game License Vendors. According to the Department, the purpose of the rule is to simplify and streamline the application process in an effort to provide better response time to vendor applicants. The Department also notes that the active vendor ceiling number is being amended due to the decreased number of license vendors.

We have no specific comments regarding this rule as the result of our review. The rulemaking appears to be authorized pursuant to Sections 36-104(b) and 36-301, Idaho Code.

cc: Idaho Department of Fish and Game

Dallas Burkhalter  
Sharon Kiefer  
Brad Compton,  
Chris Wright  
Don Kemner,  
Fred Partridge  
Craig Wiedmeier

# IDAPA 13 - IDAHO FISH AND GAME COMMISSION

## 13.01.04 - RULES GOVERNING LICENSING

DOCKET NO. 13-0104-0801

### NOTICE OF RULEMAKING - PROPOSED RULE

**AUTHORITY:** In compliance with Section 67-5221(1), Idaho Code, notice is hereby given that this agency has initiated proposed rulemaking procedures. The action is authorized pursuant to Sections 36-104(b) and 36-1101, Idaho Code.

**PUBLIC HEARING SCHEDULE:** Public hearing(s) concerning this rulemaking will be scheduled if requested in writing by twenty-five (25) persons, a political subdivision, or an agency, not later than October 15, 2008.

The hearing site(s) will be accessible to persons with disabilities. Requests for accommodation must be made not later than five (5) days prior to the hearing, to the agency address below.

**DESCRIPTIVE SUMMARY:** The following is a nontechnical explanation of the substance and purpose of the proposed rulemaking:

Adopt a self-certification rule allowing a disabled applicant to self-certify that they are capable of holding, or holding and firing, without assistance from other persons, legal hunting and fishing equipment; amend rules so that required documentation in the disability license and motor vehicle permit rules are correctly referenced; and adopt a definition of 'physician.' Amend the lifetime license application to streamline the process. Adopt a rule to allow reasonable accommodations for persons with disabilities in special weapon hunts.

**FEE SUMMARY:** The following is a specific description of the fee or charge imposed or increased: N/A

**FISCAL IMPACT:** The following is a specific description, if applicable, of any negative fiscal impact on the state general funds greater than ten thousand dollars (\$10,000) during the fiscal year resulting from this rulemaking: N/A

**NEGOTIATED RULEMAKING:** Pursuant to IDAPA 04.11.01.811, negotiated rulemaking was not conducted because of the lack of an identified group to represent interested persons makes it infeasible.

**ASSISTANCE ON TECHNICAL QUESTIONS, SUBMISSION OF WRITTEN COMMENTS:** For assistance on technical questions concerning the proposed rule, contact Sharon Kiefer (208) 287-2784.

Anyone may submit written comments regarding the proposed rulemaking. All written comments must be directed to the undersigned and must be delivered on or before October 22, 2008.

DATED this 20th day of August, 2008.

W. Dallas Burkhalter  
Deputy Attorney General  
Natural Resources Division/Fish and Game  
600 S. Walnut  
P.O. Box 25, Boise, Idaho 83707  
(208) 334-3715, Fax (208) 334-2148

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THE FOLLOWING IS THE TEXT OF DOCKET NO. 13-0104-0801



**010. DEFINITIONS.**

These definitions will provide clarity and consistency in enforcement of these rules. (7-1-93)

**01. Authorized Corporate Representative.** Any shareholder in a corporation, designated in writing by the corporation as the eligible applicant, who is in actual physical control of the eligible property. (7-1-93)

**02. Blind Person.** A blind person is one who has a medically documented loss or impairment of his or her vision and includes any person whose visual acuity with correcting lens does not exceed twenty/two hundred (20/200) in the better eye, or whose vision in the better eye is restricted to a field which subtends an angle of not greater than twenty (20) degrees. (7-1-93)

**03. Domicile.** The term "domicile" means the place where an individual has his true, fixed, permanent home and to which place he has the intention of returning whenever he is absent. An individual can have several dwelling places, but only one (1) domicile. Factors to consider to establish domicile include, but are not limited to: (7-1-93)

**a.** What address does the person use on tax returns and where does the person file a state resident income tax return? (7-1-93)

**b.** Where is the person registered to vote? (7-1-93)

**c.** Where does the person and his immediate family live? (7-1-93)

**d.** Where does the person have his mail sent or forwarded to? (7-1-93)

**e.** Does the person remain listed in the telephone directory? (7-1-93)

**f.** Where does he register his automobiles? (7-1-93)

**g.** Where has the person claimed a homeowner exemption on a personal residence? (7-1-93)

**h.** Where does he have a driver's license? (7-1-93)

**i.** Where are his regular physicians and dentists located? (7-1-93)

**04. Disabled.** A person is disabled if they are deemed disabled by one (1) or more, but not necessarily all of the following: the railroad retirement board pursuant to Title 45 of the United States Code, or certified as eligible for Federal Supplemental Security Income (SSI); or Social Security Disability Income (SSDI); or a nonservice-connected veterans pension; or a service-connected veterans disability benefit with forty percent (40%) or more disability; or if a physician has certified any of the following - that a person has lost the use of one (1) or both lower extremities or both hands, or is unable to walk two hundred (200) feet or more unassisted by another person, or is unable to walk two hundred (200) feet or more without the aid of a walker, cane, crutches, braces, prosthetic device or a wheelchair, or is unable to walk two hundred (200) feet or more without great difficulty or discomfort due to the following impairments - neurological, orthopedic, respiratory, cardiac, arthritic disorder, blindness, or the loss of function or absence of a limb. (3-8-07)

**05. Eligible Applicant.** A physically disabled person certified by a physician licensed in the state in which the disabled person resides, as meeting one (1) or more of the criteria set forth in Section 36-1101(b), Idaho Code, *and one who is capable of holding, or holding and firing, without assistance from other persons, legal hunting and fishing equipment.* (4-2-08)(\_\_\_\_)

**06. Eligible Property.** At least six hundred forty (640) acres of land in one (1) controlled hunt unit determined by the Department to be valuable for habitat or propagation purposes for deer, elk, and/or antelope, whether owned by one (1) or more persons, a partnership, or corporation. It shall not include any government lands. (4-5-00)

**07. Landowner.** Any person or corporation whose name appears on a deed as the owner of eligible property or whose name appears on a contract for sale of eligible property as the purchaser. (10-26-94)

**08. Permanent Disability.** Permanent disability is defined as a medically determinable physical impairment, which a physician has certified that the condition has no expectation for a fundamental or marked change at any time in the future. (3-8-07)

**09. Resident.** The term "resident" is defined in Section 36-202(~~rs~~), Idaho Code. (~~7-1-93~~)(    )

**10. Physician.** A person licensed to practice medicine pursuant to the Idaho Medical Practice Act (Sections 54-1801 through 54-1820, Idaho Code), or equivalent state licensing authority if the person is not licensed to practice in Idaho. (    )

**011. -- 099. (RESERVED).**

**100. RESIDENT LIFETIME COMBINATION, HUNTING AND FISHING LICENSE CERTIFICATES.**

**01. General.** A resident of Idaho, upon payment of the fee required in Section 36-413, Idaho Code, may receive a lifetime combination, hunting, or fishing license certificate under the conditions set forth in the following rules. (7-1-93)

**02. Applications.** Applications shall be made on a form prescribed by the Department and may be submitted either in person or by mail. Applications must be completed with all the requested information and accompanied by the documents described below. Applications may be submitted in person to any Idaho Department of Fish and Game office. Applications submitted by mail must be sent only to the Headquarters office at P.O. Box 25, Boise, ID 83707. Lifetime license certificates will be issued from the IWILD system at IDFG Regional or Headquarters offices only. (~~7-1-93~~)(    )

**03. Required Documentation -- Submitted in Person.** Applications submitted in person must be supported by the following: (7-1-93)

**a.** Idaho Driver's License for all persons who drive. (7-1-93)

**b.** ~~Idaho Identification Card for persons who do not drive or who are fourteen (14) years of age or over who have not been issued a driver's license.~~ Nondriver's may use other suitable proof of residency such as: (~~7-1-93~~)(    )

**i.** Idaho Identification Card issued by the Idaho Transportation Department; (    )

**ii.** Or two (2) documents bearing his or her name and address, not issued by himself such as: (    )

**(1)** Rent receipts or mortgage statements for previous six (6) months; (    )

**(2)** Home utility bills for previous six (6) months; (    )

**(3)** A notarized statement from an employer on business letterhead; (    )

**(4)** Proof of voter registration dated six months prior. (    )

**e(5).** Birth Certificate for persons under fourteen (14) years of age. (7-1-93)

**04. Required Documentation -- Submitted by Mail.** Applications submitted by mail must be accompanied by the following: (7-1-93)

**a.** Certified copy of the applicant's birth certificate if under the age of fourteen (14). (7-1-93)

- b. Notarized copy of the applicant's Idaho Driver's License for persons who drive. (7-1-93)
- c. Notarized copy of the applicant's ~~Idaho Identification Card if the applicant does not drive or is fourteen (14) years of age or over and has not been issued a driver's license.~~ (7-1-93)(    )
- i. Idaho Identification Card issued by the Idaho Transportation Department; (    )
- ii. Or two (2) documents bearing his or her name and address, not issued by himself, such as: (    )
  - (1) Rent receipts or mortgage statements for previous six (6) months; (    )
  - (2) Home utility bills for previous six (6) months; (    )
  - (3) A notarized statement from an employer on business letterhead; (    )
  - (4) Proof of voter registration dated six (6) months prior. (    )

**05. Proof Verification of Idaho Residency.** ~~Certificates shall not be issued to applicants who do not submit an Idaho driver's license or Idaho identification card unless other adequate documentation is submitted showing that the person is a resident of Idaho. Such documentation may include voters registration, evidence of payment of resident tuition at an Idaho school or a resident Idaho income tax return filed for the previous year. Residency of applicants under the age of fourteen (14) years of age may be shown by the residency of his or her parents.~~ The Department shall may investigate and verify that the information submitted by the applicant is true and correct and that the applicant is an Idaho resident. (7-1-93)

**06. Purchases for Other Persons.** If the lifetime license certificate is being purchased for a person other than the one submitting the application, the purchaser must certify that the intended recipient of the lifetime license certificate meets the residency requirements set forth in Subsection 36-202(~~§~~), Idaho Code. If the lifetime license recipient is an infant under the age of six (6) months, the parent(s) must meet the minimum residency requirements. (7-1-93)(    )

**(BREAK IN CONTINUITY OF SECTIONS)**

**302. DISABILITY LICENSES.**

Disabled Combination Hunting/Fishing, Disabled Fishing, Disabled American Veterans Combination Hunting and Fishing License and Disabled American Veterans Fishing License. (3-8-07)

**01. Applicants for Disability Licenses Must Attest to the Disability Requirements.** It is a violation for any person to misrepresent any information to obtain a disability license. (3-8-07)

**02. Required Documentation.** Required documentation must be submitted in person or by mail to the Department of Fish and Game set forth in Section 005. Applications must be supported by the documentation noted in either Subsection 302.02.a., ~~or~~ 302.02.b., or 302.02.c. of this rule. (3-8-07)(    )

**a.** License buyer must present, to an Idaho Department of Fish and Game office or select vendor one (1) of the following: (3-8-07)

i. A current year's award statement in the individuals name showing that he or she is receiving SSI or SSDI benefits for the current year; (3-8-07)

ii. A letter from the Railroad Retirement board verifying disability status and being dated within three years preceding the application for a disabled license; (3-8-07)

iii. A letter from the from the Veterans Affairs office ~~showing a percentage of disability of 40 percent~~

~~(40%) or greater; verifying a service-connected disability rating of forty percent (40%) or greater. Such documentation can bear any date prior to license application. Such documentation will be required only for the initial application and will not be required for subsequent disability license application.~~ (3-8-07)(\_\_\_\_)

iv. A current year's letter from the Veterans Affairs office showing an individual is receiving a nonservice-connected pension. (3-8-07)(\_\_\_\_)

b. License buyer must initially present to an Idaho Fish and Game office a form, prescribed by the Department, showing physician certification of permanent disability, defined in Subsections 010.04 and 010.08 of this rule, or an individual may present their valid Idaho driver's license in lieu of the prescribed department form if the individual meets the disability requirements of Section 49-117(7)(b), Idaho Code, and the driver's license is appropriately marked as disabled. Only eligible applicants may submit such applications. Physician certification will not be required for subsequent disability license application. (3-8-07)

c. Individuals using the department form for a physician's permanent disability certification must complete and sign the application form. Each application submitted on the department form shall be accompanied by certification from the applicant's physician, physician assistant, or nurse practitioner stating which of the criteria set forth in Subsection 010.04 of this rule, qualifies the applicant and why. ~~The physician, physician assistant, or nurse practitioner shall also certify that the applicant is capable of holding, or holding and firing, without assistance from other persons, legal hunting and fishing equipment.~~ If the physician, physician assistant, or nurse practitioner is not licensed to practice in Idaho, a photo copy of the physician, physician assistant, or nurse practitioner's medical license must accompany the application. Physicians, physician assistants, or nurse practitioners must check the appropriate box for a permanent disability on the application. (3-8-07)(\_\_\_\_)

**303. DISABLED PERSONS MOTOR VEHICLE HUNTING PERMITS.**

**01. Applications for Disabled Motor Vehicle Hunting Permits.** (4-2-08)

a. Applications for disabled motor vehicle hunting permits shall be on a form prescribed by the Department or an individual may present their valid Idaho driver's license in lieu of the prescribed department form if the individual meets the disability requirements of Section 49-117(7)(b), Idaho Code, except for blindness, and the driver's license is appropriately marked as disabled. Only eligible applicants may submit such applications. (4-2-08)

b. Individuals using the department form for a disabled motor vehicle hunting permit must complete and sign the application form. Nonresident applicants must have their signature notarized. Each application submitted on the department form shall be accompanied by certification from the applicant's physician, physician assistant, or nurse practitioner stating which of the criteria set forth in Idaho Code, Section 36-1101 qualifies the applicant and why. ~~The physician, physician assistant, or nurse practitioner applicant shall also certify that the applicant is capable of holding and firing, without assistance from other persons, legal hunting equipment.~~ If the physician, physician assistant, or nurse practitioner is not licensed to practice in Idaho, a photo copy of the physician, physician assistant, or nurse practitioner's medical license must accompany the application. Physicians, physician assistants, or nurse practitioners must check the appropriate box for short-term or long-term disability on the application. If the disability is short term and physical mobility is expected to improve, the physician, physician assistant, or nurse practitioner must include a date when the disability is expected to end. (4-2-08)(\_\_\_\_)

**02. Disabled Motor Vehicle Hunting Permits.** (4-2-08)

a. Disabled motor vehicle hunting permits shall be issued only by the Director of the Department or his representative and shall expire no later than December 31 of the fifth year following the date of issuance. (4-2-08)

b. The permit shall be prominently displayed on any vehicle from which the person is hunting. Where applicable, the permit shall be displayed on the driver's side of the dashboard of the parked vehicle, suspended from the rearview mirror, or otherwise displayed so as to be in plain view of any person looking through the windshield of the vehicle. (7-1-93)

**304. HANDICAPPED ARCHERY PERMIT.**

**01. Applications for Handicapped Archery Permits. (3-20-97)**

**a.** Applications for handicapped archery permits shall be on a form prescribed by the Department. Only eligible applicants may submit such applications. (3-20-97)

**b.** Applicants shall sign the application. Nonresident applicants must have their signature notarized. 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. The ~~physician, physician assistant, or nurse practitioner~~ applicant shall ~~also~~ certify 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 photo copy of the physician, physician assistant, or nurse practitioner medical license must accompany the application. (3-8-07)( )

**02. Handicapped Archery Permits. (3-20-97)**

**a.** Handicapped archery permits shall be issued only by the Director of the Department and shall expire on December 31 of the fifth year following the date of issuance. (3-20-97)

**b.** The handicapped 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 request on an officer. (3-20-97)

**c.** The handicapped archery permit shall allow 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. (3-8-07)

**305. REASONABLE MODIFICATION PERMIT FOR SPECIAL WEAPON HUNTING SEASONS.**

**01. Applications for Reasonable Modification Permits for Special Weapon Hunting Seasons. ( )**

**a.** Applications for reasonable modification permits shall be on a form prescribed by the Department. ( )

**b.** Individuals using the department form for a reasonable modification permit must complete and sign the application form. Nonresident applicants must have their signature notarized. Each application submitted on the department form shall be accompanied by certification from the applicant's physician, physician assistant, or nurse practitioner stating the criteria limiting the applicant's ability to participate without special accommodation. The applicant shall certify that the applicant is capable of holding and firing, without assistance from other persons, legal firearms or archery equipment. If the physician, physician assistant, or nurse practitioner is not licensed to practice in Idaho, a photo copy of the physician, physician assistant, or nurse practitioner's medical license must accompany the application. Physicians, physician assistants, or nurse practitioners must check the appropriate box for short-term or long-term disability on the application. If the disability is short term and physical mobility is expected to improve, the physician, physician assistant, or nurse practitioner must include a date when the disability is expected to end. ( )

**c.** Individuals must identify the equipment accommodation requested, and explain how the requested accommodation will allow them to participate in the special weapon hunt without enhancing their abilities beyond the limitations and purpose of the special weapon hunt. ( )

**02. Reasonable Modification Permits for Special Weapon Hunting Seasons. ( )**

**a.** Reasonable modification permits shall be issued only by the Director of the Department or his representative and shall expire no later than December 31 of the fifth year following the date of issuance. ( )

**b.** The accommodation must be reasonable and must be consistent insofar as possible with all provisions guiding other participants in the special weapon hunting season. For example, persons with a focusing disability (focal plane) could request the use of optical sighting device without magnification (e.g., sighting devices that magnify the target are expressly prohibited for Archery Only, Traditional Archery Only, and Muzzleloader

seasons by Rule 13.01.08, "Rules Governing the Taking of Big Game Animals in the State of Idaho," Section 410). The Director or his representative shall determine if the requested accommodation is reasonable, and may deny the application or set a modification different from the modification requested. ( )

- c.**     A copy of the permit shall be carried by the person while hunting in any special weapon hunt. ( )

**3056. -- 399. (RESERVED).**

# IDAPA 13 - IDAHO FISH AND GAME COMMISSION

## 13.01.04 - RULES GOVERNING LICENSING

DOCKET NO. 13-0104-0802

### NOTICE OF RULEMAKING - PROPOSED RULE

**AUTHORITY:** In compliance with Section 67-5221(1), Idaho Code, notice is hereby given that this agency has initiated proposed rulemaking procedures. The action is authorized pursuant to Sections 36-104(b), 36-409A and 36-1101, Idaho Code.

**PUBLIC HEARING SCHEDULE:** Public hearing(s) concerning this rulemaking will be scheduled if requested in writing by twenty-five (25) persons, a political subdivision, or an agency, not later than October 15, 2008.

The hearing site(s) will be accessible to persons with disabilities. Requests for accommodation must be made not later than five (5) days prior to the hearing, to the agency address below.

**DESCRIPTIVE SUMMARY:** The following is a nontechnical explanation of the substance and purpose of the proposed rulemaking:

Replace the term "handicapped" with "disabled" to ensure consistency with governing law.

**FEE SUMMARY:** Pursuant to Section 67-5226(2), the Governor has found that the fee or charge being imposed or increased is justified and necessary to avoid immediate danger and the fee is described herein: N/A

**FISCAL IMPACT:** The following is a specific description, if applicable, of any negative fiscal impact on the state general fund greater than ten thousand dollars (\$10,000) during the fiscal year: N/A

**NEGOTIATED RULEMAKING:** Pursuant to Section 67-5220(2), Idaho Code, negotiated rulemaking was not conducted because of the need to comply with statutory amendments and the need to comply with printing schedules for the 2008 hunting seasons.

**ASSISTANCE ON TECHNICAL QUESTIONS, SUBMISSION OF WRITTEN COMMENTS:** For assistance on technical questions concerning the proposed rule, contact Sharon Kiefer (208) 287-2780.

Anyone may submit written comments regarding the proposed rulemaking. All written comments must be directed to the undersigned and must be delivered on or before October 22, 2008.

DATED this 20th day of August, 2008.

W. Dallas Burkhalter  
Deputy Attorney General  
Natural Resources Division/Fish and Game  
600 S. Walnut  
P.O. Box 25  
Boise, Idaho 83707  
(208) 334-3715  
Fax (208) 334-2148

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THE FOLLOWING IS THE TEXT OF DOCKET NO. 13-0104-0802

**304. ~~HANDICAPPED~~ DISABLED ARCHERY PERMIT.**

**01. Applications for ~~Handicapped~~ Disabled Archery Permits. ~~(3-20-97)~~( )**

**a.** Applications for handicapped archery permits shall be on a form prescribed by the Department. Only eligible applicants may submit such applications. (3-20-97)

**b.** Applicants shall sign the application. Nonresident applicants must have their signature notarized. 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. The physician, physician assistant, or nurse practitioner shall also certify 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 photo copy of the physician, physician assistant, or nurse practitioner medical license must accompany the application. (3-8-07)

**02. ~~Handicapped~~ Disabled Archery Permits. ~~(3-20-97)~~( )**

**a.** ~~Handicapped~~ Disabled archery permits shall be issued only by the Director of the Department and shall expire on December 31 of the fifth year following the date of issuance. ~~(3-20-97)~~( )

**b.** The ~~handicapped~~ 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 request on an officer. ~~(3-20-97)~~( )

**c.** The ~~handicapped~~ disabled archery permit shall allow 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. ~~(3-8-07)~~( )



# IDAPA 13 - IDAHO FISH AND GAME COMMISSION

## 13.01.04 - RULES GOVERNING LICENSING

DOCKET NO. 13-0104-0803

### NOTICE OF RULEMAKING - PROPOSED RULE

**AUTHORITY:** In compliance with Section 67-5221(1), Idaho Code, notice is hereby given that this agency has initiated proposed rulemaking procedures. The action is authorized pursuant to Sections 36-104(b), 36-408, and 36-1101, Idaho Code.

**PUBLIC HEARING SCHEDULE:** Public hearing(s) concerning this rulemaking will be scheduled if requested in writing by twenty-five (25) persons, a political subdivision, or an agency, not later than October 15, 2008.

The hearing site(s) will be accessible to persons with disabilities. Requests for accommodation must be made not later than five (5) days prior to the hearing, to the agency address below.

**DESCRIPTIVE SUMMARY:** The following is a nontechnical explanation of the substance and purpose of the proposed rulemaking:

Set outfitter set-aside tags for the 2008 seasons. Set outfitter allocation tags proportionate among resident hunters, non-outfitted nonresident hunters, and outfitted hunters. Add a separate additional 1,500 white-tail deer nonresident tag quota. Consider reducing the elk tag cap for Selway A and B tags for resident and nonresident hunters.

**FEE SUMMARY:** Pursuant to Section 67-5226(2), the Governor has found that the fee or charge being imposed or increased is justified and necessary to avoid immediate danger and the fee is described herein: N/A

**NEGOTIATED RULEMAKING:** Pursuant to Section 67-5220(2), Idaho Code, negotiated rulemaking was not conducted because of the need to comply with license sale deadlines and printing schedules for the 2008 hunting seasons.

**FISCAL IMPACT:** The following is a specific description, if applicable, of any negative fiscal impact on the state general fund greater than ten thousand dollars (\$10,000) during the fiscal year: N/A

**ASSISTANCE ON TECHNICAL QUESTIONS, SUBMISSION OF WRITTEN COMMENTS:** For assistance on technical questions concerning the proposed rule, contact Brad Compton (208) 287-2756.

Anyone may submit written comments regarding the proposed rulemaking. All written comments must be directed to the undersigned and must be delivered on or before October 22, 2008.

DATED this 20th day of August, 2008.

W. Dallas Burkhalter  
Deputy Attorney General  
Natural Resources Division/Fish and Game  
600 S. Walnut  
P.O. Box 25, Boise, Idaho 83707  
(208) 334-3715  
Fax (208) 334-2148

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THE FOLLOWING IS THE TEXT OF DOCKET NO. 13-0104-0803

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

**01. Tags.** The following number of nonresident deer tags and nonresident elk tags shall annually be set aside and reserved for sale to persons who have entered into an agreement to utilize the services of an outfitter who is licensed under Chapter 21, Title 36, Idaho Code. For the each Hunting Season: (3-20-04)

**a.** One thousand nine hundred (1,900) deer tags (regular or White-tailed); (4-2-08)

~~**b.** Eighty-five (85) S.E. Idaho Area deer tags; (3-20-04)~~

**eb.** Two thousand four hundred (2,400) elk tags (A or B tags for all zones); (3-20-04)

**02. Restrictions.** These tags shall be sold on a first-come, first-serve basis through June 30 of each year. Application for purchase of these tags shall be made by the outfitter for the nonresident on a form prescribed by the Department. The application shall be accompanied by the appropriate license fees and a certification by the outfitter that the nonresident hunter has a contract to hunt with the outfitter making application. (7-1-93)

**03. Unsold Tags.** Any tags not sold by July 1 of each year shall be sold by the Department to nonresidents on a first-come, first serve basis. If there is a waiting list of individuals desiring a tag for the species available, those individuals will be first served. Application shall be made only to the Headquarters office of the Department of Fish and Game in Boise, Idaho. (7-1-99)

**(BREAK IN CONTINUITY OF SECTIONS)**

**600. NONRESIDENT DEER AND ELK TAG QUOTAS.**

**01. Tag Quotas.** The following number of deer tags and elk tags shall be set aside annually and reserved for sale to nonresidents: (3-20-97)

**a.** Twelve thousand eight hundred (12,800) regular or White-tailed deer tags; (4-2-08)

**b.** Twelve thousand eight hundred fifteen (12,815) A or B elk tags for all zones; (3-20-04)

**c.** One thousand ~~two~~ five hundred (1,2500) ~~S.E. Idaho area~~ White-tailed Deer tags. (7-1-98)(    )

**02. Exceptions.** Sales of nonresident deer and elk tags to the following persons shall not be counted in the quota: (7-1-93)

**a.** Unqualified Residents: Persons who have moved into Idaho and by notarized affidavit show proof of their intent to become bona fide Idaho residents but are not yet qualified to purchase a resident license. (7-1-93)

**b.** Designated Buyers: Nonresident tag buyers who return their unused nonresident deer or elk tag and a notarized affidavit stating that the tag buyer has not hunted may designate another nonresident to purchase an additional tag. If the original buyer does not make a designation and has retained an outfitter or guide, the outfitter or guide may make the designation. The designated buyer must pay the regular fee for the replacement tag. If no designation is made by either the original buyer or the outfitter or guide, the Department may sell the replacement tag on a first-come, first-serve basis. (7-1-93)

**c.** Successful nonresident controlled hunt applicants who have not purchased a tag as of the date of the controlled hunt drawing. (7-1-93)

**d.** Junior mentored tag holders. (3-20-04)

**03. Refunds.** The fee for any nonresident license (as defined in Section 36-202(z), Idaho Code) shall not be refunded for any reason except as follows. (7-1-98)

**a.** Hunting license and general season deer and elk tag refunds due to death, illness/injury or military deployment of licensee. Non-resident general season deer or elk tag fees and prerequisite hunting license fee and controlled hunt deer and elk tag fees may be refunded for death of licensee; illness or injury of licensee which totally disabled the licensee for the entire length of any applicable hunting season; or military deployment of licensee due to an armed conflict. Refund must be substantiated by death certificate, published obituary, written justification by a licensed medical doctor, copy of military orders, or other similar substantiating documents. The hunting license fee will not be refunded if it was used to apply for any controlled hunt or to purchase a turkey, mountain lion, or bear tag. The amount refunded will be the amount of the applicable deer or elk tag and hunting license less all issuance fees and a fifty dollar (\$50) processing fee. The refund request must be postmarked on or before December 31 of the calendar year in which the license and tags were valid. (4-6-05)

**b.** General season and controlled hunt deer and elk tag refunds for other than death, illness/injury, or military deployment of licensee. Non-resident general season and controlled hunt deer or elk tag fees may be refunded for any reason other than death of the licensee; illness or injury of licensee which totally disables the licensee for the entire length of all applicable seasons; or military deployment of licensee due to an armed conflict. The request for the refund must be postmarked in the year in which the tag is valid. The hunting license fee will not be refunded. The refund will be based on the following sliding scale as a percent of the deer or elk tag fee.

Postmarked	Percent of Fee Refunded	
Before April 1	-	75%
in April through June	-	50%
in July and August	-	25%
September through December	-	0%

(4-6-05)

**c.** Department Error. The Department determines that a Department employee made an error in the issuance of the license. (7-1-98)

**d.** Submission Requirements. All refund requests must be in writing and be accompanied with the original copy of the license or tag. (7-1-98)

**e.** Effective. These changes will be effective with the 1997 licenses and tags. (7-1-98)

**04. Sale of Unsold Nonresident Deer and Elk Tags to Residents.** Any unsold nonresident deer or elk tags may be sold to residents and to nonresidents as a second tag, at the nonresident deer or elk tag price, beginning September 1. All privileges and restrictions associated with the use of the nonresident deer or elk tag will apply equally to residents who purchase a nonresident deer or elk tag. (3-15-02)

**601. ELK ZONE TAG QUOTAS.**

Zone	Units	Total Tags	General Resident Tags	General Nonresident Tags	Outfitter Allocation
Lolo B Tags	10,12	1600	1008	356	236
<u>Selway A Tags</u>	<u>16A, 17, 19, 20</u>	<u>647</u>	<u>179</u>	<u>254</u>	<u>214</u>
Selway B Tags	16A, 17, 19, 20	<del>255</del> 1067	<del>565</del> 480	<del>334</del> 284	<del>356</del> 303

Middle Fork A Tags	20A, 26, 27	1551	1168	174	209
Middle Fork B Tags	20A, 26, 27	1636	925	267	444
<del>Boise River B Tags</del>	<del>39</del>	<del>3,300</del>	<del>3,013</del>	<del>269</del>	<del>48</del>
<u>Elk City B Tags</u>	<u>14, 15, 16</u>	<u>1790</u>	<u>1414</u>	<u>326</u>	<u>50</u>
<u>Dworshak B Tags</u>	<u>10A</u>	<u>2380</u>	<u>2118</u>	<u>215</u>	<u>47</u>

(3-15-02)( )

**IDAPA 13 - IDAHO FISH AND GAME COMMISSION**

**13.01.07 - RULES GOVERNING THE TAKING OF UPLAND GAME ANIMALS**

**DOCKET NO. 13-0107-0801**

**NOTICE OF RULEMAKING - PROPOSED RULE**

**AUTHORITY:** In compliance with Section 67-5221(1), Idaho Code, notice is hereby given that this agency has initiated proposed rulemaking procedures. The action is authorized pursuant to Sections 36-104(b) and 36-1101, Idaho Code.

**PUBLIC HEARING SCHEDULE:** Public hearing(s) concerning this rulemaking will be scheduled if requested in writing by twenty-five (25) persons, a political subdivision, or an agency, not later than October 15, 2008.

The hearing site(s) will be accessible to persons with disabilities. Requests for accommodation must be made not later than five (5) days prior to the hearing, to the agency address below.

**DESCRIPTIVE SUMMARY:** The following is a nontechnical explanation of the substance and purpose of the proposed rulemaking:

Amend the rule to ensure consistency in references to the Disabled Motor Vehicle Hunting Permit.

**FEE SUMMARY:** Pursuant to Section 67-5226(2), the Governor has found that the fee or charge being imposed or increased is justified and necessary to avoid immediate danger and the fee is described herein: N/A

**FISCAL IMPACT:** The following is a specific description, if applicable, of any negative fiscal impact on the state general fund greater than ten thousand dollars (\$10,000) during the fiscal year: N/A

**NEGOTIATED RULEMAKING:** Pursuant to Section 67-5220(2), Idaho Code, negotiated rulemaking was not conducted because of the need to comply with statutory amendments and the need to comply with printing schedules for the 2008 hunting seasons.

**ASSISTANCE ON TECHNICAL QUESTIONS, SUBMISSION OF WRITTEN COMMENTS:** For assistance on technical questions concerning the proposed rule, contact Sharon Kiefer (208) 287-2784.

Anyone may submit written comments regarding the proposed rulemaking. All written comments must be directed to the undersigned and must be delivered on or before October 22, 2008.

DATED this 20th day of August, 2008.

W. Dallas Burkhalter  
Deputy Attorney General  
Natural Resources Division/Fish and Game  
600 S. Walnut  
P.O. Box 25  
Boise, Idaho 83707  
(208) 334-3715  
Fax (208) 334-2148

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**THE FOLLOWING IS THE TEXT OF DOCKET NO. 13-0107-0801**

**101. MOTORIZED VEHICLE USE RESTRICTIONS.**

The use of motorized vehicles by hunters as an aid to hunting upland game animals is restricted in certain areas. This use restriction is in addition to all federal, state and local laws, rules, regulations, ordinances and orders; including, but not limited to, any motorized vehicle licensing, registration, and permitting requirements and traffic laws. Hunters must comply with all motorized vehicle limits or prohibitions instituted by the landowner or land manager. Also, this use restriction rule is not an exception from, and is in addition to, the statutory prohibition against hunting from or by the use of any motorized vehicle set forth in Section 36-1101(b)(1), Idaho Code. (4-6-05)

**01. Use Restriction.** In designated areas and hunts, hunters may only use motorized vehicles on established roadways which are open to motorized traffic and capable of being traveled by full-sized automobiles. Any other use by hunters is prohibited. All off-road use by hunters is prohibited. (4-6-05)

**02. Exceptions.** This use restriction rule shall not apply to the following permissible motorized vehicle uses: (4-6-05)

**a.** Holders of a valid ~~Handicapped Persons~~ Disabled Motor Vehicle Hunting Permit may use a motorized vehicle as allowed by the land owner or manager. (~~4-6-05~~)(    )

**b.** Hunters may use a motorized vehicle to retrieve downed game if such travel is allowed by the land owner or manager. (4-6-05)

**c.** Hunters may use a motorized vehicle to pack camping equipment in or out if such travel is allowed by the land owner or manager; however, hunters shall not hunt while packing camping equipment. (4-6-05)

**d.** Private landowners, their authorized agents and persons with written landowner permission may use a motorized vehicle on their private land; however, they may not hunt from or by the use of any motorized vehicle as prohibited by Section 36-1101(b)(1), Idaho Code. (4-6-05)

**03. Restricted Areas and Hunts.** This motorized vehicle use restriction shall apply to identified areas and hunts in all Big Game Management Units. The hunts and areas with a motorized vehicle use restriction are identified in the Commission's Big Game Season Proclamation and Upland Game Season Proclamation, which are published in a brochure available at department offices and license vendors. (4-6-05)

**04. Defined Terms.** (4-6-05)

**a.** A full-sized automobile shall be defined as any motorized vehicle with a gross weight in excess of one thousand five hundred (1,500) pounds. (4-6-05)

**b.** An established roadway shall be defined as any road that is established, built, maintained, approved or designated by any governmental entity or private landowner for the purpose of travel by full-sized automobiles. An established roadway shows evidence of repeated use by full-sized automobiles, and may include a traveled way of natural earth with depressed wheel tracks and little or no vegetation in the wheel tracks. (4-6-05)

**c.** A hunter shall be defined as a person engaged in the activity of hunting as defined in Section 36-202(j), Idaho Code. (4-6-05)

# IDAPA 13 - IDAHO FISH AND GAME COMMISSION

## 13.01.08 - RULES GOVERNING THE TAKING OF BIG GAME ANIMALS

DOCKET NO. 13-0108-0801

### NOTICE OF RULEMAKING - PROPOSED RULE

**AUTHORITY:** In compliance with Section 67-5221(1), Idaho Code, notice is hereby given that this agency has initiated proposed rulemaking procedures. The action is authorized pursuant to Sections 36-104(b) and 36-1101, Idaho Code.

**PUBLIC HEARING SCHEDULE:** Public hearing(s) concerning this rulemaking will be scheduled if requested in writing by twenty-five (25) persons, a political subdivision, or an agency, not later than October 15, 2008. A number of public hearings have already occurred.

The hearing site(s) will be accessible to persons with disabilities. Requests for accommodation must be made not later than five (5) days prior to the hearing, to the agency address below.

**DESCRIPTIVE SUMMARY:** The following is a nontechnical explanation of the substance and purpose of the proposed rulemaking:

The Wolf Management Plan calls for maintaining viable wolf populations at or near current levels of 500-700 wolves. The proposed rules allow hunting of wolves pursuant to seasons set by the Commission.

**FEE SUMMARY:** Pursuant to Section 67-5226(2), the Governor has found that the fee or charge being imposed or increased is justified and necessary to avoid immediate danger and the fee is described herein: N/A

**FISCAL IMPACT:** The following is a specific description, if applicable, of any negative fiscal impact on the state general fund greater than ten thousand dollars (\$10,000) during the fiscal year: N/A

**NEGOTIATED RULEMAKING:** Pursuant to Section 67-5220(2), Idaho Code, negotiated rulemaking was not conducted because of the need to comply with statutory amendments and the need to comply with printing schedules for the 2008 hunting seasons.

**ASSISTANCE ON TECHNICAL QUESTIONS, SUBMISSION OF WRITTEN COMMENTS:** For assistance on technical questions concerning the proposed rule, contact Chris Wright (208) 287-2759.

Anyone may submit written comments regarding the proposed rulemaking. All written comments must be directed to the undersigned and must be delivered on or before October 22, 2008.

DATED this 20th day of August, 2008.

W. Dallas Burkhalter  
Deputy Attorney General  
Natural Resources Division/Fish and Game  
600 S. Walnut  
P.O. Box 25  
Boise, Idaho 83707  
(208) 334-3715, Fax (208) 334-2148

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THE FOLLOWING IS THE TEXT OF DOCKET NO. 13-0108-0801

**200. BAG AND POSSESSION LIMITS.**

No person may take more than one (1) deer, elk, antelope, moose, bighorn sheep, mountain goat, ~~or~~ black bear, or wolf during a calendar year EXCEPT: (7-1-93)(    )

**01. Depredation Hunts.** In depredation hunts, one (1) additional deer, elk or antelope may be taken by persons holding permit/tags for those hunts, EXCEPT those depredation hunt permittees who were selected for depredation hunts prior to the controlled season for the unit(s) in which they hold a controlled hunt permit must include any animal they harvest within the restrictions imposed by the controlled hunt permit (no person may take more than one (1) animal per year by using depredation and controlled hunt permit). (7-1-93)

**02. Extra Tag Hunts.** In extra tag hunts, one (1) additional deer, elk or antelope may be taken by persons holding tags for those hunts. (7-1-93)

**03. Limits on Take -- Deer, Elk, Antelope.** In no event shall any person take more deer, elk or antelope in a calendar year than the number of tags they legally possess for each species. (3-30-01)

**04. Limits on Take -- Mountain Lion.** No person may take more mountain lions during a calendar year than the number of tags they legally possess for mountain lions. (3-30-01)

**05. Limits on Take - Black Bear.** No person may take more black bears during a calendar year than the number of tags they legally possess for black bears. (3-30-01)

**06. Limits on Take -- Gray Wolf.** No person may take more gray wolves during a calendar year than the number of tags they legally possess for gray wolves. (    )

**201. -- 249. (RESERVED).**

**250. TAGS AND PERMITS.**

No person shall hunt big game animals without having in possession the appropriate hunting license, tags, stamps and permits. (7-1-93)

**01. Use of Tags.** (7-1-93)

**a.** Permit/Tags issued for moose, bighorn sheep, mountain goat and antelope may be used only in the controlled hunt for which the permittee was drawn. (7-1-93)

**b.** Tags issued for antelope archery hunts may be used only in general archery hunts. (7-1-93)

**c.** Extra tags issued for deer, elk or antelope may be used only in the hunt area for which the tags are issued. (7-1-93)

**d.** Any person who purchases a tag to hunt black bear, or archery antelope, who is unsuccessful in killing an animal, and who is subsequently drawn for a controlled hunt permit, including an antelope landowner preference permit, must return the unused tag to a Department office not later than August 10 to exchange the tag for the appropriate controlled hunt tag. The fee for the exchanged tag is the fee for a duplicate tag. (3-20-97)

**e.** Tags issued for black bear and mountain lion may be used statewide. Extra tags issued for black bear and mountain lion may be used only in the hunt area for which the tags are issued. (4-5-00)

**f.** Regular tags issued for deer and elk may be used ONLY as follows: (7-1-93)



i. Regular Deer:

<b>TYPE OF TAG</b>	<b>SEASONS</b>
Resident (Type 311)	Any archery, muzzleloader or general deer season. EXCEPT in Clearwater Region, Units 8, 8A, 10, 10A, 11, 11A, 12, 13, 14, 15, 16, 16A, 17, 18, 19, & 20.
Resident (Type 330)	Extra Any antlerless deer tag season. EXCEPT in Clearwater Region, Units 8, 8A, 10, 10A, 11, 11A, 12, 13, 14, 15, 16, 16A, 17, 18, 19, and 20.
Senior Resident (Type 330)	Any archery, muzzleloader or general deer season. EXCEPT in Clearwater Region, Units 8, 8A, 10, 10A, 11, 11A, 12, 13, 14, 15, 16, 16A, 17, 18, 19, & 20.
S.E. Idaho Area Units 75, 76, 77, and 78 Nonresident	To Hunt Deer in Units 75, 76, 77, and 78 you must have your deer tag validated for use in these units. These tags are limited to one thousand two-hundred (1200) nonresident tags and will be issued by lottery. EXCEPT in Clearwater Region, Units 8, 8A, 10, 10A, 11, 11A, 12, 13, 14, 15, 16, 16A, 17, 18, 19, & 20
Nonresident (Type 411)	Any archery, muzzleloader or general deer season or controlled hunt for which the permittee was drawn, or may be used to tag a black bear or mountain lion during the Regular deer season when the black bear or mountain lion season is open.
Combination Controlled Hunt Permit and Tag	Only the designated controlled hunt for which the permittee was drawn.
Combination Controlled Depredation Hunt Permit and Tag	Only the designated controlled depredation hunt for which the permittee was drawn.
Combination Controlled Hunt Permit and Extra Tag	Only the designated controlled extra tag hunt for which the permittee was drawn.

(4-6-05)

ii. Clearwater Deer.

<b>TYPE OF TAG</b>	<b>SEASONS</b>
Resident Clearwater	To hunt deer in any archery, muzzleloader or general deer season in Units 8, 8A, 10, 10A, 11, 11A, 12, 13, 14, 15, 16, 16A, 17, 18, 19, and 20. These tags are valid only in the Clearwater Region units, and Regular Deer tags are not valid in these units.
Resident Extra Clearwater	To hunt an extra any-antlerless deer tag season in Units 8, 8A, 10A, 11A, 14, and 15. These tags are valid only in the Clearwater Region units, and Regular Deer tags are not valid in these units.
Senior Resident Clearwater	To hunt deer in any archery, muzzleloader or general deer season in Units 8, 8A, 10, 10A, 11, 11A, 12, 13, 14, 15, 16, 16A, 17, 18, 19, and 20. These tags are valid only in the Clearwater Region units, and Regular Deer tags are not valid in these units.
Nonresident Clearwater	To hunt deer in any archery, muzzleloader or general deer season or controlled hunt for which the permittee was drawn in Units 8, 8A, 10, 10A, 11, 11A, 12, 13, 14, 15, 16, 16A, 17, 18, 19, and 20. These tags are valid only in the Clearwater Region and may be used to tag a black bear or mountain lion during the Clearwater deer season when the black bear or mountain lion season is open. Regular Deer tags are not valid in these units.

- iii. Elk A Tag: Valid only for A Tag elk seasons in specific elk zones. (4-6-05)

TYPE OF TAG	SEASONS
Resident	Any elk archery, muzzleloader or general season in A Tag elk seasons in specific zones.
Senior Resident	Any elk archery, muzzleloader, or general season in A Tag seasons in specific zones.
Nonresident	Any elk archery, muzzleloader, or general season in A Tag elk seasons in specific zones, or controlled hunt for which the permittee was drawn.
Combination Controlled Hunt Permit and Tag	Only the designated controlled hunt for which the and Tag permittee was drawn.
Combination Controlled Depredation Hunt Permit and Tag	Only the designated controlled depredation hunt for which the permittee was drawn.
Combination Controlled Hunt Permit and Extra Tag	Only the designated controlled extra tag hunt for which the permittee was drawn.

(4-6-05)

- iv. Elk B Tag: Valid only for B Tag elk seasons in specific elk zones.

TYPE OF TAG	SEASONS
Resident	Any archery, muzzleloader, or general in B Tag elk seasons in specific zones.
Senior Resident	Any archery, muzzleloader, or general in B Tag elk seasons in specific zones.
Nonresident	Any elk controlled hunt for which the permittee was drawn or any archery, muzzleloader, or general in B Tag elk seasons in specific zones.
Combination Controlled Hunt Permit and Tag	Only the designated controlled hunt for which the permittee was drawn.
Combination Controlled Depredation Hunt Permit and Tag	Only the designated controlled depredation hunt for which the permittee was drawn.
Combination Controlled Permit and Extra Tag	Only the designated controlled and extra tag hunt for which the permittee was drawn.

(4-6-05)

- v. Super Tag.

TYPE OF TAG	SEASONS
Combination Controlled Hunt Permit and "Super" Tag	Valid for either antelope, deer or elk and allows the hunter to hunt in any open and/or controlled hunt for the selected species.

(3-15-02)

- g. Nonresident Junior Mentored Deer tags are not valid for bear, ~~or~~ mountain lion, or gray wolf. (4-6-05)( )

**h.** Any person hunting with a Nonresident Junior Mentored License or tag must be accompanied in the field by an adult license holder close enough to be within normal conversation or hearing range without shouting or the aid of electronic devices. (4-6-05)

**i.** Any adult accompanying the holder of a Nonresident Junior Mentored Tag must have a tag for the same species, valid in the same area. (4-6-05)

**j.** Regular tags issued for gray wolf may be used ONLY as allowed by the gray wolf seasons and quotas set by Commission proclamation under Section 36-105(3), Idaho Code. The proclamation is published in a brochure available at Department offices and license vendors. ( )

**02. Return of Tags by Unsuccessful Permittees.** Permittees who are not successful in killing a bighorn sheep, mountain goat or moose shall present or mail their unused tags to a Department office within ten (10) days after the close of the season for which the tag was valid. Canceled tags will be returned to the hunter upon request. (5-15-95)

**03. Archery and Muzzleloader Permits.** Any person hunting in an archery only or muzzleloader only season must have the appropriate permit (archery or muzzleloader) for the relevant season validated on their license. (3-20-97)

**(BREAK IN CONTINUITY OF SECTIONS)**

**260. PERMITS FOR CONTROLLED HUNTS.**

**01. Use of Controlled Hunt Permits.** No person may hunt in any controlled hunt without having a valid controlled hunt permit in possession. (7-1-93)

**a.** A controlled hunt area with an "X" suffix is an extra tag hunt. (10-26-94)

**b.** In the event a permit is issued based on erroneous information, the permit will be invalidated by the Department and may NOT be used. The Department will notify the permittee of the invalidation of the permit. The person will remain on the drawn list, and if there is a waiting period in a succeeding year, the person will be required to wait the specified time period. (7-1-93)

**c.** Any person who receives a controlled hunt permit and tag for deer is prohibited from hunting in any other deer hunt--archery, muzzleloader, or general; EXCEPT the holder of a deer controlled hunt permit and tag may purchase a tag for and hunt in an extra tag hunt, or controlled hunt permit/extra tag hunt for deer. (3-20-97)

**d.** Any person who receives a combination controlled hunt permit/extra tag for deer may hunt in any other deer hunt--archery, muzzleloader, general or controlled hunt. (7-1-93)

**e.** Any person who receives a controlled hunt permit for elk is prohibited from hunting in any other elk hunt--archery, muzzleloader, or general; EXCEPT a controlled hunt permit holder may purchase a tag for and hunt in an extra tag hunt for elk. (7-1-93)

**f.** Any person who receives a combination controlled hunt permit/tag for antelope is prohibited from hunting in any archery antelope hunt. The holder of an antelope combination controlled hunt permit/extra tag may apply for a combination controlled hunt permit/tag for antelope or may purchase a tag for an archery antelope hunt. (7-1-93)

**g.** Any person who receives a spring controlled hunt permit for black bear is prohibited from hunting in any other spring bear hunt - April 15 to June 30. (7-1-99)

**h.** Any person who receives a fall controlled hunt permit for black bear is prohibited from hunting in

any other fall bear hunts -- September 15 to October 31. (10-26-94)

**i.** Any person who receives a fall controlled hunt permit for gray wolves is prohibited from hunting in any other fall gray wolf hunts -- October 10 to November 30. ( )

**02. Nonresident Permit Limitations.** (3-20-04)

**a.** In controlled hunts with ten (10) or fewer permits, not more than one (1) nonresident permit will be issued. In controlled hunts, EXCEPT unlimited controlled hunts, with more than ten (10) permits, not more than ten percent (10%) of the permits will be issued to nonresidents. This rule shall be applied to each uniquely numbered controlled hunt and to the controlled hunts for each species. (4-6-05)

**b.** Outfitter allocated hunts are exempt from the limitation of Subsection 260.02.a. (3-20-04)

**c.** For each species, the total number of outfitter allocated controlled hunt permits shall be subtracted from the result of ten percent (10%) of the sum of all controlled hunt permits; including outfitter allocated controlled hunts, but excluding all unlimited controlled hunts. In addition to the limitations of Subsection 260.02.a., the resulting net number shall be the maximum number of controlled hunt permits that may be issued to nonresidents for all controlled hunts except outfitter allocated and unlimited controlled hunts. (3-20-04)

**03. Eligibility.** Any person possessing a valid Idaho hunting license is eligible to apply for controlled hunts subject to the following restrictions: (7-1-93)

**a.** Holders of a Nongame Hunting License (Type 208) may not apply for any controlled hunt. (4-6-05)

**b.** Any person whose name was drawn on a controlled hunt for either sub-species of bighorn sheep may not apply for any bighorn permit for two (2) years. Any person whose name was drawn on a controlled hunt for mountain goat may not apply for a mountain goat permit for two (2) years. Any person whose name was drawn on a controlled hunt for moose may not apply for a moose permit for two (2) years. Any person whose name was drawn on a controlled antlered-only deer hunt may NOT apply for any other controlled antlered-only deer hunt for one (1) year. Any person whose name was drawn on a controlled antlered-only elk hunt may NOT apply for any other controlled antlered-only elk hunt for one (1) year. The one (1) year waiting period does NOT apply to controlled hunts with an unlimited number of permits nor Landowner Preference Permits. EXCEPT all successful and unsuccessful antelope, deer and elk hunters that comply with all Mandatory Report requirements will be eligible to be randomly drawn for one (1) of ten (10) "Super" controlled antelope/deer/elk tags to hunt in any open general and/or controlled antelope, deer or elk hunt in the following hunting season. (3-15-02)

**c.** Any person applying for a bighorn sheep, mountain goat, or moose controlled hunt may NOT apply for any other controlled hunt in the same year EXCEPT Unlimited Controlled Hunts, a controlled black bear hunt, a controlled gray wolf hunt, or a designated depredation or extra tag hunt for deer, elk or antelope. In addition, unsuccessful applicants for bighorn sheep, mountain goat or moose controlled hunts are eligible to participate in first-come, first-served deer, elk and antelope controlled hunt permit sales. (~~10-26-94~~)( )

**d.** Any person who has killed a California bighorn ram, Rocky Mountain bighorn ram or a moose on any controlled hunt may not apply for a permit for the same subspecies, EXCEPT any person who has killed a California bighorn ram south of Interstate Highway 84 since 1974 and is otherwise eligible, may apply for a Rocky Mountain bighorn ram permit for any hunt north of Interstate Highway 84. Any person who has killed a Rocky Mountain bighorn ram north of Interstate Highway 84 since 1974 and is otherwise eligible, may apply for a California bighorn ram permit for any hunt south of Interstate Highway 84. Auction tag and lottery tag winners are exempt from the once-in-a-lifetime restrictions on killing bighorn sheep of either subspecies. (4-5-00)

**e.** No person applying for a Rocky Mountain bighorn sheep controlled hunt as a first choice shall apply for a California bighorn sheep controlled hunt as a second choice. No person applying for a California bighorn sheep controlled hunt as a first choice shall apply for a Rocky Mountain bighorn sheep controlled hunt as a second choice. No person shall apply for both a Rocky Mountain and a California bighorn the same year. (7-1-93)

**f.** Any person who kills a bighorn ewe may not apply for another bighorn ewe controlled hunt permit

for five (5) years. The harvest of a bighorn ewe does not make the permittee ineligible to apply for a permit to take a California bighorn ram or a Rocky Mountain bighorn ram. Any person who applies for a bighorn ewe may not apply for any bighorn ram the same year. (7-1-93)

**g.** Any person who has killed a mountain goat since 1977 may not apply for a mountain goat permit. (7-1-93)

**h.** Any person who has killed an antlered moose in Idaho may not apply for a moose permit for antlered moose, and any person who has killed an antlerless moose in Idaho may not apply for a permit for antlerless moose EXCEPT that any person may apply for permits remaining unfilled after the controlled hunt draw. (4-11-06)

**i.** Any person applying for a landowner permission hunt must have a signed permission slip from a landowner who owns more than one hundred fifty-nine (159) acres in the hunt area. The permission slip must have the landowner's name and address on it along with the landowner's signature. (7-1-98)

**j.** Any person may apply for both a controlled hunt permit/tag and a controlled hunt permit/extra tag. (7-1-93)

**k.** Nonresident hound hunters applying for controlled black bear hunts must first obtain a Hound Hunter Permit pursuant to IDAPA 13.01.15.200.04, "Rules Governing the Use of Dogs." (7-1-99)

**l.** Any person applying for an outfitter allocated controlled hunt must have a written agreement with the outfitter before submitting the controlled hunt application. (4-11-06)

**04. Applications.** Individual applications or group applications for controlled hunts shall be made on a form prescribed by the Department and must be received at the Headquarters Office of the Idaho Department of Fish and Game or postmarked not later than the annual dates shown below. Any individual application or group application which is unreadable, has incomplete or incorrect hunt or license numbers, or which lacks the required information or fee will be declared void and will not be entered in the drawing. All applications will be considered final; they may not be resubmitted after correction. (10-26-94)

**a.** Spring black bear - Application period - January 15 - February 15. (4-6-05)

**b.** Moose, bighorn sheep, and mountain goat - Application period for first drawing - April 1 - 30. (4-6-05)

**c.** Deer, elk, antelope, ~~and~~ fall black bear, gray wolves - Application period for first drawing - May 1 - June 5. (~~3-30-07~~)(    )

**d.** Moose, bighorn sheep, and mountain goat - Application period for second drawing, if applicable - June 15 - 25. (4-6-05)

**e.** Deer, elk, antelope, ~~and~~ fall black bear, and gray wolves - Application period for second drawing - August 5 - 15. (~~4-6-05~~)(    )

**05. Applicant Requirements.** Applicants must comply with the following requirements: (7-1-93)

**a.** Only one (1) application, per person or group, will be accepted for the same species, EXCEPT a person or group may submit one additional application for a controlled hunt permit/extra tag for the same species. Additional applications for the same person or group for the same species will result in all applicants being declared ineligible. (10-26-94)

**b.** Only one (1) controlled hunt permit/extra tag will be issued for each person on any application submitted. (10-26-94)

**c.** Several applications may be submitted in a single envelope so long as each application is for a single species, a single applicant or group, and both hunts on an application must be controlled hunt permit/tag hunts

or controlled hunt permit/extra tag hunts. (10-26-94)

**d.** Fees must be submitted with each application. A single payment (either cashier's check, money order, certified check, or a personal check) may be submitted to cover fees for all applications in the same envelope. If a check or money order is insufficient to cover the fees, all applications will be voided and returned. The application fee is set by Section 36-416, Idaho Code, per person per hunt, for deer, elk, antelope, moose, bighorn sheep, mountain goat, black bear, ~~and~~ lion, and gray wolf applied for and is NOT refundable. The tag fees are not to be submitted with either the telephone or mail-in-application for deer, elk, antelope, black bear, ~~or~~ mountain lion, or gray wolf. Persons applying for moose, bighorn sheep, or mountain goat controlled hunts must submit the tag fee and application fee with their application. Applicants successful in drawing for a moose, bighorn sheep, or mountain goat will receive a permit tag in the mail. (~~4-6-05~~)(      )

**e.** Any controlled hunt permits, EXCEPT unlimited controlled hunts that remain unsold after the controlled hunt drawings may be sold forty five (45) days following the close of each respective controlled hunt drawing by any Point-of-Sale vendor on a first-come, first-served basis UNLESS such day is a Sunday, in which case the permits will go on sale the next legal business day. A controlled hunt permit and tag will be issued to successful applicants. The ten percent (10%) nonresident limitation shall not apply. Applicants with a tag already in possession must return their tag to a Department office to be exchanged for the appropriate controlled hunt tag. The fee for the exchanged tag is the fee for a duplicate tag. (3-15-02)

**f.** A "group application" for deer, elk, and antelope is defined as two, three, or four (2, 3, or 4) hunters applying for the same controlled hunt on the same application. All hunters must comply with all rules and complete applications properly. All applicants must abide by the same first and second hunt choices. (10-26-94)

**g.** A "group application" for moose, bighorn sheep, mountain goat, ~~and~~ black bear, and gray wolf, is defined as two (2) hunters applying for the same controlled hunt on the same application. Both hunters must comply with all rules and complete applications properly. Both applicants must abide by the same first and second hunt choices. (~~10-26-94~~)(      )

**h.** If a group application exceeds the number of permits available in a hunt that group application will not be selected for that hunt. (7-1-98)

**i.** Landowner permission hunt permits will be sold first-come, first-served basis at the Nampa, McCall and Headquarters offices of the Idaho Department of Fish and Game after July 15. (7-1-98)

**06. Refunds of Controlled Hunt Fees.** (7-1-93)

**a.** Controlled hunt tag fees will be refunded to the unsuccessful or ineligible applicants for moose, sheep, and mountain goat. Unsuccessful applicants may donate all or a portion of their tag fee for moose, bighorn sheep, and mountain goat to Citizens Against Poaching by checking the appropriate box on the application. One dollar (\$1) of the non-refundable application fee will go to Citizens Against Poaching unless the applicant instructs otherwise. (3-20-97)

**b.** Fees for hunting licenses will NOT be refunded to unsuccessful or ineligible applicants. (10-26-94)

**c.** Fees for deer or elk tags purchased prior to the drawing will NOT be refunded to unsuccessful or ineligible applicants. (10-26-94)

**d.** Overpayment of fees of more than five dollars (\$5) will be refunded. Overpayment of five dollars (\$5) or less will NOT be refunded and will be retained by the Department. (7-1-93)

**07. Controlled Hunt Drawing.** 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. (7-1-93)

**08. Unclaimed Permits.** Successful applicants for the first deer, elk, black bear, gray wolf, or antelope controlled hunt drawing must purchase and pick up their controlled hunt permit and tag by August 1. All controlled

hunt tags and permits not purchased and picked up will be entered into a second controlled hunt drawing. Any controlled hunt tags and permits left over or unclaimed after the second controlled hunt drawing will be sold on a first-come, first-served basis. (4-6-05)(\_\_\_\_\_)

**(BREAK IN CONTINUITY OF SECTIONS)**

**300. IDENTIFICATION OF ANIMALS THAT LEGALLY MAY BE TAKEN.**

- 01. Big Game Animals of Either Sex.** Big game animals of either sex may be taken as noted below: (7-1-93)
- a.** Mountain Goat. Either sex may be taken EXCEPT nannies accompanied by kids. (7-1-93)
  - b.** Black Bear. Either sex may be taken EXCEPT female black bears accompanied by young. (7-1-93)
  - c.** Mountain Lion. Either sex may be taken EXCEPT spotted young or females accompanied by young. (7-1-93)
  - d.** Gray Wolves. Either sex may be taken. (\_\_\_\_\_)
- 02. Seasons Restricted to Antlered or Male Animals Only.** (7-1-93)
- a.** Deer. Only deer with at least one (1) antler longer than three (3) inches may be taken in any season which is open for antlered deer only. (7-1-93)
  - b.** Two-point deer. Only deer with not more than two (2) points on one (1) antler, not including brow point, and at least one (1) antler longer than three (3) inches may be taken in any season which is open for two-point deer only. A point is an antler projection that is at least one (1) inch long and longer than the width of the projection. (7-1-99)
  - c.** Three-point deer. Only deer having at least one (1) antler with three (3) or more points not counting the brow point or tine may be taken in any season which is open for three-point or larger deer only. A point is an antler projection that is at least one (1) inch long and longer than the width of the projection. (3-15-02)
  - d.** Four-point deer. Only deer having at least one (1) antler with four (4) or more points, not including the brow point or tine, may be taken in any season that is open for four-point or larger deer only. (4-6-05)
  - e.** Elk. Only elk with at least one (1) antler longer than six (6) inches may be taken in any season which is open for antlered elk only. (7-1-99)
  - f.** Spike elk. Only elk with no branching on either antler and at least one (1) antler longer than six (6) inches may be taken in any season which is open for spike elk only. A branch is an antler projection that is at least one (1) inch long and longer than the width of the projection. (7-1-99)
  - g.** Brow-tined elk. Any elk having an antler or antlers with a visible point on the lower half of either main beam that is greater than or equal to four (4) inches long. (3-15-02)
  - h.** Moose. Only moose with at least one (1) antler longer than six (6) inches may be taken in any season open for antlered moose only. (7-1-93)
  - i.** Bighorn Sheep. Only bighorn sheep rams having three-fourths (3/4) curl or greater horns or exceeding four (4) years of age may be taken in any hunt open for rams only. Determination of a three-fourths (3/4) curl shall be made from a broad side view of the head. A ram shall be considered three-fourths (3/4) curl if an imaginary straight line extending downward from the front of the base of the horn through the center of the eye socket

intersects any portion of the horn. (7-1-93)

**03. Seasons Restricted to Antlerless or Female Animals Only.** (7-1-93)

**a.** Deer. Only deer without antlers or with antlers shorter than three (3) inches may be taken in any season which is open for antlerless deer only. (7-1-93)

**b.** Elk. Only elk without antlers or with antlers shorter than six (6) inches may be taken in any season which is open for antlerless elk only. (7-1-93)

**c.** Antelope. Only antelope without a black "cheek patch" or horns less than three (3) inches long may be taken during doe and fawn only antelope seasons. (7-1-93)

**d.** Bighorn sheep. Only bighorn sheep with horns between six (6) inches and twelve (12) inches in length may be taken in any season which is open for bighorn ewes only. (7-1-93)

**e.** Moose. Only moose without antlers or with antlers less than six (6) inches long may be taken in any season which is open for antlerless moose only. (7-1-93)

**301. -- 319. (RESERVED).**

**320. TAG VALIDATION AND ATTACHMENT AND PROXY STATEMENT.**

**01. Tag.** Immediately after any deer, elk, antelope, moose, bighorn sheep, mountain goat, mountain lion, ~~or~~ black bear, or gray wolf is killed, the appropriate big game animal tag must be validated and securely attached to the animal. (~~7-1-93~~)(      )

**a.** Validation. Cut out and completely remove only the two (2) triangles indicating the date and month of kill. (7-1-93)

**b.** Attachment of tag. (7-1-93)

**i.** Deer, elk, antelope, moose, mountain goat, black bear, and bighorn sheep: to the largest portion of the carcass to be retained by the hunter or any person transporting for the hunter. The tag must remain attached during transit to a place of processing and must remain attached until the meat is processed. The validated tag must accompany the processed meat to the place of final storage or final consumption. (10-26-94)

**ii.** Mountain lion and Gray Wolf: To the hide. (~~7-1-93~~)(      )

**02. Proxy Statement.** Any person transporting or possessing any portion of a carcass of a big game animal or processed big game animal meat taken by another must have in possession a written statement signed by the taker showing the number and kinds of animals, the date taken, the taker's name and address, the taker's hunting license number, and the taker's tag and/or permit number. (7-1-93)

**321. -- 349. (RESERVED).**

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

**01. Evidence of Sex.** Evidence of sex must be left naturally attached to the carcass of any big game animal. (4-6-05)

**a.** In antlered or male only seasons, the evidence of sex requirement is met when the head, horns, or antlers are left naturally attached to the whole carcass or to a front quarter. If the head, horns, or antlers are removed, some other external evidence of sex (either scrotum, penis or testicles) must be left naturally attached to the carcass or to a hind quarter until the carcass reaches the final place of storage or consumption; AND the horns or antlers must accompany the carcass while in transit. (7-1-93)



**b.** In spike elk or two-point (2) deer only seasons, the evidence of sex requirement is met when the head with both complete unaltered antlers are left naturally attached to the whole carcass or to a front quarter. If the head or antlers are removed, some other external evidence of sex (either scrotum, penis or testicles) must be left naturally attached to the carcass or to a hind quarter until the carcass reaches the final place of storage or consumption; AND both complete unaltered antlers naturally attached to each other must accompany the carcass while in transit. (7-1-93)

**c.** In antlerless, doe/fawn or female only seasons, if the head is removed from female elk, moose, deer, antelope or bighorn sheep, some other external evidence of sex (either udder or the vulva) must be left naturally attached to the carcass or to a hind quarter until the carcass reaches the final place of storage or consumption. (7-1-93)

**d.** The entire head of antlerless male elk, moose, deer, or antelope or a male lamb bighorn sheep killed during an antlerless, female, doe/fawn or ewe only season, may be left naturally attached to the carcass or to a front quarter until the carcass reaches the final place of storage or consumption. If the head is removed, some other external evidence of sex (either scrotum, penis, or testicles) must be left naturally attached to the carcass or to a hind quarter until the carcass reaches the final place of storage or consumption, AND the lower jaw must accompany the carcass while in transit. (7-1-93)

**e.** For black bear, ~~and~~ mountain lion, and gray wolf, external evidence of sex (either scrotum, penis or testicles for males, or vulva for females) must be left naturally attached to the hide until the mandatory check has been complied with. (~~7-1-98~~)(    )

**02. Evidence of Species.** In seasons restricted to mule deer only or white-tailed deer only, if the head is removed, the fully-haired tail must be left naturally attached to the carcass. (7-1-93)

**03. Evidence of Size.** Any hunter 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. (7-1-93)

**04. Other.** The Department may designate seasons and areas in which the head or lower jaw must accompany the carcass in transit. (7-1-93)

**351. WASTE OF GAME MEAT.**

Hunters are required to remove and care for the edible meat of big game animals, except mountain lions and gray wolves. This includes the meat of the front quarters as far down as the knees, hindquarters as far down as the hock, neck meat, meat along the backbone and meat covering the ribs. It does not include meat of the head, internal organs and meat on the bones after close trimming. (~~4-5-00~~)(    )

**(BREAK IN CONTINUITY OF SECTIONS)**

**410. UNLAWFUL METHODS OF TAKE.**

No person shall take big game animals as outlined in this section. (7-1-93)

**01. Firearms.** (7-1-93)

**a.** With any firearm that, in combination with a scope, sling, and/or any other attachments, weighs more than sixteen (16) pounds. (7-1-93)

**b.** With any shotgun using any shot smaller than double-aught (#00) buck. (7-1-93)

**c.** With any rimfire rifle, rimfire handgun or any muzzleloading handgun, EXCEPT for mountain lion. (7-1-93)

- d.** With a fully automatic firearm. (10-26-94)
- e.** With any electronic device attached to, or incorporated in, the firearm (including handguns and shotguns) or scope; except scopes containing battery powered or tritium lighted reticles are allowed. (4-2-08)
- 02. Bows, Crossbows, Arrows, Bolts, Chemicals or Explosives.** (3-20-97)

  - a.** With arrows or bolts having broadheads measuring less than seven-eighths (7/8) inch in width and having a primary cutting edge less than fifteenth-thousandths (0.015) inch thick. (7-1-93)
  - b.** With any bow having a peak draw weight of less than forty (40) pounds up to or at a draw of twenty-eight (28) inches, or any crossbow having a peak draw weight of less than one hundred-fifty (150) pounds. (3-20-97)
  - c.** With any chemicals or explosives attached to the arrow or bolt. (7-1-93)
  - d.** With arrows or bolts having expanding broadheads. (7-1-93)
  - e.** With arrows or bolts having barbed broadheads. A barbed broadhead is a broadhead which has any portion of the rear edge of the broadhead forming an angle less than ninety (90) degrees with the shaft or ferrule. (7-1-93)
  - f.** With any electronic or tritium-powered device attached to, or incorporated into, an arrow, bolt, crossbow, or bow. (3-30-01)
  - g.** With any bow capable of shooting more than one (1) arrow at a time. (7-1-93)
  - h.** With any compound bow with more than eighty-five percent (85%) let-off. (4-2-08)
  - i.** With an arrow and broadhead, or bolt and broadhead, with a combined total weight of less than three hundred (300) grains. (4-2-08)
  - j.** With an arrow less than twenty-four (24) inches or a crossbow bolt less than twelve (12) inches in length from the broadhead to the nock inclusive. (4-2-08)
  - k.** With an arrow wherein the broadhead does not proceed the shaft and nock. (3-30-01)
  - l.** During an *Archery Only* season, with any firearm, crossbow (except holders of handicapped archery permits), or other implement other than a longbow, compound bow, or recurve bow, or: (3-30-07)

    - i. With any device attached that holds a bow at partial or full draw (except holders of handicapped archery permits). (3-30-07)
    - ii. With any bow or crossbow equipped with magnifying sights. (3-20-97)
  - m.** During a *Traditional Archery Only* season, with any firearm, crossbow, or other implement other than a longbow or recurve bow, or: (3-15-02)

    - i. With an arrow not constructed of wood or fletched with non-natural material. (3-15-02)
    - ii. With any bow equipped with sights. (3-15-02)
  - n.** With any crossbow pistol. (3-20-97)
- 03. Muzzleloaders.** (7-1-93)

- a. With a muzzleloading rifle or musket which is less than forty-five (.45) caliber for deer, antelope, ~~or~~ mountain lion, or gray wolf, or which is less than fifty (.50) caliber for elk, moose, bighorn sheep, mountain goat, or black bear. (7-1-93)(\_\_\_\_)
- b. With any electronic device attached to, or incorporated in, the muzzleloader. (3-30-01)
- c. During a *Muzzleloader Only* season, with any firearm, muzzleloading pistol or other implement other than a muzzleloading rifle or musket which: (7-1-93)
- i. Is at least forty-five (.45) caliber for deer, antelope ~~or~~ mountain lion or gray wolf or at least fifty (.50) caliber for elk, moose, bighorn sheep, mountain goat or black bear. (7-1-93)(\_\_\_\_)
- ii. Is capable of being loaded only from the muzzle. (7-1-93)
- iii. Is equipped only with open or peep sights. (7-1-93)
- iv. Is loaded only with loose black powder or, loose Pyrodex or other loose synthetic black powder. Pelletized powders are prohibited. (4-2-08)
- v. Is equipped with no more than two (2) barrels. (7-1-93)
- vi. Is loaded only with a projectile with a diameter within one hundredth (.01) of an inch of the bore diameter. Sabots are prohibited. (4-2-08)
- vii. Is equipped only with flint, musket cap, or percussion cap. 209 primers are prohibited. (4-2-08)
- viii. Is equipped with an exposed pivoting hammer and has an exposed ignition system. (4-2-08)
- ix. Is loaded only with a patched round ball or conical non-jacketed projectile comprised wholly of lead or lead alloy. Sabots are not allowed. (4-11-06)
- 04. Short-Range Weapon.** During Short-Range Weapon ONLY seasons ONLY the following weapons may be used: (7-1-99)
- a. With any shotgun using any slug or double-aught (#00) or larger buckshot. (7-1-99)
- b. With any muzzleloader that is at least forty-five (0.45) caliber for deer, antelope, ~~or~~ mountain lion, or gray wolf, or at least fifty (0.50) caliber for elk, moose, bighorn sheep, mountain goat, or black bear. (7-1-99)(\_\_\_\_)
- c. With any bow having a peak draw weight of not less than forty (40) pounds up to or at a draw of twenty-eight (28) inches, or any crossbow having a peak draw weight of not less than one hundred fifty (150) pounds. (7-1-99)
- 05. Other.** (7-1-93)
- a. With electronic calls EXCEPT for the hunting of mountain lions in Units 41, 42 and that portion of Unit 12 north of State Highway 12 southwest of the Doe Creek Road (Forest Service Road 566) and northeast of Cabin Creek and Forest Service Road 486. (3-15-02)
- b. With any bait including grain, salt in any form (liquid or solid), or any other substance (not to include liquid scent) to constitute an attraction or enticement, with the exception of applicable rules for the black bear baiting permit. See Rules of the Idaho Fish and Game Commission, IDAPA 13.01.17, "Rules Governing the Use of Bait for Taking Big Game Animals." (3-30-01)
- c. With dogs, EXCEPT for mountain lion or black bear. See Rules of the Idaho Fish and Game Commission, IDAPA 13.01.15, "Rules Governing the Use of Dogs." (7-1-93)

**d.** With any net, snare, trap, chemical, deadfall or device other than legal firearm, archery or muzzleloader equipment. (7-1-93)

**e.** Within an enclosure designed to prevent ingress or egress of big game animals, including fenced facilities defined as Domestic Cervidae Farms under Section 25-3501, Idaho Code, unless authorized by the director. This rule shall not apply to domestic cervidae which are lawfully privately owned elk, fallow deer, or reindeer. (4-6-05)

**(BREAK IN CONTINUITY OF SECTIONS)**

**420. MANDATORY CHECK AND REPORT REQUIREMENTS.**

Any hunter killing black bear, Panhandle elk, moose, bighorn sheep or mountain goat, or mountain lion in a unit with no female lion quota must, WITHIN TEN (10) DAYS OF THE DATE OF KILL, or any hunter killing mountain lion in a unit with a female quota must, WITHIN FIVE (5) DAYS OF THE DATE OF KILL, and any hunter killing a wolf must report the harvest within twenty-four (24) hours by calling the Wolf Reporting Number, a toll-free telephone number published in the gray wolf season brochure available at Department offices and license vendors. Additionally, any hunter killing a wolf must, WITHIN FIVE (5) DAYS OF THE DATE OF KILL, comply with the mandatory check and report requirements by: ~~(4-5-00)~~( )

**01. Harvest Report.** Completing the relevant harvest report (big game mortality report or other report form as required) for the species taken. (4-6-05)

**02. Presentation of Animal Parts.** Presenting the following animal parts so that Department personnel may collect biological data and mark the animal parts: (7-1-93)

**a.** Bear: Skull and hide 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. No person shall have in possession, except during the open season and for ten (10) days after the close of the season, any raw black bear pelt which does not have an official state export tag attached (either Idaho's or another state's official export tag). (7-1-93)

**b.** Mountain Lion: Skull and hide to be presented to a conservation officer or regional office to have the hide marked. No person shall have in possession, except during the open season and for five (5) days after the close of the season, any raw mountain lion pelt which does not have an official state export tag attached (either Idaho's or another state's official export tag). (7-1-93)

**c.** Gray Wolf: Skull and hide to be presented to a conservation officer or regional office for removal and retention of a premolar tooth, and to have the hide marked. No person shall have in possession, except during the open season and for five (5) days after the close of the season, any raw gray wolf pelt which does not have an official state export tag attached (either Idaho's or another state's official export tag). ( )

**ed.** Moose: Antlers from antlered animals to be presented to a conservation officer or regional office. (7-1-93)

**de.** Bighorn Sheep: Ram horns to be presented to a regional office for marking, ewe horns to be presented to a regional office. (7-1-93)

**ef.** Mountain Goat: Horns to be presented to a conservation officer or regional office. (7-1-93)

**03. Authorized Representative.** A hunter may authorize another person to comply with the above requirements if that person complies with reporting requirements and possesses enough information to accurately complete the necessary form. (7-1-93)

**(BREAK IN CONTINUITY OF SECTIONS)**

**500. AREAS CLOSED TO HUNTING OF BIG GAME ANIMALS.**

**01. Restricted Areas for Big Game.** Hunting, killing, or molesting of any big game animal is prohibited in the following areas: (7-1-93)

**a.** Craters of the Moon National Monument and Preserve in Blaine and Butte Counties; the boundary of the Craters of the Moon National Monument was recently greatly enlarged by Presidential Proclamation. All of the lands added to the Monument and Preserve remain open to hunting, while lands within the former National Monument remain closed to hunting. It is the hunter's responsibility to check the current status of open/closed area boundaries prior to hunting. (4-6-05)

**b.** All state parks, EXCEPT Farragut State Park that has a November/December deer archery season, Billingsley Creek at Malad Gorge State Park, Castle Rock State Park and state land within the City of Rocks National Reserve are all open to hunting; (4-6-05)

**c.** Harriman State Park Wildlife Refuge. (4-6-05)

**d.** Nez Perce National Historical Park in Clearwater, Idaho, and Nez Perce Counties; (7-1-93)

**e.** That portion of Ada County within Veterans Memorial Park and the area between State Highway 21 to Warm Springs Avenue and the Boise City limits; (4-6-05)

**f.** Yellowstone National Park in Fremont County; (7-1-93)

**g.** On any of those portions of State game preserves, State wildlife management areas, bird preserves, bird refuges, and bird sanctuaries for which hunting closures have been declared by legislative or Commission action; (7-1-93)

**h.** All or portions of national wildlife refuges, EXCEPT as specified in federal regulations for individual refuges; and, (7-1-93)

**i.** All Snake River islands between the Glens Ferry bridge and the Sailor Creek bridge in Elmore County. (7-1-93)

**j.** Hagerman Fossil Beds National Monument in Twin Falls County, EXCEPT that portion within an area of fifty (50) feet in elevation above the high water level of the Snake River. The upslope area is marked by yellow fiberglass markers, and hunting is permitted downslope to the river. (3-20-97)

**02. Mountain Lions.** Mountain lion or Gray Wolf may not be hunted or pursued within one-half (1/2) mile of any active Department of Fish and Game big game feeding site. (~~7-1-93~~)(\_\_\_\_)

**03. Black Bear.** Black bear or Gray Wolf may not be hunted or pursued within two hundred (200) yards of the perimeter of any designated dump ground or sanitary landfill. (~~7-1-93~~)(\_\_\_\_)

# IDAPA 13 - IDAHO FISH AND GAME COMMISSION

## 13.01.08 - RULES GOVERNING THE TAKING OF BIG GAME ANIMALS

DOCKET NO. 13-0108-0802

### NOTICE OF RULEMAKING - PROPOSED RULE

**AUTHORITY:** In compliance with Section 67-5221(1), Idaho Code, notice is hereby given that this agency has initiated proposed rulemaking procedures. The action is authorized pursuant to Sections 36-104(b) and 36-1101, Idaho Code.

**PUBLIC HEARING SCHEDULE:** Public hearing(s) concerning this rulemaking will be scheduled if requested in writing by twenty-five (25) persons, a political subdivision, or an agency, not later than October 15, 2008.

The hearing site(s) will be accessible to persons with disabilities. Requests for accommodation must be made not later than five (5) days prior to the hearing, to the agency address below.

**DESCRIPTIVE SUMMARY:** The following is the required finding and concise statement of its supporting reasons for adopting a temporary rule and a nontechnical explanation of the substance and purpose of the proposed rulemaking:

Amend the rule to allow the use of "red dot" scopes on crossbows by disabled archers. Allow senior and disabled hunters to apply for leftover youth controlled hunt permits. Simplify the evidence-of-sex rule to apply only during transportation of a big game carcass to a final place of storage or a Commercial meat processing facility. Correct obsolete rules concerning ¾ curl and mandatory class requirements for bighorn sheep hunters.

**FEE SUMMARY:** The following is a specific description of the fee or charge imposed or increased: N/A

**FISCAL IMPACT:** The following is a specific description, if applicable, of any negative fiscal impact on the state general funds greater than ten thousand dollars (\$10,000) during the fiscal year resulting from this rulemaking: N/A

**NEGOTIATED RULEMAKING:** Pursuant to IDAPA 04.11.01.811, negotiated rulemaking was not conducted because of the lack of an identified group to represent various interested persons makes it infeasible.

**ASSISTANCE ON TECHNICAL QUESTIONS, SUBMISSION OF WRITTEN COMMENTS:** For assistance on technical questions concerning the proposed rule, contact Brad Compton (208) 287-2756.

Anyone may submit written comments regarding the proposed rulemaking. All written comments must be directed to the undersigned and must be delivered on or before October 22, 2008.

DATED this 20th day of August, 2008.

W. Dallas Burkhalter  
Deputy Attorney General  
Natural Resources Division/Fish and Game  
600 S. Walnut  
P.O. Box 25, Boise, Idaho 83707  
(208) 334-3715, Fax (208) 334-2148

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THE FOLLOWING IS THE TEXT OF DOCKET NO. 13-0108-0802

260. PERMITS FOR CONTROLLED HUNTS.

**01. Use of Controlled Hunt Permits.** No person may hunt in any controlled hunt without having a valid controlled hunt permit in possession. (7-1-93)

**a.** A controlled hunt area with an "X" suffix is an extra tag hunt. (10-26-94)

**b.** In the event a permit is issued based on erroneous information, the permit will be invalidated by the Department and may NOT be used. The Department will notify the permittee of the invalidation of the permit. The person will remain on the drawn list, and if there is a waiting period in a succeeding year, the person will be required to wait the specified time period. (7-1-93)

**c.** Any person who receives a controlled hunt permit and tag for deer is prohibited from hunting in any other deer hunt--archery, muzzleloader, or general; EXCEPT the holder of a deer controlled hunt permit and tag may purchase a tag for and hunt in an extra tag hunt, or controlled hunt permit/extra tag hunt for deer. (3-20-97)

**d.** Any person who receives a combination controlled hunt permit/extra tag for deer may hunt in any other deer hunt--archery, muzzleloader, general or controlled hunt. (7-1-93)

**e.** Any person who receives a controlled hunt permit for elk is prohibited from hunting in any other elk hunt--archery, muzzleloader, or general; EXCEPT a controlled hunt permit holder may purchase a tag for and hunt in an extra tag hunt for elk. (7-1-93)

**f.** Any person who receives a combination controlled hunt permit/tag for antelope is prohibited from hunting in any archery antelope hunt. The holder of an antelope combination controlled hunt permit/extra tag may apply for a combination controlled hunt permit/tag for antelope or may purchase a tag for an archery antelope hunt. (7-1-93)

**g.** Any person who receives a spring controlled hunt permit for black bear is prohibited from hunting in any other spring bear hunt - April 15 to June 30. (7-1-99)

**h.** Any person who receives a fall controlled hunt permit for black bear is prohibited from hunting in any other fall bear hunts -- September 15 to October 31. (10-26-94)

**02. Nonresident Permit Limitations.** (3-20-04)

**a.** In controlled hunts with ten (10) or fewer permits, not more than one (1) nonresident permit will be issued. In controlled hunts, EXCEPT unlimited controlled hunts, with more than ten (10) permits, not more than ten percent (10%) of the permits will be issued to nonresidents. This rule shall be applied to each uniquely numbered controlled hunt and to the controlled hunts for each species. (4-6-05)

**b.** Outfitter allocated hunts are exempt from the limitation of Subsection 260.02.a. (3-20-04)

**c.** For each species, the total number of outfitter allocated controlled hunt permits shall be subtracted from the result of ten percent (10%) of the sum of all controlled hunt permits; including outfitter allocated controlled hunts, but excluding all unlimited controlled hunts. In addition to the limitations of Subsection 260.02.a., the resulting net number shall be the maximum number of controlled hunt permits that may be issued to nonresidents for all controlled hunts except outfitter allocated and unlimited controlled hunts. (3-20-04)

**03. Eligibility.** Any person possessing a valid Idaho hunting license is eligible to apply for controlled hunts subject to the following restrictions: (7-1-93)

**a.** Holders of a Nongame Hunting License (Type 208) may not apply for any controlled hunt.(4-6-05)

**b.** Any person whose name was drawn on a controlled hunt for either sub-species of bighorn sheep may not apply for any bighorn permit for two (2) years. Any person whose name was drawn on a controlled hunt for mountain goat may not apply for a mountain goat permit for two (2) years. Any person whose name was drawn on a controlled hunt for moose may not apply for a moose permit for two (2) years. Any person whose name was drawn on

a controlled antlered-only deer hunt may NOT apply for any other controlled antlered-only deer hunt for one (1) year. Any person whose name was drawn on a controlled antlered-only elk hunt may NOT apply for any other controlled antlered-only elk hunt for one (1) year. The one (1) year waiting period does NOT apply to controlled hunts with an unlimited number of permits nor Landowner Preference Permits. EXCEPT all successful and unsuccessful antelope, deer and elk hunters that comply with all Mandatory Report requirements will be eligible to be randomly drawn for one (1) of ten (10) "Super" controlled antelope/deer/elk tags to hunt in any open general and/or controlled antelope, deer or elk hunt in the following hunting season. (3-15-02)

**c.** Any person applying for a bighorn sheep, mountain goat, or moose controlled hunt may NOT apply for any other controlled hunt in the same year EXCEPT Unlimited Controlled Hunts, a controlled black bear hunt, or a designated depredation or extra tag hunt for deer, elk or antelope. In addition, unsuccessful applicants for bighorn sheep, mountain goat or moose controlled hunts are eligible to participate in first-come, first-served deer, elk and antelope controlled hunt permit sales. (10-26-94)

**d.** Any person who has killed a California bighorn ram, Rocky Mountain bighorn ram or a moose on any controlled hunt may not apply for a permit for the same subspecies, EXCEPT any person who has killed a California bighorn ram south of Interstate Highway 84 since 1974 and is otherwise eligible, may apply for a Rocky Mountain bighorn ram permit for any hunt north of Interstate Highway 84. Any person who has killed a Rocky Mountain bighorn ram north of Interstate Highway 84 since 1974 and is otherwise eligible, may apply for a California bighorn ram permit for any hunt south of Interstate Highway 84. Auction tag and lottery tag winners are exempt from the once-in-a-lifetime restrictions on killing bighorn sheep of either subspecies. (4-5-00)

**e.** No person applying for a Rocky Mountain bighorn sheep controlled hunt as a first choice shall apply for a California bighorn sheep controlled hunt as a second choice. No person applying for a California bighorn sheep controlled hunt as a first choice shall apply for a Rocky Mountain bighorn sheep controlled hunt as a second choice. No person shall apply for both a Rocky Mountain and a California bighorn the same year. (7-1-93)

**f.** Any person who kills a bighorn ewe may not apply for another bighorn ewe controlled hunt permit for five (5) years. The harvest of a bighorn ewe does not make the permittee ineligible to apply for a permit to take a California bighorn ram or a Rocky Mountain bighorn ram. Any person who applies for a bighorn ewe may not apply for any bighorn ram the same year. (7-1-93)

**g.** Any person who has killed a mountain goat since 1977 may not apply for a mountain goat permit. (7-1-93)

**h.** Any person who has killed an antlered moose in Idaho may not apply for a moose permit for antlered moose, and any person who has killed an antlerless moose in Idaho may not apply for a permit for antlerless moose EXCEPT that any person may apply for permits remaining unfilled after the controlled hunt draw. (4-11-06)

**i.** Any person applying for a landowner permission hunt must have a signed permission slip from a landowner who owns more than one hundred fifty-nine (159) acres in the hunt area. The permission slip must have the landowner's name and address on it along with the landowner's signature. (7-1-98)

**j.** Any person may apply for both a controlled hunt permit/tag and a controlled hunt permit/extra tag. (7-1-93)

**k.** Nonresident hound hunters applying for controlled black bear hunts must first obtain a Hound Hunter Permit pursuant to IDAPA 13.01.15.200.04, "Rules Governing the Use of Dogs." (7-1-99)

**l.** Any person applying for an outfitter allocated controlled hunt must have a written agreement with the outfitter before submitting the controlled hunt application. (4-11-06)

**m.** The Commission establishes youth only controlled hunts by proclamation. Only hunters twelve (12) to seventeen (17) years of age with a valid license may apply for youth only controlled hunts, EXCEPT hunters sixty-five (65) years of age or older or hunters with a senior combination hunting license or a disabled combination hunting license may apply for first-come, first-served leftover youth only controlled hunt permits. ( )



**04. Applications.** Individual applications or group applications for controlled hunts shall be made on a form prescribed by the Department and must be received at the Headquarters Office of the Idaho Department of Fish and Game or postmarked not later than the annual dates shown below. Any individual application or group application which is unreadable, has incomplete or incorrect hunt or license numbers, or which lacks the required information or fee will be declared void and will not be entered in the drawing. All applications will be considered final; they may not be resubmitted after correction. (10-26-94)

- a.** Spring black bear - Application period - January 15 - February 15. (4-6-05)
- b.** Moose, bighorn sheep, and mountain goat - Application period for first drawing - April 1 - 30. (4-6-05)
- c.** Deer, elk, antelope and fall black bear - Application period for first drawing - May 1 - June 5. (3-30-07)
- d.** Moose, bighorn sheep, and mountain goat - Application period for second drawing, if applicable - June 15 - 25. (4-6-05)
- e.** Deer, elk, antelope, and fall black bear - Application period for second drawing - August 5 - 15. (4-6-05)

**05. Applicant Requirements.** Applicants must comply with the following requirements: (7-1-93)

**a.** Only one (1) application, per person or group, will be accepted for the same species, EXCEPT a person or group may submit one additional application for a controlled hunt permit/extra tag for the same species. Additional applications for the same person or group for the same species will result in all applicants being declared ineligible. (10-26-94)

**b.** Only one (1) controlled hunt permit/extra tag will be issued for each person on any application submitted. (10-26-94)

**c.** Several applications may be submitted in a single envelope so long as each application is for a single species, a single applicant or group, and both hunts on an application must be controlled hunt permit/tag hunts or controlled hunt permit/extra tag hunts. (10-26-94)

**d.** Fees must be submitted with each application. A single payment (either cashier's check, money order, certified check, or a personal check) may be submitted to cover fees for all applications in the same envelope. If a check or money order is insufficient to cover the fees, all applications will be voided and returned. The application fee is set by Section 36-416, Idaho Code, per person per hunt, for deer, elk, antelope, moose, bighorn sheep, mountain goat, black bear, and lion, applied for and is NOT refundable. The tag fees are not to be submitted with either the telephone or mail-in-application for deer, elk, antelope, black bear, or mountain lion. Persons applying for moose, bighorn sheep, or mountain goat controlled hunts must submit the tag fee and application fee with their application. Applicants successful in drawing for a moose, bighorn sheep, or mountain goat will receive a permit tag in the mail. (4-6-05)

**e.** Any controlled hunt permits, EXCEPT unlimited controlled hunts that remain unsold after the controlled hunt drawings may be sold forty five (45) days following the close of each respective controlled hunt drawing by any Point-of-Sale vendor on a first-come, first-served basis UNLESS such day is a Sunday, in which case the permits will go on sale the next legal business day. A controlled hunt permit and tag will be issued to successful applicants. The ten percent (10%) nonresident limitation shall not apply. Applicants with a tag already in possession must return their tag to a Department office to be exchanged for the appropriate controlled hunt tag. The fee for the exchanged tag is the fee for a duplicate tag. (3-15-02)

**f.** A "group application" for deer, elk, and antelope is defined as two, three, or four (2, 3, or 4) hunters applying for the same controlled hunt on the same application. All hunters must comply with all rules and complete applications properly. All applicants must abide by the same first and second hunt choices. (10-26-94)

**g.** A “group application” for moose, bighorn sheep, mountain goat, and black bear is defined as two (2) hunters applying for the same controlled hunt on the same application. Both hunters must comply with all rules and complete applications properly. Both applicants must abide by the same first and second hunt choices.

(10-26-94)

**h.** If a group application exceeds the number of permits available in a hunt that group application will not be selected for that hunt.

(7-1-98)

**i.** Landowner permission hunt permits will be sold first-come, first-served basis at the Nampa, McCall and Headquarters offices of the Idaho Department of Fish and Game after July 15.

(7-1-98)

**06. Refunds of Controlled Hunt Fees.**

(7-1-93)

**a.** Controlled hunt tag fees will be refunded to the unsuccessful or ineligible applicants for moose, sheep, and mountain goat. Unsuccessful applicants may donate all or a portion of their tag fee for moose, bighorn sheep, and mountain goat to Citizens Against Poaching by checking the appropriate box on the application. One dollar (\$1) of the non-refundable application fee will go to Citizens Against Poaching unless the applicant instructs otherwise.

(3-20-97)

**b.** Fees for hunting licenses will NOT be refunded to unsuccessful or ineligible applicants.

(10-26-94)

**c.** Fees for deer or elk tags purchased prior to the drawing will NOT be refunded to unsuccessful or ineligible applicants.

(10-26-94)

**d.** Overpayment of fees of more than five dollars (\$5) will be refunded. Overpayment of five dollars (\$5) or less will NOT be refunded and will be retained by the Department.

(7-1-93)

**07. Controlled Hunt Drawing.** 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.

(7-1-93)

**08. Unclaimed Permits.** Successful applicants for the first deer, elk, black bear, or antelope controlled hunt drawing must purchase and pick up their controlled hunt permit and tag by August 1. All controlled hunt tags and permits not purchased and picked up will be entered into a second controlled hunt drawing. Any controlled hunt tags and permits left over or unclaimed after the second controlled hunt drawing will be sold on a first-come, first-served basis.

(4-6-05)

**(BREAK IN CONTINUITY OF SECTIONS)**

**270. MANDATORY SCHOOL.**

~~**01. Sheep Permits.** Anyone drawing a sheep permit must attend a mandatory sheep school at a Department office prior to hunting bighorn sheep. Attendees will be issued a certificate of completion, which must be carried by the permittee during the hunt.~~

~~(7-1-93)~~

~~**02. Use of Licensed Guide.** Any hunter who will have an Idaho licensed guide with him at all times while hunting sheep may choose to have said guide attend in his place. This option may be accomplished by notifying the Department in writing of the name, address, and phone number of the designated guide. Notification must be sent to the Idaho Department of Fish and Game, c/o Sheep School, P.O. Box 25, Boise, Idaho 83707 and must be received by the Department prior to attendance by the designated guide.~~

~~(7-1-93)~~

~~**03.** Mandatory Class for Deer Hunt Area 39-3. Anyone drawing a deer controlled archery-only hunt permit for controlled hunt area 39-3 must attend a mandatory hunter orientation class. The class is three (3) hours long and will be offered at times specified by the Department. The orientation classes will be offered on ten (10) dates~~

between October 15 and November 15. Since classroom size is limited, each permittee must schedule a time to attend a class prior to October 15. Attendees will be issued a certificate of completion, which must be carried by the permittee during the hunt. Holders of "Certificates of Completion" from previous hunts are not required to attend this orientation class. (4-6-05)

**271. -- 299. (RESERVED).**

**300. IDENTIFICATION OF ANIMALS THAT LEGALLY MAY BE TAKEN.**

**01. Big Game Animals of Either Sex.** Big game animals of either sex may be taken as noted below: (7-1-93)

- a.** Mountain Goat. Either sex may be taken EXCEPT nannies accompanied by kids. (7-1-93)
- b.** Black Bear. Either sex may be taken EXCEPT female black bears accompanied by young. (7-1-93)
- c.** Mountain Lion. Either sex may be taken EXCEPT spotted young or females accompanied by young. (7-1-93)

**02. Seasons Restricted to Antlered or Male Animals Only.** (7-1-93)

**a.** Deer. Only deer with at least one (1) antler longer than three (3) inches may be taken in any season which is open for antlered deer only. (7-1-93)

**b.** Two-point deer. Only deer with not more than two (2) points on one (1) antler, not including brow point, and at least one (1) antler longer than three (3) inches may be taken in any season which is open for two-point deer only. A point is an antler projection that is at least one (1) inch long and longer than the width of the projection. (7-1-99)

**c.** Three-point deer. Only deer having at least one (1) antler with three (3) or more points not counting the brow point or tine may be taken in any season which is open for three-point or larger deer only. A point is an antler projection that is at least one (1) inch long and longer than the width of the projection. (3-15-02)

**d.** Four-point deer. Only deer having at least one (1) antler with four (4) or more points, not including the brow point or tine, may be taken in any season that is open for four-point or larger deer only. (4-6-05)

**e.** Elk. Only elk with at least one (1) antler longer than six (6) inches may be taken in any season which is open for antlered elk only. (7-1-99)

**f.** Spike elk. Only elk with no branching on either antler and at least one (1) antler longer than six (6) inches may be taken in any season which is open for spike elk only. A branch is an antler projection that is at least one (1) inch long and longer than the width of the projection. (7-1-99)

**g.** Brow-tined elk. Any elk having an antler or antlers with a visible point on the lower half of either main beam that is greater than or equal to four (4) inches long. (3-15-02)

**h.** Moose. Only moose with at least one (1) antler longer than six (6) inches may be taken in any season open for antlered moose only. (7-1-93)

~~**i.** Bighorn Sheep. Only bighorn sheep rams having three fourths (3/4) curl or greater horns or exceeding four (4) years of age may be taken in any hunt open for rams only. Determination of a three fourths (3/4) curl shall be made from a broad side view of the head. A ram shall be considered three fourths (3/4) curl if an imaginary straight line extending downward from the front of the base of the horn through the center of the eye socket intersects any portion of the horn. (7-1-93)~~

**03. Seasons Restricted to Antlerless or Female Animals Only.** (7-1-93)

- a.** Deer. Only deer without antlers or with antlers shorter than three (3) inches may be taken in any season which is open for antlerless deer only. (7-1-93)
- b.** Elk. Only elk without antlers or with antlers shorter than six (6) inches may be taken in any season which is open for antlerless elk only. (7-1-93)
- c.** Antelope. Only antelope without a black “cheek patch” or horns less than three (3) inches long may be taken during doe and fawn only antelope seasons. (7-1-93)
- d.** Bighorn sheep. Only bighorn sheep with horns between six (6) inches and twelve (12) inches in length may be taken in any season which is open for bighorn ewes only. (7-1-93)
- e.** Moose. Only moose without antlers or with antlers less than six (6) inches long may be taken in any season which is open for antlerless moose only. (7-1-93)

**(BREAK IN CONTINUITY OF SECTIONS)**

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

- 01. Evidence of Sex.** Evidence of sex must be left naturally attached to the carcass of any big game animal. (4-6-05)

  - a.** In antlered or male only seasons, the evidence of sex requirement is met when the head, horns, or antlers are left naturally attached to the whole carcass or to a front quarter. If the head, horns, or antlers are removed, some other external evidence of sex (either scrotum, penis or testicles) must be left naturally attached to the carcass or to a hind quarter until the carcass reaches the final place of storage or consumption, or a commercial meat processing facility; AND the horns or antlers must accompany the carcass while in transit. (~~7-1-93~~)( )
  - b.** In spike elk or two-point (2) deer only seasons, the evidence of sex requirement is met when the head with both complete unaltered antlers are left naturally attached to the whole carcass or to a front quarter. If the head or antlers are removed, some other external evidence of sex (either scrotum, penis or testicles) must be left or a commercial meat processing facility naturally attached to the carcass or to a hind quarter until the carcass reaches the final place of storage or consumption; AND both complete unaltered antlers naturally attached to each other must accompany the carcass while in transit. (~~7-1-93~~)( )
  - c.** In antlerless, doe/fawn or female only seasons, if the head is removed from female elk, moose, deer, antelope or bighorn sheep, some other external evidence of sex (either udder or the vulva) must be left naturally attached to the carcass or to a hind quarter until the carcass reaches the final place of storage or consumption or a commercial meat processing facility. (~~7-1-93~~)( )
  - d.** The entire head of antlerless male elk, moose, deer, or antelope or a male lamb bighorn sheep killed during an antlerless, female, doe/fawn or ewe only season, may be left naturally attached to the carcass or to a front quarter until the carcass reaches the final place of storage or consumption. If the head is removed, some other external evidence of sex (either scrotum, penis, or testicles) must be left naturally attached to the carcass or to a hind quarter until the carcass reaches the final place of storage or consumption, AND the lower jaw must accompany the carcass while in transit. (7-1-93)
  - e.** For black bear and mountain lion external evidence of sex (either scrotum, penis or testicles for males, or vulva for females) must be left naturally attached to the hide until the mandatory check has been complied with. (7-1-98)
- 02. Evidence of Species.** In seasons restricted to mule deer only or white-tailed deer only, if the head is removed, the fully-haired tail must be left naturally attached to the carcass. (7-1-93)

**03. Evidence of Size.** Any hunter 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. (7-1-93)

**04. Other.** The Department may designate seasons and areas in which the head or lower jaw must accompany the carcass in transit. (7-1-93)

**(BREAK IN CONTINUITY OF SECTIONS)**

**410. UNLAWFUL METHODS OF TAKE.**

No person shall take big game animals as outlined in this section. (7-1-93)

**01. Firearms.** (7-1-93)

**a.** With any firearm that, in combination with a scope, sling, and/or any other attachments, weighs more than sixteen (16) pounds. (7-1-93)

**b.** With any shotgun using any shot smaller than double-aught (#00) buck. (7-1-93)

**c.** With any rimfire rifle, rimfire handgun or any muzzleloading handgun, EXCEPT for mountain lion. (7-1-93)

**d.** With a fully automatic firearm. (10-26-94)

**e.** With any electronic device attached to, or incorporated in, the firearm (including handguns and shotguns) or scope; except scopes containing battery powered or tritium lighted reticles are allowed. (4-2-08)

**02. Bows, Crossbows, Arrows, Bolts, Chemicals or Explosives.** (3-20-97)

**a.** With arrows or bolts having broadheads measuring less than seven-eighths (7/8) inch in width and having a primary cutting edge less than fifteenth-thousandths (0.015) inch thick. (7-1-93)

**b.** With any bow having a peak draw weight of less than forty (40) pounds up to or at a draw of twenty-eight (28) inches, or any crossbow having a peak draw weight of less than one hundred-fifty (150) pounds. (3-20-97)

**c.** With any chemicals or explosives attached to the arrow or bolt. (7-1-93)

**d.** With arrows or bolts having expanding broadheads. (7-1-93)

**e.** With arrows or bolts having barbed broadheads. A barbed broadhead is a broadhead which has any portion of the rear edge of the broadhead forming an angle less than ninety (90) degrees with the shaft or ferrule. (7-1-93)

**f.** With any electronic or tritium-powered device attached to, or incorporated into, an arrow, bolt, crossbow, or bow (except nonmagnifying scopes containing battery powered or tritium lighted reticles may be used by disabled archery permit holders). ~~(3-30-01)~~( )

**g.** With any bow capable of shooting more than one (1) arrow at a time. (7-1-93)

**h.** With any compound bow with more than eighty-five percent (85%) let-off. (4-2-08)

- i.** With an arrow and broadhead, or bolt and broadhead, with a combined total weight of less than three hundred (300) grains. (4-2-08)
- j.** With an arrow less than twenty-four (24) inches or a crossbow bolt less than twelve (12) inches in length from the broadhead to the nock inclusive. (4-2-08)
- k.** With an arrow wherein the broadhead does not proceed the shaft and nock. (3-30-01)
- l.** During an *Archery Only* season, with any firearm, crossbow (except holders of handicapped archery permits), or other implement other than a longbow, compound bow, or recurve bow, or: (3-30-07)

  - i.** With any device attached that holds a bow at partial or full draw (except holders of handicapped archery permits). (3-30-07)
  - ii.** With any bow or crossbow equipped with magnifying sights. (3-20-97)
- m.** During a *Traditional Archery Only* season, with any firearm, crossbow, or other implement other than a longbow or recurve bow, or: (3-15-02)

  - i.** With an arrow not constructed of wood or fletched with non-natural material. (3-15-02)
  - ii.** With any bow equipped with sights. (3-15-02)
- n.** With any crossbow pistol. (3-20-97)
- 03. Muzzleloaders.** (7-1-93)

  - a.** With a muzzleloading rifle or musket which is less than forty-five (.45) caliber for deer, antelope, or mountain lion, or which is less than fifty (.50) caliber for elk, moose, bighorn sheep, mountain goat, or black bear. (7-1-93)
  - b.** With any electronic device attached to, or incorporated in, the muzzleloader. (3-30-01)
  - c.** During a *Muzzleloader Only* season, with any firearm, muzzleloading pistol or other implement other than a muzzleloading rifle or musket which: (7-1-93)

    - i.** Is at least forty-five (.45) caliber for deer, antelope or mountain lion or at least fifty (.50) caliber for elk, moose, bighorn sheep, mountain goat or black bear. (7-1-93)
    - ii.** Is capable of being loaded only from the muzzle. (7-1-93)
    - iii.** Is equipped only with open or peep sights. (7-1-93)
    - iv.** Is loaded only with loose black powder or, loose Pyrodex or other loose synthetic black powder. Pelletized powders are prohibited. (4-2-08)
    - v.** Is equipped with no more than two (2) barrels. (7-1-93)
    - vi.** Is loaded only with a projectile with a diameter within one hundredth (.01) of an inch of the bore diameter. Sabots are prohibited. (4-2-08)
    - vii.** Is equipped only with flint, musket cap, or percussion cap. 209 primers are prohibited. (4-2-08)
    - viii.** Is equipped with an exposed pivoting hammer and has an exposed ignition system. (4-2-08)
    - ix.** Is loaded only with a patched round ball or conical non-jacketed projectile comprised wholly of lead or lead alloy. Sabots are not allowed. (4-11-06)

- 04. Short-Range Weapon.** During Short-Range Weapon ONLY seasons ONLY the following weapons may be used: (7-1-99)
- a.** With any shotgun using any slug or double-aught (#00) or larger buckshot. (7-1-99)
  - b.** With any muzzleloader that is at least forty-five (0.45) caliber for deer, antelope, or mountain lion or at least fifty (0.50) caliber for elk, moose, bighorn sheep, mountain goat, or black bear. (7-1-99)
  - c.** With any bow having a peak draw weight of not less than forty (40) pounds up to or at a draw of twenty-eight (28) inches, or any crossbow having a peak draw weight of not less than one hundred fifty (150) pounds. (7-1-99)
- 05. Other.** (7-1-93)
- a.** With electronic calls EXCEPT for the hunting of mountain lions in Units 41, 42 and that portion of Unit 12 north of State Highway 12 southwest of the Doe Creek Road (Forest Service Road 566) and northeast of Cabin Creek and Forest Service Road 486. (3-15-02)
  - b.** With any bait including grain, salt in any form (liquid or solid), or any other substance (not to include liquid scent) to constitute an attraction or enticement, with the exception of applicable rules for the black bear baiting permit. See Rules of the Idaho Fish and Game Commission, IDAPA 13.01.17, "Rules Governing the Use of Bait for Taking Big Game Animals." (3-30-01)
  - c.** With dogs, EXCEPT for mountain lion or black bear. See Rules of the Idaho Fish and Game Commission, IDAPA 13.01.15, "Rules Governing the Use of Dogs." (7-1-93)
  - d.** With any net, snare, trap, chemical, deadfall or device other than legal firearm, archery or muzzleloader equipment. (7-1-93)
  - e.** Within an enclosure designed to prevent ingress or egress of big game animals, including fenced facilities defined as Domestic Cervidae Farms under Section 25-3501, Idaho Code, unless authorized by the director. This rule shall not apply to domestic cervidae which are lawfully privately owned elk, fallow deer, or reindeer. (4-6-05)

# IDAPA 13 - IDAHO FISH AND GAME COMMISSION

## 13.01.08 - RULES GOVERNING THE TAKING OF BIG GAME ANIMALS

DOCKET NO. 13-0108-0803

### NOTICE OF RULEMAKING - PROPOSED RULE

**AUTHORITY:** In compliance with Section 67-5221(1), Idaho Code, notice is hereby given that this agency has initiated proposed rulemaking procedures. The action is authorized pursuant to Sections 36-104(b) and 36-1101, Idaho Code.

**PUBLIC HEARING SCHEDULE:** Public hearing(s) concerning this rulemaking will be scheduled if requested in writing by twenty-five (25) persons, a political subdivision, or an agency, not later than October 15, 2008.

The hearing site(s) will be accessible to persons with disabilities. Requests for accommodation must be made not later than five (5) days prior to the hearing, to the agency address below.

**DESCRIPTIVE SUMMARY:** The following is a nontechnical explanation of the substance and purpose of the proposed rulemaking:

In January 2007, the Department recommended and the Commission adopted changes to muzzleloader equipment rules. The most controversial rule change has been the requirement for a pivoting hammer, functionally prohibiting the use of many in-line muzzleloaders in muzzleloader-only hunts. The Department recommends that the muzzleloader equipment rules be amended to allow the use of in-line muzzleloaders.

**FEE SUMMARY:** Pursuant to Section 67-5226(2), the Governor has found that the fee or charge being imposed or increased is justified and necessary to avoid immediate danger and the fee is described herein: N/A

**FISCAL IMPACT:** The following is a specific description, if applicable, of any negative fiscal impact on the state general fund greater than ten thousand dollars (\$10,000) during the fiscal year: N/A

**NEGOTIATED RULEMAKING:** Pursuant to Section 67-5220(2), Idaho Code, negotiated rulemaking was not conducted because of the need to comply with printing schedules for the 2008 hunting seasons.

**ASSISTANCE ON TECHNICAL QUESTIONS, SUBMISSION OF WRITTEN COMMENTS:** For assistance on technical questions concerning the rule, contact Brad Compton (208) 287-2756.

Anyone may submit written comments regarding the proposed rulemaking. All written comments must be directed to the undersigned and must be delivered on or before October 22, 2008.

DATED this 20th day of August, 2008.

W. Dallas Burkhalter  
Deputy Attorney General  
Natural Resources Division/Fish and Game  
600 S. Walnut  
P.O. Box 25, Boise, Idaho 83707  
(208) 334-3715  
Fax (208) 334-2148

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THE FOLLOWING IS THE TEXT OF DOCKET NO. 13-0108-0803



**410. UNLAWFUL METHODS OF TAKE.**

No person shall take big game animals as outlined in this section. (7-1-93)

**01. Firearms.** (7-1-93)

**a.** With any firearm that, in combination with a scope, sling, and/or any other attachments, weighs more than sixteen (16) pounds. (7-1-93)

**b.** With any shotgun using any shot smaller than double-aught (#00) buck. (7-1-93)

**c.** With any rimfire rifle, rimfire handgun or any muzzleloading handgun, EXCEPT for mountain lion. (7-1-93)

**d.** With a fully automatic firearm. (10-26-94)

**e.** With any electronic device attached to, or incorporated in, the firearm (including handguns and shotguns) or scope; except scopes containing battery powered or tritium lighted reticles are allowed. (4-2-08)

**02. Bows, Crossbows, Arrows, Bolts, Chemicals or Explosives.** (3-20-97)

**a.** With arrows or bolts having broadheads measuring less than seven-eighths (7/8) inch in width and having a primary cutting edge less than fifteenth-thousandths (0.015) inch thick. (7-1-93)

**b.** With any bow having a peak draw weight of less than forty (40) pounds up to or at a draw of twenty-eight (28) inches, or any crossbow having a peak draw weight of less than one hundred-fifty (150) pounds. (3-20-97)

**c.** With any chemicals or explosives attached to the arrow or bolt. (7-1-93)

**d.** With arrows or bolts having expanding broadheads. (7-1-93)

**e.** With arrows or bolts having barbed broadheads. A barbed broadhead is a broadhead which has any portion of the rear edge of the broadhead forming an angle less than ninety (90) degrees with the shaft or ferrule. (7-1-93)

**f.** With any electronic or tritium-powered device attached to, or incorporated into, an arrow, bolt, crossbow, or bow. (3-30-01)

**g.** With any bow capable of shooting more than one (1) arrow at a time. (7-1-93)

**h.** With any compound bow with more than eighty-five percent (85%) let-off. (4-2-08)

**i.** With an arrow and broadhead, or bolt and broadhead, with a combined total weight of less than three hundred (300) grains. (4-2-08)

**j.** With an arrow less than twenty-four (24) inches or a crossbow bolt less than twelve (12) inches in length from the broadhead to the nock inclusive. (4-2-08)

**k.** With an arrow wherein the broadhead does not proceed the shaft and nock. (3-30-01)

**l.** During an *Archery Only* season, with any firearm, crossbow (except holders of handicapped archery permits), or other implement other than a longbow, compound bow, or recurve bow, or: (3-30-07)

**i.** With any device attached that holds a bow at partial or full draw (except holders of handicapped archery permits). (3-30-07)

- ii. With any bow or crossbow equipped with magnifying sights. (3-20-97)
- m.** During a *Traditional Archery Only* season, with any firearm, crossbow, or other implement other than a longbow or recurve bow, or:
  - i. With an arrow not constructed of wood or fletched with non-natural material. (3-15-02)
  - ii. With any bow equipped with sights. (3-15-02)
  - n.** With any crossbow pistol. (3-20-97)
- 03. Muzzleloaders.** (7-1-93)
  - a.** With a muzzleloading rifle or musket which is less than forty-five (.45) caliber for deer, antelope, or mountain lion, or which is less than fifty (.50) caliber for elk, moose, bighorn sheep, mountain goat, or black bear. (7-1-93)
  - b.** With any electronic device attached to, or incorporated in, the muzzleloader. (3-30-01)
  - c.** During a *Muzzleloader Only* season, with any firearm, muzzleloading pistol or other implement other than a muzzleloading rifle or musket which:
    - i. Is at least forty-five (.45) caliber for deer, antelope or mountain lion or at least fifty (.50) caliber for elk, moose, bighorn sheep, mountain goat or black bear. (7-1-93)
    - ii. Is capable of being loaded only from the muzzle. (7-1-93)
    - iii. Is equipped only with open or peep sights. (7-1-93)
    - iv. Is loaded only with loose black powder or, loose Pyrodex or other loose synthetic black powder. Pelletized powders are prohibited. (4-2-08)
    - v. Is equipped with no more than two (2) barrels. (7-1-93)
    - vi. Is loaded only with a projectile with a diameter within one hundredth (.01) of an inch of the bore diameter. Sabots are prohibited. (4-2-08)
    - vii. Is equipped only with flint, musket cap, or percussion cap. 209 primers are prohibited. (4-2-08)
    - viii. Is equipped with an ~~exposed pivoting hammer and has an~~ exposed ignition system. ~~(4-2-08)~~(\_\_\_\_)
    - ix. Is loaded only with a patched round ball or conical non-jacketed projectile comprised wholly of lead or lead alloy. Sabots are not allowed. (4-11-06)
- 04. Short-Range Weapon.** During Short-Range Weapon ONLY seasons ONLY the following weapons may be used: (7-1-99)
  - a.** With any shotgun using any slug or double-aught (#00) or larger buckshot. (7-1-99)
  - b.** With any muzzleloader that is at least forty-five (0.45) caliber for deer, antelope, or mountain lion or at least fifty (0.50) caliber for elk, moose, bighorn sheep, mountain goat, or black bear. (7-1-99)
  - c.** With any bow having a peak draw weight of not less than forty (40) pounds up to or at a draw of twenty-eight (28) inches, or any crossbow having a peak draw weight of not less than one hundred fifty (150) pounds. (7-1-99)

**05. Other.** (7-1-93)

**a.** With electronic calls EXCEPT for the hunting of mountain lions in Units 41, 42 and that portion of Unit 12 north of State Highway 12 southwest of the Doe Creek Road (Forest Service Road 566) and northeast of Cabin Creek and Forest Service Road 486. (3-15-02)

**b.** With any bait including grain, salt in any form (liquid or solid), or any other substance (not to include liquid scent) to constitute an attraction or enticement, with the exception of applicable rules for the black bear baiting permit. See Rules of the Idaho Fish and Game Commission, IDAPA 13.01.17, "Rules Governing the Use of Bait for Taking Big Game Animals." (3-30-01)

**c.** With dogs, EXCEPT for mountain lion or black bear. See Rules of the Idaho Fish and Game Commission, IDAPA 13.01.15, "Rules Governing the Use of Dogs." (7-1-93)

**d.** With any net, snare, trap, chemical, deadfall or device other than legal firearm, archery or muzzleloader equipment. (7-1-93)

**e.** Within an enclosure designed to prevent ingress or egress of big game animals, including fenced facilities defined as Domestic Cervidae Farms under Section 25-3501, Idaho Code, unless authorized by the director. This rule shall not apply to domestic cervidae which are lawfully privately owned elk, fallow deer, or reindeer. (4-6-05)

**IDAPA 13 - IDAHO FISH AND GAME COMMISSION**

**13.01.09 - RULES GOVERNING THE TAKING OF GAME BIRDS**

**DOCKET NO. 13-0109-0801**

**NOTICE OF RULEMAKING - PROPOSED RULE**

**AUTHORITY:** In compliance with Section 67-5221(1), Idaho Code, notice is hereby given that this agency has initiated proposed rulemaking procedures. The action is authorized pursuant to Sections 36-104(b) and 36-1101, Idaho Code.

**PUBLIC HEARING SCHEDULE:** Public hearing(s) concerning this rulemaking will be scheduled if requested in writing by twenty-five (25) persons, a political subdivision, or an agency, not later than October 15, 2007.

The hearing site(s) will be accessible to persons with disabilities. Requests for accommodation must be made not later than five (5) days prior to the hearing, to the agency address below.

**DESCRIPTIVE SUMMARY:** The following is a nontechnical explanation of the substance and purpose of the proposed rulemaking:

The Department is proposing to extend the youth pheasant hunt season, revise the Wildlife Management Area pheasant program hunter-orange rule, increase turkey controlled hunt tags for general and youth only, expand general season youth hunt, correct terminology and delete obsolete rules.

**FEE SUMMARY:** Pursuant to Section 67-5226(2), the Governor has found that the fee or charge being imposed or increased is justified and necessary to avoid immediate danger and the fee is described herein: N/A

**FISCAL IMPACT:** The following is a specific description, if applicable, of any negative fiscal impact on the state general fund greater than ten thousand dollars (\$10,000) during the fiscal year: N/A

**NEGOTIATED RULEMAKING:** Pursuant to Section 67-5220(2), Idaho Code, negotiated rulemaking was not conducted because of the need to comply with printing schedules for the 2008 hunting seasons.

**ASSISTANCE ON TECHNICAL QUESTIONS, SUBMISSION OF WRITTEN COMMENTS:** For assistance on technical questions concerning the proposed rule, contact Don Kemner (208) 287-2748.

Anyone may submit written comments regarding the proposed rulemaking. All written comments must be directed to the undersigned and must be delivered on or before October 22, 2008.

DATED this 20th day of August, 2008.

W. Dallas Burkhalter  
Deputy Attorney General  
Natural Resources Division/Fish and Game  
600 S. Walnut  
P.O. Box 25  
Boise, Idaho 83707  
(208) 334-3715  
Fax (208) 334-2148

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**THE FOLLOWING IS THE TEXT OF DOCKET NO. 13-0109-0801**

**100. TAGS, STAMPS, PERMITS, AND VALIDATIONS.**

**01. Sage Grouse or Sharp-Tailed Grouse.** No person shall hunt sage or sharp-tailed grouse anywhere within the state, except licensed shooting preserves, without having in his or her possession the appropriate hunting license that has been validated for sage grouse and sharp-tailed grouse. The validation shall be valid from January 1 through December 31 of each year. ~~(3-30-01)(\_\_\_\_\_)~~

**02. Migratory Game Birds.** No person shall hunt ducks, geese, brant, coots, common snipe, sandhill cranes, or mourning doves anywhere within the state, without having in his or her possession the appropriate hunting license that has been validated for the Federal Migratory Game Bird Harvest Information Program. The validation shall be valid from January 1 through December 31 of each year. (7-1-98)

**03. Wild Turkey.** No person shall hunt wild turkey without having in his or her possession the appropriate hunting license, tag, and controlled hunt permit. Persons obtaining and using tags, stamps, and permits must comply with the following requirements: (7-1-98)

**a.** There are ~~four~~ three (43) turkey tags available each calendar year. These are the general tag, extra tag, ~~controlled depredation tag~~, and special unit tag. Only three (3) turkey tags of the following may be purchased each year; general, and extra, ~~and controlled depredation~~. In addition to the previously mentioned three (3) turkey tags, three (3) special unit tags may also be purchased. A hunter may not obtain both a spring general and a spring controlled turkey tag during the spring. ~~(4-2-08)(\_\_\_\_\_)~~

**b.** Permits for Controlled Hunts: Any person who receives a controlled hunt permit for wild turkey is prohibited from using that permit/tag to hunt in any other wild turkey hunt. (4-5-00)

**c.** Nonresident permit limitations: On controlled hunts with ten (10) or fewer permits, not more than one (1) permit will be issued to nonresidents. On controlled hunts with more than ten (10) permits, not more than ten percent (10%) of the permits may be issued to nonresidents. (7-1-98)

**d.** Eligibility: The holders of valid hunting licenses are eligible to apply for controlled hunts subject to the following restrictions: (7-1-93)

i. Holders of a Type 208 Nongame Hunting License may not apply for any controlled hunt. (7-1-93)

ii. In the event a permit is issued based on erroneous information, the permit will be invalidated and the person will remain on the drawn list. (7-1-93)

**e.** Applications: Applications for spring and fall controlled hunts shall be made on a form prescribed by the Department and must be received at the Headquarters Office of the Idaho Department of Fish and Game or postmarked not later than February 15 for spring hunts and July 15 for fall hunts, annually. Applications must comply with the following requirements: ~~(2-7-95)(\_\_\_\_\_)~~

i. Holders of a Duplicate License (Type 501) must use their original license number to apply for a controlled hunt. Duplicate license numbers will not be accepted. (7-1-93)

ii. Only one (1) application card per person or group will be accepted. Additional application cards will result in all applicants being declared ineligible. (7-1-93)

iii. Fees: All applicants for controlled hunts must submit a non-refundable application fee with their application; one dollar (\$1) of this fee may be donated to the Citizens Against Poaching Program. ~~If you are successful, you will be issued a permit that entitles you to purchase the appropriate controlled hunt tag, beginning April 1, at any license vendor or Fish and Game office by presenting your hunting license and controlled hunt permit.~~ ~~(7-1-98)(\_\_\_\_\_)~~

iv. A single payment (either cashier's check, money order, certified check, or personal check) may be submitted to cover fees for all applications in the same envelope. If a check or money order is insufficient to cover the

- fees, all applications will be voided and returned. (2-7-95)
- v. A “group application” is defined as two (2) hunters applying for the same controlled hunt on the same application. (2-7-95)
- vi. Hunting license and tag fees will NOT be refunded to unsuccessful applicants. (7-1-93)
- vii. All spring wild turkey hunters may apply for a Fall turkey controlled hunt permit during the same calendar year. (3-30-01)
- f. 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. (7-1-93)
- g. Tag validation and attachment: Immediately after any wild turkey is killed, the turkey tag must be validated and securely attached to the wild turkey. (7-1-93)
- h. To validate the tag, the hunter must cut out and completely remove two (2) triangles on the border of the tag, one (1) for the month and one (1) for the day of the kill. (7-1-93)
- i. The tag must remain attached so long as the turkey is in transit or storage. (7-1-93)
- 04. Early September Canada Goose Hunts.** (7-1-98)
- a. Controlled Hunts: No person shall hunt Canada geese during controlled, early September seasons (September 1-15) without having in his or her possession the appropriate hunting license and controlled hunt permit. Persons obtaining and using controlled hunt permits must comply with the following requirements: (7-1-98)
- i. Applications: Applications for controlled hunts shall be made on a form prescribed by the Department and must be received at the Headquarters Office of the Idaho Department of Fish and Game or postmarked not later than July 15, annually. Applications must comply with the following requirements: (4-5-00)
- ii. Fees: All applicants for controlled hunts must submit a nonrefundable application fee with their application; one dollar (\$1) of this fee may be donated to the Citizens Against Poaching Program. Successful applicants will be issued a permit that entitles them to hunt. The Federal Migratory Bird Stamp is required by any person seventeen (17) years of age and older, respectively (Title 50 Code of Federal Regulations, Part 20). (3-30-01)
- iii. The following rules previously established for wild turkey also apply to early September Canada goose hunts: Subsections 100.03.b., 100.03.c., 100.03.d., 100.03.e.ii., 100.03.e.iv. through 100.03.e.vi., and 100.03.f. (3-30-01)
- iv. Any controlled hunt permits for Canada geese that remain unsold after the controlled hunt drawing may be sold by the Department on a first-come, first-served basis. (7-1-98)

**(BREAK IN CONTINUITY OF SECTIONS)**

**300. UPLAND GAME BIRD METHODS OF TAKE.**

- 01. Taking of Upland Game Birds.** No person shall take upland game birds: (7-1-93)
- a. Except wild turkey, from one-half (1/2) hour after sunset to one-half (1/2) hour before sunrise. Pheasants shall not be taken before twelve o'clock noon on the opening day in certain counties (see Rule 11, Pheasant Seasons). Wild turkey shall not be taken between sunset and one-half (1/2) hour before sunrise. Pheasants shall not be taken before 10 a.m. after the opening day on the Fort Boise, Montour, Payette River and C.J. Strike Wildlife

Management Areas. (4-6-05)

**b.** With a trap, snare, net, crossbow, or firearms EXCEPT a shotgun using shells not exceeding three and one-half (3-1/2) inches maximum length, slingshot, hand-held or thrown missiles, EXCEPT forest grouse. Forest grouse shall not be taken with a trap, snare, net, or crossbow. (3-30-01)

**c.** From boats or other craft having a motor attached UNLESS the motor is completely shut off and forward progress has ceased, or if the boat is drifting naturally, or if it is propelled only by paddle, oars, or pole, or if it is beached, moored, or resting at anchor. (7-1-93)

**d.** By the use or aid of any electronic call. (7-1-93)

**e.** By the aid of baiting. Bait is defined as any substance placed to attract upland game birds. (7-1-93)

**f.** When hunting on Wildlife Management Areas where pheasants are stocked without wearing at least thirty-six (36) square inches of visible hunter orange above the waist. (~~3-30-07~~)(      )

**02. Wild Turkey.** In addition to the methods listed above, wild turkey may not be taken: (7-1-93)

**a.** With lead shot exceeding BB size. (7-1-93)

**b.** With steel shot exceeding T size. (7-1-93)

**c.** By the use of dogs, except during fall hunts. (3-30-01)

**(BREAK IN CONTINUITY OF SECTIONS)**

**500. OFFICIAL SHOOTING HOURS FOR MIGRATORY GAME BIRDS.**

**01. Doves.** Official shooting hours for mourning dove are from one-half (1/2) hour before sunrise until sunset (Standard Time). Beginning and ending times are shown in Table 501 set by proclamation and published in a brochure available at Department offices and licensed vendors. (~~3-20-07~~)(      )

**02. Regular Season Ducks, Geese, American Coot and Common Snipe.** Official shooting hours for ducks, geese, American coot and common snipe during regular seasons are from one-half (1/2) hour before sunrise until sunset (Standard Time). Beginning and ending times are shown in Tables 502 through 505. These tables must be adjusted for daylight savings time set by proclamation and published in a brochure available at Department offices and licensed vendors. (~~3-20-07~~)(      )

**03. Special, Early September Canada Geese and Sandhill Cranes.** Official shooting hours for Canada geese during early September seasons, and sandhill cranes, are from one-half (1/2) hour before sunrise until sunset (Standard Time). Beginning and ending times are shown in Table 501 set by proclamation and published in a brochure available at Department offices and licensed vendors. (~~7-1-98~~)(      )

**~~501. TABLE 501—OFFICIAL SHOOTING HOURS FOR MOURNING DOVE AND EARLY SEPTEMBER CANADA GOOSE, AND SANDHILL CRANE HUNTING.~~**

~~Official shooting hours for Benewah, Bonner, Boundary, Clearwater, Kootenai, Latah, Lewis, Nez Perce, and Shoshone Counties and that portion of Idaho County north of the Salmon River (Pacific time) in Column 1; Bannock, Bear Lake, Bingham, Bonneville, Caribou, Clark, Franklin, Fremont, Jefferson, Madison, Oneida, Power, and Teton Counties (Mountain time) in Column 2; Blaine, Butte, Camas, Cassia, Custer, Gooding, Jerome, Lemhi, Lincoln, Minidoka, and Twin Falls Counties (Mountain time) in Column 3; and Ada, Adams, Boise, Canyon, Elmore, Gem, Owyhee, Payette, Valley, and Washington Counties and that portion of Idaho County south of the Salmon River (Mountain time) in Column 4.~~

<b>September</b>	<b>Column 1</b>		<b>Column 2</b>		<b>Column 3</b>		<b>Column 4</b>	
	<b>Beginning</b>	<b>Ending</b>	<b>Beginning</b>	<b>Ending</b>	<b>Beginning</b>	<b>Ending</b>	<b>Beginning</b>	<b>Ending</b>
	<b>A.M.</b>	<b>P.M.</b>	<b>A.M.</b>	<b>P.M.</b>	<b>A.M.</b>	<b>P.M.</b>	<b>A.M.</b>	<b>P.M.</b>
1	5:38	7:31	6:25	8:05	6:31	8:13	6:38	8:21
2	5:39	7:29	6:26	8:04	6:32	8:12	6:39	8:19
3	5:41	7:27	6:27	8:02	6:33	8:10	6:40	8:17
4	5:42	7:25	6:28	8:00	6:34	8:08	6:42	8:15
5	5:43	7:23	6:29	7:59	6:35	8:07	6:43	8:14
6	5:45	7:21	6:30	7:57	6:36	8:05	6:44	8:12
7	5:46	7:19	6:31	7:55	6:37	8:03	6:45	8:10
8	5:48	7:17	6:32	7:53	6:38	8:01	6:46	8:08
9	5:49	7:15	6:33	7:52	6:39	8:00	6:47	8:06
10	5:50	7:13	6:34	7:50	6:40	7:58	6:48	8:05
11	5:52	7:11	6:35	7:48	6:41	7:56	6:49	8:03
12	5:53	7:09	6:36	7:46	6:42	7:54	6:50	8:01
13	5:54	7:07	6:37	7:44	6:43	7:53	6:52	7:59
14	5:56	7:05	6:39	7:43	6:45	7:51	6:53	7:57
15	5:57	7:03	6:40	7:41	6:46	7:49	6:54	7:56
16	5:58	7:01	6:41	7:39	6:47	7:47	6:55	7:54
17	6:00	6:59	6:42	7:37	6:48	7:45	6:56	7:52
18	6:01	6:57	6:43	7:35	6:49	7:43	6:57	7:50
19	6:02	6:55	6:44	7:34	6:50	7:41	6:58	7:48
20	6:04	6:53	6:45	7:32	6:52	7:39	6:59	7:46
21	6:05	6:51	6:46	7:30	6:53	7:37	7:01	7:45
22	6:06	6:49	6:47	7:28	6:54	7:36	7:02	7:43
23	6:07	6:47	6:48	7:26	6:55	7:35	7:03	7:41
24	6:08	6:45	6:49	7:25	6:56	7:33	7:04	7:39
25	6:09	6:42	6:50	7:24	6:58	7:31	7:05	7:37
26	6:11	6:40	6:52	7:22	6:59	7:29	7:06	7:35
27	6:12	6:38	6:53	7:20	7:00	7:27	7:08	7:34
28	6:13	6:35	6:54	7:18	7:02	7:25	7:09	7:32
29	6:14	6:33	6:55	7:16	7:03	7:23	7:10	7:30
30	6:15	6:31	6:56	7:14	7:04	7:21	7:11	7:28

(3-20-97)



**502. ~~TABLE 502 OFFICIAL SHOOTING HOURS FOR DUCKS, GEESE, AMERICAN COOT, AND COMMON SNIFE (SEE FOOTNOTE).~~**

~~Official shooting hours for Benewah, Bonner, Boundary, Clearwater, Kootenai, Latah, Lewis, Nez Perce, and Shoshone Counties and that portion of Idaho County north of the Salmon River (Pacific time).~~

	<b>Beginning</b>	<b>Ending</b>
<b>SEPTEMBER</b>	<b>A.M.</b>	<b>P.M.</b>
28	5:13	5:35
29	5:14	5:33
30	5:15	5:34

<b>OCT.</b>	<b>Begin</b>	<b>End</b>	<b>NOV.</b>	<b>Begin</b>	<b>End</b>	<b>DEC.</b>	<b>Begin</b>	<b>End</b>	<b>JAN.</b>	<b>Begin</b>	<b>End</b>
	<b>A.M.</b>	<b>P.M.</b>		<b>A.M.</b>	<b>P.M.</b>		<b>A.M.</b>	<b>P.M.</b>		<b>A.M.</b>	<b>P.M.</b>
1	5:16	5:28	1	5:59	4:34	1	6:41	4:03	1	7:02	4:12
2	5:18	5:27	2	6:01	4:32	2	6:42	4:03	2	7:02	4:13
3	5:19	5:25	3	6:02	4:31	3	6:43	4:03	3	7:02	4:14
4	5:20	5:23	4	6:03	4:29	4	6:44	4:02	4	7:02	4:15
5	5:21	5:21	5	6:05	4:28	5	6:45	4:02	5	7:01	4:16
6	5:23	5:19	6	6:06	4:27	6	6:46	4:02	6	7:01	4:17
7	5:24	5:17	7	6:08	4:25	7	6:47	4:02	7	7:01	4:18
8	5:25	5:15	8	6:09	4:24	8	6:48	4:01	8	7:01	4:19
9	5:27	5:13	9	6:11	4:23	9	6:49	4:01	9	7:00	4:20
10	5:28	5:11	10	6:12	4:21	10	6:50	4:01	10	7:00	4:22
11	5:30	5:09	11	6:14	4:20	11	6:51	4:01	11	7:00	4:23
12	5:31	5:08	12	6:15	4:19	12	6:52	4:01	12	6:59	4:24
13	5:32	5:06	13	6:16	4:18	13	6:53	4:01	13	6:59	4:25
14	5:34	5:04	14	6:18	4:17	14	6:54	4:02	14	6:58	4:27
15	5:35	5:02	15	6:19	4:16	15	6:55	4:02	15	6:58	4:28
16	5:36	5:00	16	6:21	4:14	16	6:55	4:02	16	6:57	4:29
17	5:38	4:58	17	6:22	4:13	17	6:56	4:02	17	6:56	4:31
18	5:39	4:57	18	6:24	4:12	18	6:57	4:03	18	6:56	4:32
19	5:41	4:55	19	6:25	4:12	19	6:57	4:03	19	6:55	4:33
20	5:42	4:53	20	6:26	4:11	20	6:58	4:03	20	6:54	4:35
21	5:43	4:51	21	6:28	4:10	21	6:59	4:04	21	6:53	4:36
22	5:45	4:50	22	6:29	4:09	22	6:59	4:04	22	6:52	4:38
23	5:46	4:48	23	6:30	4:08	23	6:59	4:05	23	6:51	4:39

	<i>Begin</i>	<i>End</i>		<i>Begin</i>	<i>End</i>		<i>Begin</i>	<i>End</i>		<i>Begin</i>	<i>End</i>
<b>OCT.</b>	<b>A.M.</b>	<b>P.M.</b>	<b>NOV.</b>	<b>A.M.</b>	<b>P.M.</b>	<b>DEC.</b>	<b>A.M.</b>	<b>P.M.</b>	<b>JAN.</b>	<b>A.M.</b>	<b>P.M.</b>
24	5:48	4:46	24	6:32	4:07	24	7:00	4:06	24	6:51	4:40
25	5:49	4:45	25	6:33	4:07	25	7:00	4:06	25	6:50	4:42
26	5:50	4:43	26	6:34	4:06	26	7:01	4:07	26	6:49	4:43
27	5:52	4:41	27	6:36	4:05	27	7:01	4:08	27	6:47	4:45
28	5:53	4:40	28	6:37	4:05	28	7:01	4:08	28	6:46	4:46
29	5:55	4:38	29	6:38	4:04	29	7:01	4:09	29	6:45	4:48
30	5:56	4:37	30	6:39	4:04	30	7:01	4:10	30	6:44	4:49
31	5:58	4:35				31	7:02	4:11	31	6:43	4:51

*Footnote. Times shown are "Standard" and must be adjusted for "Daylight Savings Time" which ends at 2:00 a.m. on the last Sunday of October. To make the adjustment add one (1) hour from September 28 through the last Saturday of October. (3-20-97)*

**503. ~~TABLE 503 — OFFICIAL SHOOTING HOURS FOR DUCKS, GEESE, AMERICAN COOT, AND COMMON SNIPE (SEE FOOTNOTE).~~**

*Official shooting hours for Ada, Adams, Boise, Canyon, Elmore, Gem, Owyhee, Payette, Valley, and Washington Counties and that portion of Idaho County south of the Salmon River (Mountain time):*

	<i>Beginning</i>	<i>Ending</i>
<b>SEPTEMBER</b>	<b>A.M.</b>	<b>P.M.</b>
28	6:09	6:32
29	6:10	6:30
30	6:11	6:28

	<i>Begin</i>	<i>End</i>		<i>Begin</i>	<i>End</i>		<i>Begin</i>	<i>End</i>		<i>Begin</i>	<i>End</i>
<b>OCT.</b>	<b>A.M.</b>	<b>P.M.</b>	<b>NOV.</b>	<b>A.M.</b>	<b>P.M.</b>	<b>DEC.</b>	<b>A.M.</b>	<b>P.M.</b>	<b>JAN.</b>	<b>A.M.</b>	<b>P.M.</b>
1	6:12	6:26	1	6:50	5:36	1	7:28	5:10	1	7:48	5:19
2	6:13	6:25	2	6:51	5:35	2	7:29	5:09	2	7:48	5:20
3	6:14	6:23	3	6:53	5:34	3	7:30	5:09	3	7:48	5:21
4	6:15	6:21	4	6:54	5:32	4	7:31	5:09	4	7:48	5:22
5	6:17	6:19	5	6:55	5:31	5	7:32	5:09	5	7:48	5:23
6	6:18	6:17	6	6:57	5:30	6	7:33	5:08	6	7:48	5:24
7	6:19	6:16	7	6:58	5:29	7	7:34	5:08	7	7:48	5:25
8	6:20	6:14	8	6:59	5:27	8	7:35	5:08	8	7:48	5:26
9	6:21	6:12	9	7:01	5:26	9	7:36	5:08	9	7:48	5:27
10	6:23	6:10	10	7:02	5:25	10	7:37	5:08	10	7:47	5:28

	<i>Begin</i>	<i>End</i>		<i>Begin</i>	<i>End</i>		<i>Begin</i>	<i>End</i>		<i>Begin</i>	<i>End</i>
<b>OCT.</b>	<b>A.M.</b>	<b>P.M.</b>	<b>NOV.</b>	<b>A.M.</b>	<b>P.M.</b>	<b>DEC.</b>	<b>A.M.</b>	<b>P.M.</b>	<b>JAN.</b>	<b>A.M.</b>	<b>P.M.</b>
11	6:24	6:09	11	7:03	5:24	11	7:38	5:08	11	7:47	5:29
12	6:25	6:07	12	7:05	5:23	12	7:39	5:08	12	7:47	5:30
13	6:26	6:05	13	7:06	5:22	13	7:40	5:09	13	7:46	5:31
14	6:27	6:04	14	7:07	5:21	14	7:40	5:09	14	7:46	5:33
15	6:29	6:02	15	7:08	5:20	15	7:41	5:09	15	7:45	5:34
16	6:30	6:00	16	7:10	5:19	16	7:42	5:09	16	7:45	5:35
17	6:31	5:59	17	7:11	5:18	17	7:42	5:09	17	7:44	5:36
18	6:32	5:57	18	7:12	5:17	18	7:43	5:10	18	7:44	5:37
19	6:34	5:55	19	7:14	5:17	19	7:44	5:10	19	7:43	5:39
20	6:35	5:54	20	7:15	5:16	20	7:44	5:11	20	7:42	5:40
21	6:36	5:52	21	7:16	5:15	21	7:45	5:11	21	7:42	5:41
22	6:37	5:51	22	7:17	5:14	22	7:45	5:12	22	7:41	5:43
23	6:39	5:49	23	7:19	5:14	23	7:46	5:12	23	7:40	5:44
24	6:40	5:48	24	7:20	5:13	24	7:46	5:13	24	7:39	5:45
25	6:41	5:46	25	7:21	5:12	25	7:47	5:13	25	7:38	5:47
26	6:42	5:45	26	7:22	5:12	26	7:47	5:14	26	7:38	5:48
27	6:44	5:43	27	7:23	5:11	27	7:47	5:15	27	7:37	5:49
28	6:45	5:42	28	7:25	5:11	28	7:48	5:15	28	7:36	5:51
29	6:46	5:40	29	7:26	5:10	29	7:48	5:16	29	7:35	5:52
30	6:48	5:39	30	7:27	5:10	30	7:48	5:17	30	7:34	5:53
31	6:49	5:38				31	7:48	5:18	31	7:33	5:55

Footnote. Times shown are "Standard" and must be adjusted for "Daylight Savings Time" which ends at 2:00 a.m. on the last Sunday of October. To make the adjustment add one (1) more hour from September 30 through the last Saturday of October. (3-20-97)

**504. ~~TABLE 504 — OFFICIAL SHOOTING HOURS FOR DUCKS, GEESE, AMERICAN COOT, AND COMMON SNIFE (SEE FOOTNOTE).~~**

*Official shooting hours for Blaine, Butte, Camas, Cassia, Custer, Gooding, Jerome, Lemhi, Lincoln, Minidoka, and Twin Falls Counties (Mountain time).*

	<b>Beginning</b>	<b>Ending</b>
<b>SEPTEMBER</b>	<b>A.M.</b>	<b>P.M.</b>
28	6:02	6:25
29	6:03	6:23
30	6:04	6:24

	<i>Begin</i>	<i>End</i>		<i>Begin</i>	<i>End</i>		<i>Begin</i>	<i>End</i>		<i>Begin</i>	<i>End</i>
<b>OCT.</b>	<b>A.M.</b>	<b>P.M.</b>	<b>NOV.</b>	<b>A.M.</b>	<b>P.M.</b>	<b>DEC.</b>	<b>A.M.</b>	<b>P.M.</b>	<b>JAN</b>	<b>A.M.</b>	<b>P.M.</b>
1	6:05	6:19	1	6:41	5:30	1	7:19	5:04	1	7:40	5:13
2	6:06	6:17	2	6:43	5:29	2	7:20	5:04	2	7:40	5:14
3	6:08	6:16	3	6:44	5:27	3	7:21	5:04	3	7:40	5:14
4	6:09	6:14	4	6:45	5:26	4	7:22	5:03	4	7:40	5:15
5	6:10	6:12	5	6:47	5:25	5	7:23	5:03	5	7:40	5:16
6	6:11	6:10	6	6:48	5:24	6	7:24	5:03	6	7:40	5:17
7	6:12	6:09	7	6:49	5:23	7	7:25	5:03	7	7:39	5:18
8	6:13	6:07	8	6:50	5:21	8	7:26	5:03	8	7:39	5:19
9	6:14	6:05	9	6:52	5:20	9	7:26	5:03	9	7:39	5:20
10	6:16	6:04	10	6:53	5:19	10	7:27	5:03	10	7:39	5:21
11	6:17	6:02	11	6:54	5:18	11	7:28	5:03	11	7:38	5:22
12	6:18	6:00	12	6:56	5:17	12	7:29	5:03	12	7:38	5:23
13	6:19	5:59	13	6:57	5:16	13	7:30	5:03	13	7:38	5:24
14	6:20	5:57	14	6:58	5:15	14	7:31	5:03	14	7:37	5:26
15	6:21	5:55	15	6:59	5:14	15	7:31	5:04	15	7:37	5:27
16	6:23	5:54	16	7:01	5:13	16	7:32	5:04	16	7:36	5:28
17	6:24	5:52	17	7:02	5:13	17	7:33	5:04	17	7:36	5:30
18	6:25	5:50	18	7:03	5:12	18	7:33	5:05	18	7:35	5:31
19	6:26	5:49	19	7:04	5:11	19	7:34	5:05	19	7:35	5:32
20	6:28	5:48	20	7:06	5:10	20	7:35	5:05	20	7:34	5:33
21	6:29	5:46	21	7:07	5:09	21	7:35	5:05	21	7:33	5:35
22	6:30	5:44	22	7:08	5:09	22	7:36	5:06	22	7:33	5:36
23	6:31	5:43	23	7:09	5:08	23	7:36	5:07	23	7:32	5:37
24	6:32	5:41	24	7:10	5:07	24	7:36	5:08	24	7:31	5:38
25	6:34	5:40	25	7:12	5:07	25	7:36	5:08	25	7:30	5:40
26	6:35	5:38	26	7:13	5:06	26	7:36	5:09	26	7:29	5:41
27	6:36	5:37	27	7:14	5:06	27	7:37	5:09	27	7:29	5:42
28	6:37	5:35	28	7:15	5:05	28	7:37	5:10	28	7:28	5:44
29	6:39	5:34	29	7:16	5:05	29	7:37	5:11	29	7:27	5:45
30	6:40	5:33	30	7:17	5:05	30	7:37	5:12	30	7:26	5:46
31	6:41	5:31				31	7:37	5:13	31	7:25	5:48

*Footnote. Times shown are "Standard" and must be adjusted for "Daylight Savings Time" which ends at 2:00 a.m.*

on the last Sunday of October. To make the adjustment add one (1) hour from September 28 through the last Saturday of October. (3-20-97)

**505. ~~TABLE 505 — OFFICIAL SHOOTING HOURS FOR DUCKS, GEESE, AMERICAN COOT, AND COMMON SNIPE (SEE FOOTNOTE).~~**

*Official shooting hours for Bannock, Bear Lake, Bingham, Bonneville, Caribou, Clark, Franklin, Fremont, Jefferson, Madison, Oneida, Power, and Teton Counties (Mountain time).*

	<b>Beginning</b>	<b>Ending</b>
<b>SEPTEMBER</b>	<b>A.M.</b>	<b>P.M.</b>
28	5:54	6:18
29	5:55	6:16
30	5:56	6:14

	<b>Begin</b>	<b>End</b>		<b>Begin</b>	<b>End</b>		<b>Begin</b>	<b>End</b>		<b>Begin</b>	<b>End</b>
<b>OCT.</b>	<b>A.M.</b>	<b>P.M.</b>	<b>NOV.</b>	<b>A.M.</b>	<b>P.M.</b>	<b>DEC.</b>	<b>A.M.</b>	<b>P.M.</b>	<b>JAN.</b>	<b>A.M.</b>	<b>P.M.</b>
1	5:57	6:12	1	6:34	5:23	1	7:11	4:57	1	7:32	5:07
2	5:58	6:10	2	6:36	5:22	2	7:13	4:57	2	7:32	5:08
3	6:00	6:09	3	6:37	5:20	3	7:14	4:57	3	7:32	5:08
4	6:01	6:07	4	6:38	5:19	4	7:15	4:56	4	7:32	5:09
5	6:02	6:05	5	6:40	5:18	5	7:16	4:56	5	7:32	5:10
6	6:03	6:03	6	6:41	5:17	6	7:17	4:56	6	7:32	5:11
7	6:04	6:02	7	6:42	5:16	7	7:18	4:56	7	7:31	5:12
8	6:05	6:00	8	6:43	5:14	8	7:19	4:56	8	7:31	5:13
9	6:06	5:58	9	6:45	5:13	9	7:19	4:56	9	7:31	5:14
10	6:08	5:57	10	6:46	5:12	10	7:20	4:56	10	7:31	5:16
11	6:09	5:55	11	6:47	5:11	11	7:21	4:56	11	7:30	5:17
12	6:10	5:53	12	6:49	5:10	12	7:22	4:56	12	7:30	5:18
13	6:11	5:52	13	6:50	5:09	13	7:23	4:56	13	7:30	5:19
14	6:12	5:50	14	6:51	5:08	14	7:24	4:56	14	7:29	5:20
15	6:13	5:48	15	6:52	5:07	15	7:25	4:57	15	7:29	5:21
16	6:15	5:47	16	6:54	5:06	16	7:25	4:57	16	7:28	5:22
17	6:16	5:45	17	6:55	5:06	17	7:26	4:57	17	7:28	5:24
18	6:17	5:43	18	6:56	5:05	18	7:26	4:58	18	7:27	5:25
19	6:18	5:42	19	6:57	5:04	19	7:27	4:58	19	7:27	5:26
20	6:20	5:40	20	6:59	5:03	20	7:28	4:58	20	7:26	5:27
21	6:21	5:39	21	7:00	5:02	21	7:28	4:59	21	7:25	5:29
22	6:22	5:37	22	7:01	5:02	22	7:29	4:59	22	7:25	5:30

	<i>Begin</i>	<i>End</i>		<i>Begin</i>	<i>End</i>		<i>Begin</i>	<i>End</i>		<i>Begin</i>	<i>End</i>
<b>OCT.</b>	<b>A.M.</b>	<b>P.M.</b>	<b>NOV.</b>	<b>A.M.</b>	<b>P.M.</b>	<b>DEC.</b>	<b>A.M.</b>	<b>P.M.</b>	<b>JAN.</b>	<b>A.M.</b>	<b>P.M.</b>
23	6:23	5:36	23	7:02	5:04	23	7:29	5:00	23	7:24	5:34
24	6:24	5:34	24	7:03	5:00	24	7:30	5:04	24	7:23	5:32
25	6:26	5:33	25	7:05	5:00	25	7:30	5:04	25	7:22	5:34
26	6:27	5:34	26	7:06	4:59	26	7:30	5:02	26	7:24	5:35
27	6:28	5:30	27	7:07	4:59	27	7:34	5:02	27	7:24	5:36
28	6:29	5:28	28	7:08	4:58	28	7:34	5:03	28	7:20	5:38
29	6:34	5:27	29	7:09	4:58	29	7:34	5:04	29	7:19	5:39
30	6:32	5:26	30	7:10	4:58	30	7:34	5:05	30	7:18	5:40
31	6:33	5:24				31	7:34	5:05	31	7:17	5:42

*Footnote. Times shown are "Standard" and must be adjusted for "Daylight Savings Time" which ends at 2:00 a.m. on the last Sunday of October. To make the adjustment add one (1) hour from September 28 through the last Saturday of October.* (3-20-97)

**5061. -- 599. (RESERVED).**

**600. PHEASANT SEASONS, BAG AND POSSESSION LIMITS.**

**01. Area 1.** Area 1 includes Benewah, Bonner, Boundary, Clearwater, Idaho, Kootenai, Latah, Lewis, Nez Perce, and Shoshone Counties. Pursuant to Section 36-105(3), Idaho Code, the Commission now sets the seasons, bag limits, and possessions limits by proclamation. The proclamation is published in a brochure available at Department offices and license vendors. (4-6-05)

**02. Area 2.** Area 2 includes Bannock, Bear Lake, Bingham, Bonneville, Butte, Caribou, Cassia, Clark, Custer, Franklin, Fremont, Jefferson, Lemhi, Madison, Minidoka, Oneida, Power, Twin Falls, and Teton counties. Pursuant to Section 36-105(3), Idaho Code, the Commission now sets the seasons, bag limits, and possessions limits by proclamation. The proclamation is published in a brochure available at Department offices and license vendors. (4-6-05)

**03. Area 3.** Area 3 includes Ada, Adams, Boise, Blaine, Camas, Canyon, Elmore, Gem, Gooding, Jerome, Lincoln, Owyhee, Payette, Twin Falls, Valley, and Washington Counties (including all islands in the Snake River EXCEPT PATCH AND PORTER ISLANDS). Pursuant to Section 36-105(3), Idaho Code, the Commission now sets the seasons, bag limits, and possessions limits by proclamation. The proclamation is published in a brochure available at Department offices and license vendors. (4-6-05)

**04. WMA Upland Game Permit. (4-2-08)**

**a.** Permit Requirement. Any person seventeen (17) years of age or older hunting for or having a pheasant in his or her possession on Fort Boise, C.J. Strike, Montour, Payette River, Sterling, Market Lake, Mud Lake, Cartier, or Niagara Springs Wildlife Management Areas must have a valid WMA ~~Pheasant~~ Upland Game Bird Permit in his or her possession. (4-6-05)( )

**b.** Permit Limit. The WMA Upland Game Bird Permit limit is six (6) cocks. Additional permits may be purchased. (4-2-08)

**c.** Recording Harvest. Any person harvesting a pheasant on any of the Wildlife Management Areas listed in Subsection 600.04.a. must immediately record their harvest, in writing, on the back of their permit. (4-6-05)

**05. Youth Pheasant Season.** This season shall be open statewide. (7-1-99)

**a.** Pursuant to Section 36-105(3), Idaho Code, the Commission now sets the seasons, bag limits, and possession limits by proclamation. The proclamation is published in a brochure available at Department offices and license vendors. (4-6-05)

**b.** The Youth Pheasant Season shall be open for all licensed hunters fifteen (15) years of age or younger. All youth hunters must be accompanied by an adult eighteen (18) years or older. One (1) adult may take more than one (1) youth hunter. (5-3-03)

**(BREAK IN CONTINUITY OF SECTIONS)**

**604. FOREST GROUSE (~~BLUE DUSKY~~, RUFFED, AND SPRUCE).**

Pursuant to Section 36-105(3), Idaho Code, the Commission now sets seasons, bag limits, and possession limits by proclamation. The proclamation is published in a brochure available at Department offices and license vendors. (4-6-05)( )

**(BREAK IN CONTINUITY OF SECTIONS)**

**616. SANDHILL CRANE SEASONS AND BAG AND POSSESSION LIMITS.**

Pursuant to Section 36-105(3), Idaho Code, the Commission now sets seasons, bag limits, and possession limits by proclamation. The proclamation is published in a brochure available at Department offices and license vendors. (4-6-05)

**01. Controlled Hunts.** Controlled hunt areas include the following: (7-1-98)

**a.** Area 1 includes all of Bear Lake County and all of Caribou County EXCEPT that portion downstream from the dam at Alexander Reservoir south of U.S. Highway 30, and that portion lying within the Grays Lake Basin. (5-3-03)

**b.** Area 2 includes all of Teton County. (5-3-03)

**c.** Area 3 includes all of Fremont County. (5-3-03)

**d.** Area 4 includes all of Bonneville County. ( )

**e.** Area 5 includes all of Jefferson County. ( )

~~**02. Controlled Hunt Seasons, Bag and Possession Limits, and Permits.**~~

<b>HUNT AREA</b>	<b>HUNT NUMBER</b>	<b>SEASON</b>	<b>PERMITS</b>
4	9501	September 1-2	80
4	9502	September 3-5	80
4	9503	September 6-8	35
4	9504	September 9-11	35
4	9505	September 12-15	33

<b>HUNT AREA</b>	<b>HUNT NUMBER</b>	<b>SEASON</b>	<b>PERMITS</b>
4	9506	September 1-7	40
4	9507	September 8-15	35
2	9508	September 1-7	40
2	9509	September 8-15	35
<i>NOTE: Daily limit is two (2) for all hunts. The season limit is nine (9).</i>			

(5-3-03)

**(BREAK IN CONTINUITY OF SECTIONS)**

**800. WILD TURKEY CONTROLLED HUNT AREA DESCRIPTIONS.**

Pursuant to Section 36-105(3), Idaho Code, the Commission now sets turkey controlled hunts areas by proclamation. The proclamation is published in a brochure available at Department offices and license vendors. ( )

- 01.** ~~*Hunt Area 901-1. All of Game Management Units 1, 2, (except Farragut State Park and Farragut Wildlife Management Area are closed), 3, 4, 4A, 5, and 6.*~~ (5-3-03)
- 02.** ~~*Hunt Area 908-1. All of Game Management Units 8, 8A, and 10A.*~~ (5-3-03)
- 03.** ~~*Hunt Area 922-1. All of Game Management Units 22, 23, 24, 31, 32, 32A, 33, and 39.*~~ (5-3-03)
- 04.** ~~*Hunt Area 938-1. All of Game Management Unit 38, and that portion of Unit 32 in Payette County.*~~ (3-30-01)
- 05.** ~~*Hunt Area 950-1. All of Unit 50.*~~ (5-3-03)
- 06.** ~~*Hunt Area 954-1 and 954-2. All of Game Management Unit 54.*~~ (5-3-03)
- 07.** ~~*Hunt Areas 968A-1, 968A-2, and 968A-3. All of Game Management Unit 68A.*~~ (3-30-01)
- 08.** ~~*Hunt Areas 977-1, 977-2, and 977-3. All of Game Management Units 73, 74, 75, and 77.*~~ (3-30-01)



# IDAPA 13 - IDAHO FISH AND GAME COMMISSION

## 13.01.11 - RULES GOVERNING FISH

DOCKET NO. 13-0111-0801

### NOTICE OF RULEMAKING - PROPOSED RULE

**AUTHORITY:** In compliance with Section 67-5221(1), Idaho Code, notice is hereby given that this agency has initiated proposed rulemaking procedures. The action is authorized pursuant to Sections 36-104(b) and 36-901, Idaho Code.

**PUBLIC HEARING SCHEDULE:** Public hearing(s) concerning this rulemaking will be scheduled if requested in writing by twenty-five (25) persons, a political subdivision, or an agency, not later than October 15, 2008.

The hearing site(s) will be accessible to persons with disabilities. Requests for accommodation must be made not later than five (5) days prior to the hearing, to the agency address below.

**DESCRIPTIVE SUMMARY:** The following is a nontechnical explanation of the substance and purpose of the proposed rulemaking:

Amend the two pole permit rule to comply with amendments in governing law.

**FEE SUMMARY:** Pursuant to Section 67-5226(2), the Governor has found that the fee or charge being imposed or increased is justified and necessary to avoid immediate danger and the fee is described herein: N/A

**FISCAL IMPACT:** The following is a specific description, if applicable, of any negative fiscal impact on the state general fund greater than ten thousand dollars (\$10,000) during the fiscal year: N/A

**NEGOTIATED RULEMAKING:** Pursuant to Section 67-5220(2), Idaho Code, negotiated rulemaking was not conducted because of the need to comply with statutory amendments.

**ASSISTANCE ON TECHNICAL QUESTIONS, SUBMISSION OF WRITTEN COMMENTS:** For assistance on technical questions concerning the proposed rule, contact Sharon Kiefer (208) 287-2780.

Anyone may submit written comments regarding the proposed rulemaking. All written comments must be directed to the undersigned and must be delivered on or before October 22, 2008.

DATED this 20th day of August, 2008.

W. Dallas Burkhalter  
Deputy Attorney General  
Natural Resources Division/Fish and Game  
600 S. Walnut  
P.O. Box 25  
Boise, Idaho 83707  
(208) 334-3715  
Fax (208) 334-2148

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THE FOLLOWING IS THE TEXT OF DOCKET NO. 13-0111-0801

106. -- 1989. (RESERVED).

**~~199. TWO POLE VALIDATION.~~**

~~A person who has a valid or nonresident fishing license may purchase a two (2) pole validation. The two (2) pole validation authorizes the license holder to use two (2) fishing poles or rods at the same time on waters and during seasons specified by Commission Rule, IDAPA 13.01.11, "Rules Governing Fish." (7-1-99)~~

**(BREAK IN CONTINUITY OF SECTIONS)**

**299. TWO POLE BAG AND POSSESSION LIMITS, SEASONS, WATERS, AND METHODS OF GEAR.**

**01. Bag and Possession Limits.** Holders of the two (2) pole ~~validation permit~~ shall have the same bag and possession limit as the general bag and possession limits and regional exceptions whether using one (1) or two (2) poles. Please see Fishing brochure, which contains the Commission's proclamation setting seasons, bag, and possession limits, and regional exceptions. ~~(3-30-01)( )~~

**02. Seasons.** The two (2) pole ~~validation permit~~ shall only be valid on waters which are open to fishing under the general fishing seasons and regional exceptions. ~~(4-6-05)( )~~

**03. Waters.** The two (2) pole ~~validation permit~~ is valid on all waters open to fishing under general rules and regional exceptions. ~~(4-6-05)( )~~

**04. Methods and Gear.** The restrictions of Section 201 shall apply to the use of two (2) poles under the two (2) pole ~~validation permit~~, except for the number of handlines or poles. ~~(7-1-99)( )~~

# IDAPA 13 - IDAHO FISH AND GAME COMMISSION

## 13.01.11 - RULES GOVERNING FISH

DOCKET NO. 13-0111-0802

### NOTICE OF RULEMAKING - PROPOSED RULE

**AUTHORITY:** In compliance with Section 67-5221(1), Idaho Code, notice is hereby given that this agency has initiated proposed rulemaking procedures. The action is authorized pursuant to Sections 36-104(b) and 36-901, Idaho Code.

**PUBLIC HEARING SCHEDULE:** Public hearing(s) concerning this rulemaking will be scheduled if requested in writing by twenty-five (25) persons, a political subdivision, or an agency, not later than October 15, 2008.

The hearing site(s) will be accessible to persons with disabilities. Requests for accommodation must be made not later than five (5) days prior to the hearing, to the agency address below.

**DESCRIPTIVE SUMMARY:** The following is a nontechnical explanation of the substance and purpose of the proposed rulemaking:

Biannual review of fishing rules, and set the 2008-2009 fishing seasons and regional exceptions. Remove the general 12 inch minimum size limit on bass in North Idaho waters (Salmon River and north); restrict the use of live leeches, frogs, salamanders and shrimp as bait; increase the maximum size of traps and seines for minnows and crayfish.

**FEE SUMMARY:** Pursuant to Section 67-5226(2), the Governor has found that the fee or charge being imposed or increased is justified and necessary to avoid immediate danger and the fee is described herein: N/A

**FISCAL IMPACT:** The following is a specific description, if applicable, of any negative fiscal impact on the state general fund greater than ten thousand dollars (\$10,000) during the fiscal year: N/A

**NEGOTIATED RULEMAKING:** Pursuant to Section 67-5220(2), Idaho Code, negotiated rulemaking was not conducted because of the need to comply with printing schedules for the 2008 fishing seasons.

**ASSISTANCE ON TECHNICAL QUESTIONS, SUBMISSION OF WRITTEN COMMENTS:** For assistance on technical questions concerning the proposed rule, contact Fred Partridge (208) 287-2773.

Anyone may submit written comments regarding the proposed rulemaking. All written comments must be directed to the undersigned and must be delivered on or before October 22, 2008.

DATED this 20th day of August, 2008.

W. Dallas Burkhalter  
Deputy Attorney General  
Natural Resources Division/Fish and Game  
600 S. Walnut  
P.O. Box 25  
Boise, Idaho 83707  
(208) 334-3715  
Fax (208) 334-2148

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THE FOLLOWING IS THE TEXT OF DOCKET NO. 13-0111-0802

**201. FISHING METHODS AND GEAR.**

Unless modified by a regional exception, the following fishing methods and restrictions are applicable in all Idaho waters. (3-20-97)

**01. Archery and Spear Fishing.** Fishing with the use of bow and arrow, crossbow, spear or mechanical device, excluding firearms, is permitted for the taking of bullfrogs and unprotected nongame fish, and only in those waters during the season set for the taking of game fish. (7-1-99)

**02. Bait Restricted.** It is unlawful to fish with bait in waters designated as artificial flies and lures only, fly fishing only, or no bait. (3-30-07)

**03. Barbed Hooks.** It is unlawful to fish for sturgeon with barbed hooks. It is unlawful to fish for or take steelhead with barbed hooks in the Clearwater River drainage, Salmon River drainage, and Snake River drainage below Hells Canyon Dam. It is unlawful to fish in no bait waters with barbed hooks. (3-30-07)

**04. Fishing Gear.** It is unlawful to fish in any waters of Idaho with more than one (1) handline or pole with a line attached, except a person with a two (2) pole validation may use two (2) poles; or with more than five (5) lines while ice fishing; or by archery, spearfishing, snagging, hands, and netting except as permitted. Not more than five (5) hooks may be attached per line. The line or lines must be attended by the person fishing. (4-6-05)

**05. Fishing Shelters.** Any enclosure or shelter which is left unattended overnight on the ice of any waters of the state shall have the owner's name, telephone numbers, and current address legibly marked on two (2) opposing sides of the enclosure or shelter. (7-1-99)

**06. Gaff Hook.** It is unlawful to land fish of any species with a gaff hook except through a hole cut or broken in the ice in waters which have no length restrictions or harvest closures for that species. (3-20-97)

**07. Molesting Fish.** It is unlawful to molest any fish by shooting at it with a firearm or pellet gun, striking at it with a club, hands, rocks, or other objects, building obstructions for catching fish, or chasing fish up or downstream in any manner. (3-20-97)

**08. Snagging.** It is unlawful to snag game fish, unless otherwise stated by Commission rules/exceptions. Snagging of unprotected nongame fish species is permitted. (3-20-97)

**09. Trapping and Seining Minnows or Crayfish.** It is lawful to take ~~the young of~~ unprotected nongame fish, crayfish, and yellow perch with a minnow net, seine, or up to five (5) traps, provided the seine or net does not exceed ~~four ten (410)~~ feet in length or width, and the minnow or crayfish trap does not exceed ~~eighteen (18) inches in length or twelve (12) inches in diameter or width~~ two (2) feet in length, width or height. If the trap is of irregular dimension, but its volume does not exceed the volume of an ~~eighteen by twelve by twelve inches (18"x12"x12")~~ eight (8) cubic foot trap, it is also lawful to use. All fish so taken must immediately be killed except where stated otherwise. All traps must have a tag attached bearing the owner's name and address. Minnows and crayfish may only be taken during the season set for the taking of game fish in those waters. (~~3-20-97~~)( )

**10. Use of Bait.** It is unlawful to use live fish, leeches, frogs, salamanders, waterdogs or shrimp as bait, except that live crayfish and bull frogs may be used if caught on the body of water being fished. (~~3-20-97~~)( )

**11. Use of Hands.** It is lawful to take bull frogs and crayfish with the hands. (3-20-97)

**202. BAG AND POSSESSION LIMITS.**

**01. Bag Limit.** Maximum number of fish that may be lawfully taken by one (1) person in one (1) day. The bag and possession limits are equal, except where listed in region exceptions and for salmon and steelhead. (3-20-97)

**02. Possession Limit.** Maximum number of fish that may be lawfully in possession of any one (1)

person. Possession limit shall apply to fish while in the field or being transported. All fish that are hooked, landed and not immediately released shall be counted in the possession limit of the person hooking the fish. (3-20-97)

**03. Transport or Gift.** No person shall transport for another or accept as a gift any game fish unless a statement signed by taker accompanies the fish, showing the number and kinds, the date taken, the taker's name, address, and fishing license number. However, no person may claim ownership of more fish than allowed by the possession limit. (7-1-99)

**04. Table on Bag and Possession Limits for Specified Fish.**

SPECIES	BAG AND POSSESSION LIMITS	
<b>BASS</b> - Largemouth and Smallmouth North of and including the Salmon River drainage (Panhandle, Clearwater, Salmon and northern part of Southwest regions)	<b>6</b>	<del>In the aggregate of both species,</del> <del>NONE under 12 inches.</del> In the aggregate of both species.
<b>BASS</b> - Largemouth and Smallmouth South and east of the Salmon River drainage (Upper Snake, Southeast, Magic Valley and southern part of Southwest regions)	<b>6</b>	In the aggregate of both species, NONE under 12 inches.
<b>BROOK TROUT</b>	<b>25</b>	
<b>BULL TROUT</b> (Dolly Varden)	<b>NONE</b>	There is no harvest season for bull trout. Any bull trout caught may not be removed from the water and must be released immediately.
<b>BURBOT</b> (Ling)	<b>NONE</b>	There is no harvest season for burbot. Any burbot caught may not be removed from the water and must be released immediately.
<b>NORTHERN PIKE</b>	<b>6</b>	
<b>SALMON</b> (Anadromous)		See Rules 500 to 599
<b>STEELHEAD</b>		See Rules 400 to 499
<b>STURGEON</b>	<b>NONE</b>	There is no harvest season for sturgeon. Any sturgeon caught may not be removed from the water and must be released immediately. Barbless hooks required.
<b>TIGER MUSKIE</b>	<b>2</b>	NONE under 40 inches.
<b>TROUT</b> - includes the following trout family fishes brook, brown, cutthroat, golden, grayling, lake, (Mackinaw), rainbow, splake, sunapee; trout hybrids; and the landlocked forms of chinook, coho, Atlantic and kokanee (blueback) salmon.	<b>6</b>	In the aggregate of all species (see Magic Valley Southeast, Upper Snake regions for special cutthroat trout restrictions).
<b>WALLEYE</b>	<b>No Limit</b>	SEE MAGIC VALLEY and SOUTHEAST REGIONAL EXCEPTIONS
<b>WHITEFISH</b>	<b>25</b>	
<b>PROTECTED NONGAME FISH</b> - Shoshone, Wood River and Bear Lake sculpin, sand-roller, leatherside chub, Pacific lamprey.	<b>NONE</b>	May not be taken or possessed.

SPECIES	BAG AND POSSESSION LIMITS
All Species other than those listed above.	NO LIMIT

~~(3-30-07)~~( )

**05. Family Fishing Waters.** Waters designated as Family Fishing Waters shall have a year round season: a general bag limit of six (6) trout, of six (6) bass; no length limits; and allow the use of standard fishing gear. Pursuant to Section 36-105(3), Idaho Code, the Commission sets seasons and regional exceptions, including designated Family Fishing Waters, by proclamation. The proclamation is published in a brochure available at Department offices and license vendors. (3-30-07)

**06. Special Limits.** No person shall fish in any waters while having fish in possession in excess of the limits for those waters. (7-1-99)

## IDAPA 13 - IDAHO FISH AND GAME COMMISSION

### 13.01.16 - RULES GOVERNING THE TRAPPING OF PREDATORY AND UNPROTECTED WILDLIFE AND THE TAKING OF FURBEARING ANIMALS

DOCKET NO. 13-0116-0801

#### NOTICE OF RULEMAKING - PROPOSED RULE

**AUTHORITY:** In compliance with Section 67-5221(1), Idaho Code, notice is hereby given that this agency has initiated proposed rulemaking procedures. The action is authorized pursuant to Sections 36-104(b), 36-1101, and 36-1103, Idaho Code.

**PUBLIC HEARING SCHEDULE:** Public hearing(s) concerning this rulemaking will be scheduled if requested in writing by twenty-five (25) persons, a political subdivision, or an agency, not later than October 15, 2008.

The hearing site(s) will be accessible to persons with disabilities. Requests for accommodation must be made not later than five (5) days prior to the hearing, to the agency address below.

**DESCRIPTIVE SUMMARY:** The following is a nontechnical explanation of the substance and purpose of the proposed rulemaking:

The Department is proposing to increase otter harvest quotas in the Magic Valley and Upper Snake Regions; close beaver trapping on Willow Creek drainage in Units 66 and 69; increase beaver trapping opportunity in the Southeast and Magic Valley Regions; and amend the list of Wildlife Management Areas open to trapping.

**FEE SUMMARY:** Pursuant to Section 67-5226(2), the Governor has found that the fee or charge being imposed or increased is justified and necessary to avoid immediate danger and the fee is described herein: N/A

**FISCAL IMPACT:** The following is a specific description, if applicable, of any negative fiscal impact on the state general fund greater than ten thousand dollars (\$10,000) during the fiscal year: N/A

**NEGOTIATED RULEMAKING:** Pursuant to Section 67-5220(2), Idaho Code, negotiated rulemaking was not conducted because of the need to comply with printing schedules for the 2008 hunting and trapping seasons.

**ASSISTANCE ON TECHNICAL QUESTIONS, SUBMISSION OF WRITTEN COMMENTS:** For assistance on technical questions concerning the proposed rule, contact Don Kemner (208) 287-2748.

Anyone may submit written comments regarding the proposed rulemaking. All written comments must be directed to the undersigned and must be delivered on or before October 22, 2008.

DATED this 20th day of August, 2008.

W. Dallas Burkhalter  
Deputy Attorney General  
Natural Resources Division/Fish and Game  
600 S. Walnut / P.O. Box 25, Boise, Idaho 83707  
(208) 334-3715, Fax (208) 334-2148

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#### THE FOLLOWING IS THE TEXT OF DOCKET NO. 13-0116-0801

#### 600. TRAPPING ON GAME PRESERVES AND WILDLIFE MANAGEMENT AREAS.

01. Game Preserves and Wildlife Management Areas. All state game preserves and Department of

Fish and Game Wildlife Management Areas are open to the taking of furbearing animals by licensed trappers during the open season declared for the areas in which they lie. However, the ~~Billingsley Creek, Hagerman, Niagara Springs~~ and Sterling Wildlife Management Areas are open to muskrat or mink trapping by controlled trapping permit only.

(7-1-93)( )

**02. Contact or Registration Requirements.** Trappers who are trapping on any of the following Wildlife Management Areas must contact or register either at the management headquarters or the regional office:

(7-1-93)

- a. Billingsley Creek. (7-1-93)
- b. Boise River. (7-1-93)
- c. Andrus. (7-1-99)
- d. Camas Prairie Centennial Marsh. (7-1-93)
- e. C.J. Strike. (7-1-93)
- f. Carey Lake. (7-1-93)
- g. Cartier Slough. (7-1-93)
- h. Coeur d'Alene River. (7-1-93)
- i. Craig Mountain. (7-1-93)
- j. Fort Boise. (7-1-93)
- k. Hagerman. (7-1-93)
- l. Market Lake. (7-1-93)
- m. McArthur Lake. (7-1-93)
- n. Montpelier. (7-1-93)
- o. Mud Lake. (7-1-93)
- p. Niagara Springs. (7-1-93)
- q. Payette. (7-1-93)
- r. Portneuf. (7-1-93)
- s. Sand Creek. (7-1-93)
- t. Snow Peak. (7-1-93)
- u. Sterling. (7-1-93)
- v. Tex Creek. (7-1-93)
- w. Georgetown Summit ( )
- x. Blackfoot River ( )



## IDAPA 13 - IDAHO FISH AND GAME COMMISSION

### 13.01.17 - RULES GOVERNING THE USE OF BAIT FOR TAKING BIG GAME ANIMALS

DOCKET NO. 13-0117-0801

#### NOTICE OF RULEMAKING - PROPOSED RULE

**AUTHORITY:** In compliance with Section 67-5221(1), Idaho Code, notice is hereby given that this agency has initiated proposed rulemaking procedures. The action is authorized pursuant to Sections 36-104(b) and 36-1101, Idaho Code.

**PUBLIC HEARING SCHEDULE:** Public hearing(s) concerning this rulemaking will be scheduled if requested in writing by twenty-five (25) persons, a political subdivision, or an agency, not later than October 15, 2008.

The hearing site(s) will be accessible to persons with disabilities. Requests for accommodation must be made not later than five (5) days prior to the hearing, to the agency address below.

**DESCRIPTIVE SUMMARY:** The following is the required finding and concise statement of its supporting reasons for adopting a temporary rule and a nontechnical explanation of the substance and purpose of the proposed rulemaking:

Amend the rules to clarify the application to bait containers, and the required removal at the end of each season.

**FEE SUMMARY:** The following is a specific description of the fee or charge imposed or increased: N/A

**FISCAL IMPACT:** The following is a specific description, if applicable, of any negative fiscal impact on the state general funds greater than ten thousand dollars (\$10,000) during the fiscal year resulting from this rulemaking: N/A

**NEGOTIATED RULEMAKING:** Pursuant to IDAPA 04.11.01.811, negotiated rulemaking was not conducted because of the lack of an identified group to represent interested persons makes it infeasible.

**ASSISTANCE ON TECHNICAL QUESTIONS, SUBMISSION OF WRITTEN COMMENTS:** For assistance on technical questions concerning the temporary and proposed rule, contact Brad Compton (208) 287-2756.

Anyone may submit written comments regarding the proposed rulemaking. All written comments must be directed to the undersigned and must be delivered on or before October 22, 2008.

DATED this 20th day of August, 2008.

W. Dallas Burkhalter  
Deputy Attorney General  
Natural Resources Division/Fish and Game  
600 S. Walnut  
P.O. Box 25, Boise, Idaho 83707  
(208) 334-3715, Fax (208) 334-2148

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#### THE FOLLOWING IS THE TEXT OF DOCKET NO. 13-0117-0801

##### 100. USE OF BAIT.

Bait is defined as any substance placed to attract big game animals, except liquid scent for deer and elk. Bait may be used to hunt ONLY black bear and ONLY under the following conditions. (7-9-93)

**01. Time.** (7-1-93)

**a.** No bait or bait container may be placed for the purpose of attracting or taking black bear prior to the opening of black bear take season EXCEPT in that portion of Unit 12 north of State Highway 12 southwest of the Doe Creek Road (Forest Service Road 566) and northeast of Cabin Creek and Forest Service Road 486, and bait may be placed one (1) week prior to the opening of bear season in Units 17, 19, 20, 20A, 26 and 27. (~~4-11-06~~)(    )

**b.** All bait, bait containers and materials must be removed and all excavations refilled no later than seven (7) days after the close each season; ~~of the~~ spring, ~~and~~ fall, ~~or~~ black bear ~~seasons~~ dog training. (~~3-20-97~~)(    )

**02. Location.** (7-1-93)

**a.** No bait site may be located within two hundred (200) feet of any water (lake, pond, reservoir, year round free flowing spring and year round free flowing stream), or within two hundred (200) yards from any maintained trail or any road. (3-30-01)

**b.** No bait site may be located within one-half (1/2) mile of any designated campground or picnic area, administrative site, or dwelling. (7-1-93)

**03. Types.** (7-1-93)

**a.** No person shall use any part of a domestic or wild origin game bird, game animal, game fish, or protected nongame wildlife for bait or scent. (4-2-08)

**b.** The skin must be removed from any mammal parts or carcasses used as bait. (7-1-93)

**04. Containers.** (7-1-93)

**a.** No bait may be contained within paper, plastic, glass, metal, wood or other nonbiodegradable materials, except that a single, metal container with a maximum size of fifty-five (55) gallons may be used if securely attached at the bait site. (7-1-93)

**b.** No bait may be contained in any excavated hole greater than four (4) feet in diameter. (7-1-93)

**05. Establishment of Bait Sites.** (7-1-93)

**a.** Any structures constructed at bait sites using nails, spikes, ropes, screws, or other materials must be removed by the permit holder within seven (7) days of the close of the spring and fall black bear seasons. (3-20-97)

**b.** All bait sites must be visibly marked at the nearest tree or on the bait container using a tag supplied by the Department. (7-1-93)

## IDAPA 13 - IDAHO FISH AND GAME COMMISSION

### 13.01.19 - RULES FOR OPERATING, DISCONTINUING, AND SUSPENDING VENDORS

DOCKET NO. 13-0119-0801

#### NOTICE OF RULEMAKING - PROPOSED RULE

**AUTHORITY:** In compliance with Section 67-5221(1), Idaho Code, notice is hereby given that this agency has initiated proposed rulemaking procedures. The action is authorized pursuant to Sections 36-104(b) and 36-301, Idaho Code.

**PUBLIC HEARING SCHEDULE:** Public hearing(s) concerning this rulemaking will be scheduled if requested in writing by twenty-five (25) persons, a political subdivision, or an agency, not later than October 15, 2008.

The hearing site(s) will be accessible to persons with disabilities. Requests for accommodation must be made not later than five (5) days prior to the hearing, to the agency address below.

**DESCRIPTIVE SUMMARY:** The following is a nontechnical explanation of the substance and purpose of the proposed rulemaking:

Delete obsolete rules concerning reimbursement of telecommunication costs, correct statutory references and terminology; and amend several rules concerning ordering supplies and canceling documents to update terminology to the computerized licensing system.

**FEE SUMMARY:** The following is a specific description of the fee or charge imposed or increased: N/A

**FISCAL IMPACT:** The following is a specific description, if applicable, of any negative fiscal impact on the state general funds greater than ten thousand dollars (\$10,000) during the fiscal year resulting from this rulemaking: N/A

**FISCAL IMPACT:** Pursuant to IDAPA 04.11.01.811, negotiated rulemaking was not conducted because of the lack of an identified group to represent interested persons makes it infeasible.

**ASSISTANCE ON TECHNICAL QUESTIONS, SUBMISSION OF WRITTEN COMMENTS:** For assistance on technical questions concerning the proposed rule, contact Craig Wiedmeier (208) 287-2704.

Anyone may submit written comments regarding the proposed rulemaking. All written comments must be directed to the undersigned and must be delivered on or before October 22, 2008.

DATED this 20th day of August, 2008.

W. Dallas Burkhalter  
Deputy Attorney General  
Natural Resources Division/Fish and Game  
600 S. Walnut  
P.O. Box 25, Boise, Idaho 83707  
(208) 334-3715, Fax (208) 334-2148

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THE FOLLOWING IS THE TEXT OF DOCKET NO. 13-0119-0801

#### 100. COMPUTERIZED LICENSING SYSTEM.

**01. Licensing System Requirements.** All businesses who issue department documents shall be required to issue documents using the Department's computerized licensing system beginning with the 1996 calendar year licenses. (3-20-97)

**02. License Vendor Manual.** Businesses shall issue documents according to the "License Vendor Manual" provided by the Department. (3-20-97)

**03. Deposit Schedule.** Amounts collected from the sale and issuance of the department documents, along with the Department's share of the license issuance fee for each document ~~and the vendor's share of the weekly telecommunication charges,~~ shall be deposited not less frequently than once every seven (7) calendar days in a bank account prescribed by the ~~Department~~ License Vendor. (~~3-20-97~~)(\_\_\_\_)

**04. Reporting Time Period.** The accounting and reporting time period is a calendar week (Sunday through Saturday). All monies due for the week is to be deposited in the prescribed bank by the following Wednesday. All reports for a week are to be sent to the Department's license section on or before the following Wednesday. (3-20-97)

**101. -- 110. (RESERVED).**

**111. OUT-OF-STATE VENDORS.**

In general, an out-of-state location will not be approved to sell nonresident licenses unless it is located in close proximity (within fifty (50) miles) to the Idaho border or deemed to be a benefit for the Department. The application must also meet the rules for approving new vendors and have a compelling benefit in order to be approved. (~~3-20-97~~)(\_\_\_\_)

**(BREAK IN CONTINUITY OF SECTIONS)**

**114. VENDOR LOCATION NOT MOVEABLE.**

Each vendorship is approved for the specific location indicated on the vendorship application form. As movement of a vendorship from one area to another may not be in the interest of the Department or public, no vendorship may be relocated to another area (address) without written consent from the ~~Chief, Bureau of Administration~~ License Operations Manager. (~~3-20-97~~)(\_\_\_\_)

**(BREAK IN CONTINUITY OF SECTIONS)**

**120. CONTRACT AGREEMENT VIOLATIONS.**

**01. Notices of Contract Violations.** Notices of contract violations will be issued by the ~~Chief, Bureau of Administration~~ License Operations Manager, whenever a vendor shall fail to either make a license report or send in voided or canceled licenses on time or issue licenses as instructed. (~~3-20-97~~)(\_\_\_\_)

**02. Vendorship Performance Report.** Prior to issuing a third contract violation, a vendorship performance report (BA-119) will be sent to the appropriate conservation officer. The conservation officer should discuss the problem with the vendor and recommend whether or not a third violation should be issued. The form should be submitted to the License Section through the conservation officer's supervisors for their comments. (3-20-97)

**03. Intent to Suspend.** Prior to suspending a vendor upon a third contract violation, a written notice of intent to suspend shall be sent to the vendor. The vendor shall have fifteen (15) days in which to contact the director. (3-20-97)

**(BREAK IN CONTINUITY OF SECTIONS)**

**122. TERMINATION OR SUSPENSION OF VENDOR.**

**01. Suspension Grounds.** The Department may terminate or suspend a license vendor on the following grounds: (3-20-97)

**a.** The vendor fails to submit any canceled or voided licenses weekly. (3-20-97)

**b.** The vendor submits canceled or voided licenses late three (3) times during any twelve (12) month period. (3-20-97)

**c.** The vendor fails to have sufficient funds for the electronic funds transfer (EFT) to the Department more than once during any twelve (12) month period. (3-20-97)

**d.** The vendor fails to make good any funds deficiency to the Department within three (3) days of notification. (3-20-97)

**e.** The vendor fails to follow any procedures specified by the Department for selling or reporting sales. (3-20-97)

**f.** A vendor will be suspended for up to twelve (12) months following a third contract agreement violation within any twelve (12) month period. (3-20-97)

**g.** The vendor fails to comply with any other terms of the agreement or fails to maintain the original criteria used in determining eligibility to become a vendor. (7-1-98)

**h.** The Department discovers any fraud or deception in the application of the license vendor. (3-20-97)

**i.** A vendorship will be suspended immediately and may be terminated upon discovering that any license was altered by that vendorship. (3-20-97)

**j.** A vendorship will be immediately suspended and may be terminated upon failure to comply with the provisions of the contract agreement. (3-20-97)

**k.** A vendorship will be terminated immediately upon conviction of any of the following: (3-20-97)

**i.** Violation of Fish and Game laws and/or rules. (3-20-97)

**ii.** Violation in the issuance of a license or in performance as a vendor. (3-20-97)

**l.** A vendorship will be terminated immediately upon notice from the bonding company that the vendor's bond has been canceled. (3-20-97)

**m.** Vendorships that have been inactive for a year will be terminated. Inactive vendors who have been terminated may reapply to become vendors, and the vendorship application will be processed in the regular manner. The application must meet all requirements for approval. (3-20-97)

**n.** A vendor will be terminated immediately upon receiving two (2) suspensions in any three (3) year period. (3-20-97)

**02. Notice.** If the Department determines that any of the grounds listed above for termination exist and

decides termination or suspension is necessary, the Department shall provide a fifteen (15) day written notice to the vendor of its intention to terminate or suspend the agreement, except where the Department determines that an emergency or a risk to the public is created by the vendor's conduct or where the vendor has failed to pay for any fund deficiency within the prescribed time, in which case the Department may terminate the vendor's agreement immediately. (3-20-97)

**03. Reapplication.** A person whose vendorship is terminated for nonpayment of license fees may not reapply to become a license vendor until all outstanding fees, including interest charged at the legal rate for judgments, has been paid in full. (7-1-98)

**04. Terminations-Minimum Sales.** (3-20-97)

**a.** Incorporated City. When a vendor located within an incorporated city fails to sell at least three hundred (300) licenses during the first year of operation, or sell at least six hundred twenty-five (625) licenses during the second and subsequent years, termination will be at the end of the calendar year. A vendorship not selling the minimum number of licenses will not be terminated if the ~~Chief, Bureau of Administration~~ License Operations Manager determines the service is necessary for the function of the Department. (~~3-20-97~~)( )

**b.** All Other Areas. All other vendors who fail to sell at least one hundred twenty-five (125) licenses during the first year of operation, or at least two hundred twenty-five (225) licenses during the second and subsequent year, will be terminated at the end of the calendar year. A vendorship not selling the minimum number of licenses will not be terminated if the ~~Chief, Bureau of Administration~~ License Operations Manager determines the service necessary for the function of the Department. (~~3-20-97~~)( )

**(BREAK IN CONTINUITY OF SECTIONS)**

**130. ISSUING LICENSES AND TAGS.**

**01. Identification Required.** A vendor shall receive proper identification as defined in Subsection 130.03 of this rule from each individual before issuing an Idaho resident license or tag. Nonresident licenses, and daily fishing licenses do not require identification. (4-6-05)

**02. Ordering by Mail.** Licenses and tags also may be obtained by mail by forwarding to the Idaho Department of Fish and Game, License Section, PO Box 25, Boise, ID 83707, a legible copy of proper identification as described in Subsection 130.03 of this rule: (3-20-97)

**a.** Applications for mail-ordered licenses and tags shall be made on department forms obtainable from department offices or the Department's website and shall be postmarked on or before any deadlines that may have been established for issuance of such license or tag. (~~3-20-97~~)( )

**b.** The Department may require additional information to assist with the completion of mail-ordered transactions. (3-20-97)

**c.** Licenses or tags shall not be issued until the required fee has been received by the Department in the form of personal check or money order. (3-20-97)

**03. Proof of Residence.** The vendor shall confirm proof of residence before issuing a resident license. In cases where the vendor cannot obtain suitable proof of residence, the vendor should NOT issue the license and refer the applicant to the local conservation officer or department office so that residency can be verified by the Department. If a person drives and is applying for an Idaho resident Fish and Game license, they must provide a valid Idaho driver's license. A previous year's fish and game license is not acceptable proof of residency. Acceptable proof of residency is: (4-6-05)

**a.** A valid Idaho driver's license for all persons who drive. (4-6-05)

**b.** Persons who have not been issued a driver's license, who do not drive and who are eighteen (18) years of age or older are required to prove residency by providing two (2) pieces of identification bearing the name and address of the applicant, but not issued by himself, acceptable documents are: (4-6-05)

- i. Idaho identification card. (4-6-05)
- ii. In the case of a minor child (under eighteen (18)) identification from a parent. (3-20-97)
- iii. Home electricity, gas, cable or phone utility bills dated at least six (6) months prior. (4-6-05)
- iv. Notarized statement from an employer on business letterhead. (3-20-97)
- v. Proof of voter registration dated six (6) months prior. (3-20-97)
- vi. A residency affidavit signed by the license purchaser. (4-6-05)

~~**04. Completion of Form.** Vendor shall fill in all the information requested on the document, including the full name, complete address, gender, date of birth, and mark the box for the type of document for which applicant is applying. (3-20-97)~~

**054. Social Security Numbers.** Vendor shall require disclosure of social security numbers for any person who purchases a license. The social security number shall be used only as a unique number to assist the Department with matching licenses and tags sold to an individual. Disclosure of social security numbers to the Department is required by Section 73-122, Idaho Code, and the Department shall not use such numbers for any purpose other than that expressed herein. A person's social security number is considered confidential and will not be released to any person by the Department. (4-6-05)

**065. Vendor Employees.** Any employee of the vendor may issue documents, provided that the employee is instructed as to all applicable statutes and regulations. Vendor is responsible for employee training and for any violation of applicable statutes and regulations committed by employees. (3-20-97)

**076. Resident Privileges.** No one can claim Idaho resident privileges while claiming resident privileges in another state (except military personnel). (3-20-97)

**087. Negligence.** The issuing vendor must be sure that the license information is complete and is recorded before the license sale is final. Negligence in obtaining proof of residence or completion of the application portion of the license could constitute grounds for suspension of a vendorship. (3-20-97)

**(BREAK IN CONTINUITY OF SECTIONS)**

**153. VOIDED AND CANCELLED DOCUMENTS.**

When an error is made in issuing a document, no correction, alteration, or erasure shall be made to the document. To void a document write "Void" on the document. Do not destroy any voided or canceled licenses. Cancel the licenses on the IWILD terminal through the cancel function. The original voided document and cancellation receipt shall be submitted to the Department at the week's end and is to be postmarked on or before the following Wednesday. If the original document is not received when due, the vendor may be charged for the value of the document.

(3-20-97)( )

**(BREAK IN CONTINUITY OF SECTIONS)**

**156. SUPPLIES.**

A vendor shall anticipate requirements for supplies of blank license stock, supplies, and other forms and order through the Idaho Wildlife Information Licence Data (IWILD) terminal, by mail or phone. It is the responsibility of the vendor to place orders early enough for the Department to process the request and ship the order by the most cost-effective means. (3-20-97)(\_\_\_\_)

**(BREAK IN CONTINUITY OF SECTIONS)**

**159. ~~TELECOMMUNICATION REIMBURSEMENTS TO VENDORS~~ INTERNET SERVICE PROVIDER (ISP).**

~~Each vendor must have a phone line available for the computerized license system. The Department shall prescribe the type of phone line service that is required by each vendor. If a data quality phone line is required for the computerized license system, vendors will reimburse the Department for one-half (1/2), of phone line installation costs, not to exceed two hundred dollars (\$200). The director is authorized to waive any or all of a vendor's phone line reimbursement if the director finds that a waiver is necessary to provide the public reasonable opportunity to obtain licenses within a twenty-five (25) mile radius of the proposed vendor location. Each License Vendor must provide their own Internet Service Provider (ISP) for the computerized license system. The ISP can either be dial-up or any type of high-speed. The Department strongly recommends a high-speed ISP. The License Vendor is responsible for all costs relating to the Internet connection.~~ (7-1-98)(\_\_\_\_)

**160. ~~TELECOMMUNICATION USAGE COST SHARING WITH VENDORS.~~**

~~01. **Vendors Which Issue or Are Expected to Issue Seven Hundred Eighty Licenses or More Per Year.** The Department will add to the weekly amount due from these vendors seven dollars and fifty cents (\$7.50) as their share of the weekly phone line charge.~~ (3-20-97)

~~02. **Vendors That Issue or Are Expected to Issue Less Than Seven Hundred Eighty Licenses Per Year.** The Department will add to the weekly amount due from these vendors fifty cents (\$0.50) for each license issued in the prior seven (7) calendar days as their share of the weekly phone line charge.~~ (3-20-97)

~~03. **Vendors That Also Have an On-Line Lottery Terminal.** Vendors that also have on-line lottery terminal will not be required to pay an amount as their share of the weekly telecommunication that is larger than what would be separately charged by the Department or lottery, whichever would be the greater.~~ (3-20-97)

**1640. ELECTRIC POWER REQUIREMENTS.**

Vendors must have a "clean" power line available for the computerized license system. The power line cannot have any other electrical equipment running off the line ~~other than an on-line lottery terminal.~~ (3-20-97)(\_\_\_\_)

**1621. -- 999. (RESERVED).**



## IDAPA 13 - IDAHO FISH AND GAME COMMISSION

### 13.01.20 - SELECTION RULES OF NEW FISH AND GAME LICENSE VENDORS

DOCKET NO. 13-0120-0801

#### NOTICE OF RULEMAKING - PROPOSED RULE

**AUTHORITY:** In compliance with Section 67-5221(1), Idaho Code, notice is hereby given that this agency has initiated proposed rulemaking procedures. The action is authorized pursuant to Sections 36-104(b) and 36-301, Idaho Code.

**PUBLIC HEARING SCHEDULE:** Public hearing(s) concerning this rulemaking will be scheduled if requested in writing by twenty-five (25) persons, a political subdivision, or an agency, not later than October 15, 2008.

The hearing site(s) will be accessible to persons with disabilities. Requests for accommodation must be made not later than five (5) days prior to the hearing, to the agency address below.

**DESCRIPTIVE SUMMARY:** The following is a nontechnical explanation of the substance and purpose of the proposed rulemaking:

The Department recommends that the application process be simplified and streamlined to provide better response time to vendor applicants, and that the active vendor ceiling number be amended because of the decreased number of license vendors.

**FEE SUMMARY:** The following is a specific description of the fee or charge imposed or increased: N/A

**FISCAL IMPACT:** The following is a specific description, if applicable, of any negative fiscal impact on the state general funds greater than ten thousand dollars (\$10,000) during the fiscal year resulting from this rulemaking: N/A

**NEGOTIATED RULEMAKING:** Pursuant to IDAPA 04.11.01.811, negotiated rulemaking was not conducted because of the lack of an identified group to represent interested persons makes it infeasible.

**ASSISTANCE ON TECHNICAL QUESTIONS, SUBMISSION OF WRITTEN COMMENTS:** For assistance on technical questions concerning the temporary and proposed rule, contact Craig Wiedmeier (208) 287-2704.

Anyone may submit written comments regarding the proposed rulemaking. All written comments must be directed to the undersigned and must be delivered on or before October 22, 2008.

DATED this 20th day of August, 2008.

W. Dallas Burkhalter  
Deputy Attorney General  
Natural Resources Division/Fish and Game  
600 S. Walnut  
P.O. Box 25, Boise, Idaho 83707  
(208) 334-3715, Fax (208) 334-2148

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THE FOLLOWING IS THE TEXT OF DOCKET NO. 13-0120-0801

#### 101. APPLICATION.

**01. Form.** The director will develop and provide, as necessary, a license vendor application form incorporating these rules. (3-20-97)

**02. Department.** (3-20-97)

**a.** Form. The License Section will send to the applicant the vendorship application form and transmittal letter ~~and concurrently notify the conservation officer within five (5) working days after it received the request~~ or a business may print the application form and transmittal letter from the Idaho Fish and Game website. (3-20-97)(\_\_\_\_)

**b.** Nonresponse by Applicant. ~~The License Section will contact the conservation officer if the completed Vendor application form has not been received sixty (60) days after the date of the transmittal letter.~~ The application sent out by the License Section will be considered void if ~~neither the conservation officer nor~~ the License Section has ~~not~~ received ~~a positive response~~ the application form and all other required information from the applicant ~~sixty (60) days after the date of the transmittal letter.~~ The applicant may request up to a thirty (30) day time extension to complete the form from the ~~administration bureau chief~~ License Operations Manager. (3-20-97)(\_\_\_\_)

**c.** Application Review -- Quarterly. The ~~administration bureau chief~~ License Operations Manager will quarterly evaluate vendor applications for approval or denial. The ~~administration bureau chief~~ License Operations Manager will have thirty (30) calendar days after receipt of all necessary forms from the applicant and department personnel to review and investigate the application. The date received plus thirty (30) days will determine into which quarterly evaluation each vendor application will be considered. Applications from the same area will be evaluated together to determine which will best meet the needs for a vendorship in that area. The evaluations and determination of approval or denial will be made quarterly on or before March 1, June 1, September 1, and December 1. Exceptions may be made by the Department when there are overriding Department and public needs for an immediate replacement of a license vendor in an area. This will primarily occur where there would be no vendor services available to the public within a twenty-five (25) mile radius. (3-20-97)(\_\_\_\_)

**d.** Field Review. ~~A conservation officer will meet with the applicant to review the application form and explain the license issuing requirements within thirty (30) calendar days from the applicant's initial contact with the officer. The application form must be signed and dated by the officer. After meeting with the applicant, the Conservation officer has fifteen (15) days to complete his review and forward all documents, including the applicant's application form and credit report, to supervisors for review. The application form and any other department documents are due to the License Section thirty (30) days after the officer's meeting with the applicant to review and complete the application form. After the License Section has received the application form and all other required information from an applicant, they will contact the Regional Conservation Officer for a recommendation on the application. The Regional Conservation Officer may contact the local Conservation Officer to conduct an on-site visit of the applicants business. The Regional Conservation Officer will have ten (10) days to provide the License Section with a recommendation on the application.~~ (3-20-97)(\_\_\_\_)

**03. Applicant.** (3-20-97)

**a.** Application Form. A license vendor applicant must complete the application form in its entirety. Any false or misleading response will void the application. (3-20-97)

~~**b.** Meeting with Conservation Officer. Within fifteen (15) days of the date on the application transmittal letter, the applicant must contact the conservation officer listed in the letter to arrange a meeting with him. If the applicant is unable to contact the conservation officer, the local regional office should be contacted to assign a conservation officer.~~ (3-20-97)

**eb.** Credit Rating. The applicant must submit the original copy of a current credit rating from a recognized credit bureau with the completed application form. (3-20-97)

**dc.** Form Submission. The completed vendorship application form and credit rating must be submitted to the ~~conservation officer~~ License Section no later than ~~forty-five sixty (4560) days~~ after the date of the application transmittal letter. Failure by the applicant to meet these time frames will void the application. (3-20-97)(\_\_\_\_)

**ed.** Approved Application. If the application is approved the required vendorship contract, agreements, deposits, and bond (if required) must be received within sixty (60) days from the date of the applicant's approval letter. Failure to meet the deadlines will void the approval except for extenuating circumstances approved by the ~~administration bureau chief~~ License Operations Manager. (3-20-97)( )

**fe.** Denied Application. Any applicant who has been denied a license vendorship may appeal that decision to the director. The applicant may request the director to establish a hearing in accordance with the Administrative Procedures Act. (3-20-97)

**102. SELECTION.**

The following ~~criteria are established~~ factors will be considered for selecting an applicant to become a fish and game license vendor: (3-20-97)( )

**01. Low Numbered Vendors.** Applicants classified in lower-numbered vendor classifications will be given priority over applicants in higher-numbered classifications from the same general location. (3-20-97)

**02. Class Six Applicants.** Applicants classified as class six (6) will generally not be approved. They will be approved only when they have demonstrated a major significant public benefit to have a license vendorship at their location. (3-20-97)

**03. Unsettled Debts Reported.** Applicants who have unsettled debts reported and listed with a credit bureau will not be approved. Unsettled debts that are in dispute will not be considered against the applicant. (3-20-97)

**04. Surety Bond Needed.** Applicants who would otherwise qualify for a vendorship and have been in business less than three (3) years will be required to furnish the Department a ten thousand dollar (\$10,000) surety bond in the form and length as determined by the director. (3-20-97)

**05. Applicant Cooperation Required.** The applicant and its employees should exhibit a cooperative attitude toward the license issuing requirements; however, this shall not be the only rationale for denying a vendorship. (3-20-97)

**06. Permanent Place of Business Required.** Applicants who do not have a permanent place of business open and accessible to all segments of the public will not be approved. (3-20-97)

**07. Number of Existing Vendors in Area.** The number of existing vendors in the applicant's geographical area and their distance to the applicant. For the three (3) closest existing vendors, their hours and days of operation, classification, accessibility to the public, and other pertinent information, including their distance to the applicant, will be compared to the applicant. (3-20-97)

**08. Incorporated City.** If the applicant is in an incorporated city, the number of vendors in the city. (3-20-97)

**09. Unincorporated City.** If the applicant is located in an unincorporated area, the number of vendors within a twenty-five (25) mile radius. (3-20-97)

**10. Minimum Sales Volume Requirement.** The applicant's estimated license sales volume should meet the minimum sales volume requirements. If the applicant is seeking to replace an existing vendor at the prior vendor's location, the prior vendor's sales volume will be used to estimate the applicant's sales volume. (3-20-97)

**11. Satisfactory Past Performance Record Required.** If the applicant was a license vendor or the manager for a license vendor within the past five (5) years, the performance record for compliance with the requirements for license vendors must be satisfactory. (3-20-97)

**12. No Fish and Game Violations Allowed.** Neither the owner(s) nor store manager (if the applicant is a corporation) shall have had a fish and game violation other than an infraction within the past five (5) years. (3-20-97)

**13. Remote Location.** An applicant's location will be considered remote if there are no year-round vendors within a twenty-five (25) mile radius. (3-20-97)

**14. The Applicant's Hours of Operation.** Priority will be given in the following order: (3-20-97)

**a.** Seven (7) days per week, minimum fifty-six (56) hours. (3-20-97)

**b.** Six (6) days per week, minimum forty-eight (48) hours. (3-20-97)

**c.** Five (5) days per week, minimum forty (40) hours. (3-20-97)

**d.** Four (4) days per week, minimum thirty-two (32) hours. (3-20-97)

**15. Turnover in Vendorship of Location.** The number of times the location has had a turnover in the vendorship. Three (3) changes of ownership in any twenty-four (24) month period are considered excessive and the application may not be approved for this reason. (3-20-97)

**16. Length of Time in Business.** Except as otherwise provided in these rules, all applicants for a new license vendorship should have been established in business for at least one (1) year. The Department may waive this requirement in the case of a license vendor applicant located in a remote area if there is a Department or public need for license availability. Changes in ownership at established vendor locations will be handled on a case-by-case basis. (3-20-97)

**17. Distance to Fishing and Hunting Areas.** (3-20-97)

**a.** Distance zero (0) to ten (10) miles. (3-20-97)

**b.** Distance eleven (11) to twenty (20) miles. (3-20-97)

**c.** Distance twenty-one (21) to thirty (30) miles. (3-20-97)

**d.** Distance thirty-one (31) to forty (40) miles. (3-20-97)

**e.** Distance forty-one (41) miles and greater. (3-20-97)

**18. Need Determination.** Can the public reasonably obtain licenses/tags without this vendor. (3-20-97)

**19. Vendor Ceiling.** Qualified applications will be approved until the active vendor ceiling has been reached. (3-20-97)

**103. ACTIVE VENDOR CEILING.**

The number of active vendors, including approved vendor applicants, is limited to ~~five hundred fifty~~ four hundred seventy-five (50475). (3-20-97)(      )