

Dear Senators SCHROEDER, Bair & Stennett, and
Representatives STEVENSON, Paul Shepherd & Sayler:

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

13.01.01 - Rules of Practice & Procedure of the Idaho Fish & Game Commission

(Docket #13-0101-0901)

13.01.04 - Rules Governing Licensing (Docket #13-0104-0901)

13.01.04 - Rules Governing Licensing (Docket #13-0104-0902)

13.01.06 - Rules Governing Classification & Protection of Wildlife

(Docket #13-0106-0901)

13.01.08 - Rules Governing the Taking of Big Game Animals in Idaho

(Docket #13-0108-0902)

13.01.09 - Rules Governing the Taking of Game Birds in the State of Idaho

(Docket #13-0109-0901)

13.01.10 - Rules Governing the Importation, Possession, Release, Sale, or Salvage
Of Wildlife (Docket #13-0110-0901)

13.01.15 - Rules Governing the Use of Dogs (Docket #13-0115-0901)

13.01.16 - The Trapping of Predatory & Unprotected Wildlife & the Taking of
Furbearing Animals (Docket #13-0116-0901)

13.01.17 - Rules Governing the Use of Bait for Taking Big Game Animals
(Docket #13-0117-0901).

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 9-9-09. 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 10-7-09.

_____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: August 20, 2009

SUBJECT: Idaho Department of Fish and Game

- 1. 13.01.01 - Rules of Practice & Procedure of the Idaho Fish & Game Commission
(Docket #13-0101-0901)**
- 2. 13.01.04 - Rules Governing Licensing (Docket #13-0104-0901)**
- 3. 13.01.04 - Rules Governing Licensing (Docket #13-0104-0902)**
- 4. 13.01.06 - Rules Governing Classification & Protection of Wildlife
(Docket #13-0106-0901)**
- 5. 13.01.08 - Rules Governing the Taking of Big Game Animals in Idaho
(Docket #13-0108-0902)**
- 6. 13.01.09 - Rules Governing the Taking of Game Birds in the State of Idaho
(Docket #13-0109-0901)**
- 7. 13.01.10 - Rules Governing the Importation, Possession, Release, Sale, or Salvage of
Wildlife (Docket #13-0110-0901)**
- 8. 13.01.15 - Rules Governing the Use of Dogs (Docket #13-0115-0901)**
- 9. 13.01.16 - The Trapping of Predatory & Unprotected Wildlife & the Taking of
Furbearing Animals (Docket #13-0116-0901)**
- 10. 13.01.17 - Rules Governing the Use of Bait for Taking Big Game Animals (Docket
#13-0117-0901)**

1. IDAPA 13.01.01 - Rules of Practice & Procedure of the Idaho Fish & Game Commission

The Department submits notice of proposed rulemaking at 13.01.01 - Rules of Practice & Procedure of the Idaho Fish & Game Commission. According to the Department, the purpose of the rule is to define the duties of the Commission Chairman and Vice-Chairman as well as to delete obsolete provisions.

The duties of the chairman are defined as presiding at all meetings, setting the agenda for all meetings and performing such other duties as the Commission may direct. The duties of the Vice-Chairman are defined as performing the duties of the Chairman in the absence of the Chairman. The rule also provides that in the absence of both the Chairman and Vice-Chairman, the Commission may appoint an Acting Chairman to preside.

The proposed rule also deletes provisions relating to telephone conference calls, order of business, voting by proxy, suspension or amendment of rules and minimum requirements relating to minutes of Commission meetings. We contacted the Department relating to the proposed deletions. The deletions are primarily being made to those matters that are either obsolete, or are covered by the Open Meeting Law and the Public Records Law.

The rulemaking appears to be authorized pursuant to Section 36-104(b), 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 set the nonresident deer tag quotas per Commission adoption, set outfitter deer set-aside tags, reduce certain elk zone tags per Commission adoption, delete obsolete elk zone tags and set elk zone tags per Commission adoption.

The rulemaking appears to be authorized pursuant to Sections 36-104(b) and 36-408, Idaho Code.

3. 13.01.04 - Rules Governing Licensing

The Department submits notice of temporary and proposed rulemaking at IDAPA 13.01.04 – Rules Governing Licensing. According to the Department, the rule implements Senate Bill 1008, passed during the 2009 Legislative Session, creating a Disabled Veterans Special Big Game Tag. The temporary rule became effective on July 27, 2009.

The rule also provides that any of the five big game tags for disabled veterans that have not been issued by July 15 of any year, shall also be available for children with life threatening conditions. In addition, the proposed changes strike the requirement that applications for big game permits/tags for children with life threatening medical conditions include the signature of a qualified and licensed physician stating the applicant has a life threatening medical condition. We contacted the Department to inquire why this provision was stricken. The Department indicates that the qualification of a child is actually the responsibility of the nonprofit corporation that

submits the application on behalf of the child.

The rulemaking appears to be authorized pursuant to Sections 36-104(b), 36-401 and 36-408, Idaho Code.

4. 13.01.06 - Rules Governing Classification & Protection of Wildlife

The Department submits notice of proposed rulemaking at IDAPA 13.01.06 – Rules Governing Classification & Protection of Wildlife. According to the Department, the rule reclassifies the Yellowstone grizzly bear as a big game animal and the bald eagle and peregrine falcon as protected nongame species.

We contacted the Department for additional clarification. The Department notes that the federal government reclassified the Yellowstone grizzly bear, bald eagle and peregrine falcon a number of years ago. The Commission recently reclassified them as well and that is why the changes are being made at this time.

The rulemaking appears to be authorized pursuant to Sections 36-104(b) and 36-201, Idaho Code.

5. 13.01.08 - Rules Governing the Taking of Big Game Animals in Idaho

The Department submits notice of proposed rulemaking at IDAPA 13.01.08 – Rules Governing the Taking of Big Game Animals in Idaho. According to the Department, the rule adds gray wolves to the big game rules in preparation for Commission season setting when wolves are delisted. The proposed rule authorizes the over-the-counter sale of certain leftover controlled hunt tags based on the dates of the hunt. The Department notes that the rule also allows certain handguns to be used in short-range weapon hunts. The Department states that the rule also corrects terminology for landowner permission controlled hunt applications and mandatory check and report requirements as well as deletes obsolete references.

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

6. 13.01.09 - Rules Governing the Taking of Game Birds in the State of Idaho

The Department submits notice of proposed rulemaking at IDAPA 13.01.09 – Rules Governing the Taking of Game Birds in the State of Idaho. According to the Department, the rule is being promulgated to allow senior and disabled hunters to apply for leftover first come, first served youth-only controlled hunt turkey tags.

The rulemaking appears to be authorized pursuant to Sections 36-104(b), 36-408 and 36-1101, Idaho Code.

7. 13.01.10 - Rules Governing the Importation, Possession, Release, Sale, or Salvage of Wildlife

The Department submits notice of proposed rulemaking at IDAPA 13.01.10 – Rules Governing the Importation, Possession, Release, Sale, or Salvage of Wildlife. According to the Department, the rule allows for the possession and sale of bones from lawfully-harvested or naturally-dying big game animals. The Department notes that the rule also deletes an obsolete reference to an antler pick-up season in Eastern Idaho.

The rulemaking appears to be authorized pursuant to Sections 36-104(b), 36-501 and 36-504, Idaho Code.

8. 13.01.15 - Rules Governing the Use of Dogs

The Department submits notice of proposed rulemaking at IDAPA 13.01.15 – Rules Governing the Use of Dogs. According to the Department, the rule allows the use of one blood-trailing dog controlled by leash during lawful hunting hours and within 72 hours of hitting a big game animal to track wounded animals and aid in recovery. The rule also provides that a hound hunting permit is not required. The Department notes that the rule also corrects the non-resident quota rule to reflect Commission action.

We contacted the Department for additional clarification. The rule relating to the use of blood-trailing dogs represents a completely new provision. The Department notes that the reason a hound hunting permit is not required is because these dogs are not supposed to be hunting – simply trailing. If they were hunting, that would be a violation.

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

9. 13.01.16 - The Trapping of Predatory & Unprotected Wildlife & the Taking of Furbearing Animals

The Department submits notice of proposed rulemaking at IDAPA 13.01.16 – The Trapping of Predatory & Unprotected Wildlife & the Taking of Furbearing Animals. According to the Department, the rule allows other forms of official import documentation to suffice as an export tag for possession of lawfully obtained pelts in Idaho. The Department notes that the rule also corrects an obsolete reference to the vendor fee.

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

10. 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 rule prohibits the use of salt for bear baiting and amends language for removal of bait sites for consistency. We contacted the Department for additional clarification and the Department notes

that removing the use of salt for bear baiting removes a loophole relating to hunting deer and elk.

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

cc: Idaho Department of Fish and Game
Dallas Burkhalter
Sharon Kiefer
Brad Compton

IDAPA 13 - IDAHO FISH AND GAME COMMISSION

13.01.01 - RULES OF PRACTICE AND PROCEDURE OF THE IDAHO FISH AND GAME COMMISSION

DOCKET NO. 13-0101-0901

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 Section 36-104(b), 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 September 16, 2009.

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:

Defines the duties of the Commission Chairman and Vice-Chairman, and deletes obsolete rules.

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

There are no fees or charges being imposed through this rulemaking.

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:

There is no impact on the general fund as a result of this rulemaking.

NEGOTIATED RULEMAKING: Pursuant to Section 67-5220, Idaho Code, negotiated rulemaking was not conducted because of the lack of an identified group to represent interested persons makes it unfeasible.

ASSISTANCE ON TECHNICAL QUESTIONS, SUBMISSION OF WRITTEN COMMENTS: For assistance on technical questions concerning the proposed rule, contact W. Dallas Burkhalter (208) 334-3715.

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 September 23, 2009.

DATED this 28th day of July, 2009.

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

THE FOLLOWING IS THE PROPOSED TEXT FOR DOCKET NO. 13-0101-0901

011. COMMISSION OFFICERS.

The officers of the Commission shall be chairman, vice-chairman, and secretary. The Commission shall annually elect the chair and vice-chair for the ensuing year. The newly elected chairman and vice-chairman shall assume the duties of their respective offices at the conclusion of the meeting at which they were elected. ()

012. DUTIES OF CHAIRMAN.

The Chairman shall preside at all meetings, set the agenda for all meetings, and shall perform such other duties as the Commission may direct. ()

013. DUTIES OF VICE-CHAIRMAN.

The Vice-Chairman shall perform the duties of the Chairman in the absence of the Chairman. In the event of the absence of both the Chairman and Vice-Chairman, the Commission may appoint an Acting Chairman to preside during such absence. ()

014. DIRECTOR -- COMMISSION SECRETARY -- COMMUNICATIONS.

The Director of the Department is the Commission Secretary and the custodian of all public files of the Commission. The Secretary or his designee is responsible for service of all orders and notices and other documents issued by the Commission. (10-26-94)

01. Written Communications and Documents. All written communications and documents concerning any matter covered by these rules should be mailed to the headquarters office of the Commission and not to individual members of the Commission or Department. Unless otherwise provided by statutes, these rules, order or notice, documents are considered to be officially received as evidenced by the date stamp placed on all such communications and documents when received, not when mailed. (10-26-94)

02. Proceedings Information. Information concerning proceedings before the Commission or Department or the status of any matter before the Commission is available from the Commission Secretary. (10-26-94)

0125. DELEGATION OF POWERS TO DIRECTOR.

The Commission may, by order, delegate such powers to the Director as the law will permit. (10-26-94)

0136. INVESTIGATIONS.

The Commission may authorize any of its members, the Director, or other persons to make investigations for fact-finding purposes. The investigator or person conducting the hearing shall report the results of such investigation or hearing to the Director or if directed, to the Commission as a body. Such proceedings may be formal or informal as directed by the Commission. (10-26-94)

0147. -- 049. (RESERVED).

050. COMMISSION MEETINGS.

01. Discrimination. Commission meetings shall not knowingly be held at any place where discrimination on the basis of race, creed, color, sex, age, or national origin is practiced. (10-26-94)

02. Commission Meetings Required. The Commission shall hold its annual meeting in Boise in January and hold other regular quarterly meetings in April, July, and October at places within the state of Idaho as the Commission may select. All meetings of the Commission are open to the public, except as provided under Idaho Code, Section 67-2345. (10-26-94)

03. Special Meetings. Special meetings may be called at any time and place by the Chairman and/or a majority of the members of the Commission. Special meetings are open to the public and are subject to the same requirements as regular meetings, except as provided under Section 67-2345, Idaho Code. (10-26-94)

~~**04. Telephone Conference Call Meetings.** In emergency situations or because of budget considerations, it may be necessary to hold special meetings by telephone conference call. Such meetings are open to~~

~~the public and are subject to the same requirements as regular meetings, except as provided under Section 67-2345, Idaho Code.~~ (10-26-94)

054. Attendance of Director. The Director may attend all meetings and hearings of the Commission, except when ordered otherwise by the Commission, and will have the same right to speak at such meetings as the members of the Commission. However, the Director will not be permitted to vote upon any question being decided by the Commission. (10-26-94)

065. Request to Appear Before the Commission. Any person wishing to appear before the Commission on any matter may make a written or oral request to appear. Requests must be received by the Commission at the headquarters office at least ten (10) days prior to the regularly scheduled Commission meeting at which the appearance is requested. Written requests shall contain a general statement of the purpose of the requested appearance. (10-26-94)

051. CONDUCT OF COMMISSION MEETINGS.

01. Quorum. Four (4) members of the Commission shall constitute a quorum for the transaction of any business or in the performance of any duty or for the exercise of any power. Provided, that whenever the number of Commissioners present is less than a quorum at a regular or special meeting, they may recess from day-to-day until a quorum is present. (10-26-94)

02. Call to Order. The Chairman of the Commission or, in his absence, any member of the Commission chosen by members present to act as the Acting Chairman of the Commission, shall call the meeting to order. (10-26-94)

~~**03. Order of Business.** When the Commission has been called to order and a quorum present, the order of business shall be as follows, or such other order of business as may be determined by the Chairman or a majority of Commission members:~~ (10-26-94)

- ~~a. Director's report.~~ (10-26-94)
- ~~b. Commission discussion.~~ (10-26-94)
- ~~c. Minutes.~~ (10-26-94)
- ~~d. Fiscal.~~ (10-26-94)
- ~~e. Rules.~~ (10-26-94)
- ~~f. Lands.~~ (10-26-94)
- ~~g. Management plans and policies.~~ (10-26-94)
- ~~h. Legislation.~~ (10-26-94)
- ~~i. Reports.~~ (10-26-94)
- ~~j. Miscellaneous.~~ (10-26-94)

043. Business Before the Commission. All business before the Commission shall be by motion and shall not be debated before the Chairman has properly stated or introduced the motion. After the motion has been introduced by the Chairman, each member of the Commission, or the Director, when properly recognized, may speak on the motion. (10-26-94)

054. Obtaining the Floor. To obtain recognition from the Chairman, a member will raise his hand and address the Chairman and, when duly recognized, the member may proceed, provided that such request for recognition may not be made when another has the floor. (10-26-94)

065. Voting. (10-26-94)

a. All members shall vote upon all motions placed before the commission unless excused by the Chairman and the reason for such excuse shall be stated in the record. (10-26-94)

b. A Commissioner may change his vote on any motion up to the time the vote is finally announced by the Chairman. (10-26-94)

~~**c.** Any absentee Commissioner wishing to vote on any motion, after being fully informed of the facts in the motion at hand, may cast his vote by proxy. The proxy shall be in the form of a letter designating power of attorney for a Commission member present at the meeting to cast a vote in behalf of the absent member. Such letter shall indicate the vote which is desired and shall become a part of the record of the meeting. (10-26-94)~~

076. Motion to Reconsider. A motion having been decided by the Commission, any Commissioner, having voted on the prevailing side, may on any day of the meeting at which such question was decided, move to reconsider the vote by which the same was lost or carried. If such motion to reconsider carries, the Chairman shall again put the original motion before the Commission. It will have the same status as if it had not been voted on by the Commission. (10-26-94)

087. Parliamentary Rules. The rules contained in Robert's Rules of Order shall govern the Commission in all cases to which they are applicable, and in which they are not inconsistent with the rules of order of the Commission. (10-26-94)

~~**09.** *Suspension or Amendment of Rules.* These rules of the Commission may be amended or suspended by a vote of three (3) members of the Commission. (10-26-94)~~

052. RECORDS OF MEETINGS.

The Director or his designee shall keep complete record of all proceedings of the Commission. Proceedings shall be kept in a permanent record book to be designated as Official Minutes of the Idaho Fish and Game Commission. ~~Summary minutes shall be taken of all meetings, except as provided in Subsection 052.04 below. Neither a full transcript nor an electronic recording of the meeting is required. All minutes shall be available for public inspection within one (1) month after the meeting. Summary minutes shall include a minimum of: (10-26-94)()~~

~~**01.** *Orders Issued or Authorized.* All members of the Commission present; (10-26-94)~~

~~**02.** *Director Signature.* All motions, resolutions, orders, or rules proposed and their disposition; (10-26-94)~~

~~**03.** *Numbering of Orders.* The results of all votes and upon the request of any member, the vote of each member, by name; (10-26-94)~~

~~**04.** *Filing of Orders.* Minutes of executive sessions may be limited to material, the disclosure of which is not inconsistent with the provisions of Section 67-2345, Idaho Code, but shall contain sufficient detail to convey the general tenor of the session. (10-26-94)~~

IDAPA 13 - FISH AND GAME COMMISSION

13.01.04 - RULES GOVERNING LICENSING

DOCKET NO. 13-0104-0901

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 36-408, 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 September 16, 2009.

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 the Nonresident Deer tag quotas per Commission adoption; set outfitter deer set-aside tags; reduce certain elk zone tags per Commission adoption; delete obsolete elk zone tags; and set elk zone tags per Commission adoption.

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

There are no fees or charges being imposed through this rulemaking.

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:

There is no impact on the general fund as a result of this rulemaking.

NEGOTIATED RULEMAKING: Pursuant to Section 67-5220, Idaho Code, 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 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 September 23, 2009.

DATED this 29th day of July, 2009.

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

THE FOLLOWING IS THE PROPOSED TEXT FOR DOCKET NO. 13-0104-0901

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 eighty-five (1,90085) deer tags (regular or White-tailed); ~~(4-2-08)~~(____)

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

~~c.~~ 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~~ Fourteen thousand ~~eight hundred~~ (~~12,800~~ 14,000) 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 ~~D~~deer tags available only upon sell out of deer tags referenced in Subsection 600.01.a. of these rules. ~~(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
Selway A Tags	16A, 17, 19, 20	647	179	254	214

Selway B Tags	16A, 17, 19, 20	4255 <u>1067</u>	565 <u>480</u>	334 <u>284</u>	356 <u>303</u>
Middle Fork A Tags	20A, 26, 27	1551	1168	174	209
Middle Fork B Tags	20A, 26, 27	1636	925	267	444
Boise River B Tags	39	3,300	3,013	269	48
Elk City B Tags	<u>14, 15, 16</u>	<u>1790</u>	<u>1414</u>	<u>326</u>	<u>50</u>
Dworshak B Tags	<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

13.01.04 - RULES GOVERNING LICENSING

DOCKET NO. 13-0104-0902

NOTICE OF RULEMAKING - TEMPORARY AND PROPOSED RULE

EFFECTIVE DATE: The effective date of the temporary rule is July 27, 2009.

AUTHORITY: In compliance with Sections 67-5221(1) and 67-5226, Idaho Code, notice is hereby given that this agency has adopted a temporary rule, and proposed rulemaking procedures have been initiated. The action is authorized pursuant to Sections 36-104(b), 36-401 and 36-408, 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 September 16, 2009.

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/proposed rule and a nontechnical explanation of the substance and purpose of the proposed rulemaking:

Implement Senate Bill 1008 creating a Disabled Veterans Special Big Game Tag.

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

The temporary rule confers a benefit to certain disabled veterans, and complies with amendments to Idaho Code Section 36-401 and 36-408.

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, Idaho Code, negotiated rulemaking was not conducted because of the need to comply with the statutory amendment.

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 temporary and 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 September 23, 2009.

DATED this 29th day of July, 2009.

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

THE FOLLOWING IS THE TEMPORARY AND PROPOSED TEXT FOR DOCKET NO. 13-0104-0902

900. CHILDREN WITH SPECIAL NEEDS BIG GAME PERMIT/TAG.

01. Availability. The Department shall make ~~available no more than ten (10)~~ up to five (5) big game ~~permit~~ tags available for children with life threatening medical conditions ~~each year.~~ ~~(3-8-07)(7-27-09)T~~

a. Any of the five (5) big game tags described in Section 901 that have not been issued by July 15 each year may also be available for children with life threatening conditions. ~~(3-8-07)(7-27-09)T~~

02. Issuance. The Commission delegates discretionary authority to issue a special needs ~~permit~~ tag to the Director. ~~(3-8-07)(7-27-09)T~~

03. Eligibility. In order to receive a special needs big game ~~permit~~ tag, a resident or nonresident minor (seventeen (17) years of age or younger) must have a life threatening medical condition as certified by a qualified and licensed physician. ~~(3-8-07)(7-27-09)T~~

a. A qualified applicant must be sponsored by a nonprofit organization that is qualified under section 501(c) (3) of the Internal Revenue code. (3-8-07)

b. The primary mission of the sponsoring organization must be to offer opportunities and experiences to minor children with life threatening medical conditions. (3-8-07)

c. Minimum age requirements and hunter education requirements are waived for individuals applying for or receiving a special needs big game ~~permit~~ tag. ~~(3-8-07)(7-27-09)T~~

04. Validity of Permit/Tag. The special needs ~~permit~~ tag shall be valid for one (1) deer, one (1) elk, one (1) pronghorn, one (1) moose, one (1) black bear, or one (1) mountain lion as allowed by Commission regulation. ~~(3-8-07)(7-27-09)T~~

a. A license is not required to apply for or receive a special needs big game ~~permit~~ tag. ~~(3-8-07)(7-27-09)T~~

b. The special needs ~~permit~~ tag is valid in any open hunt, controlled or general, as provided by Commission regulation. ~~(3-8-07)(7-27-09)T~~

c. Applicants may only receive one (1) special needs ~~permit~~ tag in a lifetime. ~~(3-8-07)(7-27-09)T~~

d. In exercising hunting privileges, the holder of a special needs ~~permit~~ tag must be accompanied by an adult in possession of a valid Idaho big game hunting license. ~~(3-8-07)(7-27-09)T~~

05. Application. Applications shall be on a form as prescribed by the Director. (3-8-07)

a. Applications shall be submitted on behalf of applicants by an eligible nonprofit organization. (3-8-07)

b. A copy of the nonprofit organization's IRS determination letter must accompany the application. (3-8-07)

c. ~~The application shall include the signature of a qualified and licensed physician stating the applicant has a life threatening medical condition.~~ ~~(3-8-07)~~

06. Fees. All fees associated with applying for and receiving a special needs ~~permit~~ tag shall be waived. ~~(3-8-07)(7-27-09)T~~

07. Hunters with Disabilities Permit Fees. All fees associated with applying for or receiving a ~~Handicapped~~ Disabled Persons Motor Vehicle Hunting Permit or a ~~Handicapped~~ Disabled Archery Permit by the recipient of a special needs ~~permit~~ tag are waived. ~~(3-8-07)~~(7-27-09)T

08. Application of Big Game Rules. All rules governing the taking of Big Game Animals, IDAPA 13.01.08, "Rules Governing the Taking of Big Game Animals in the State of Idaho," shall apply to holders of a special needs big game tag. (3-8-07)

901. DISABLED VETERANS SPECIAL BIG GAME TAG.

01. Availability. The Department shall make up to five (5) big game tags available for disabled veterans. (7-27-09)T

a. Any of the five (5) big game tags described in Section 900 that have not been issued by July 15 each year may also be available for disabled veterans. (7-27-09)T

02. Issuance. The Commission delegates discretionary authority to issue a disabled veterans special big game tag to the Director. (7-27-09)T

03. Eligibility. In order to receive a disabled veterans special big game tag, a resident or nonresident must be a disabled veteran, as certified by the Department of Veterans Affairs. (7-27-09)T

a. A qualified applicant must be sponsored by a nonprofit organization that is qualified under section 501(c) (3) of the Internal Revenue Code or sponsored by a governmental agency. (7-27-09)T

b. A mission of the sponsoring organization or governmental agency must be to afford opportunities, experiences, and assistance to disabled veterans. (7-27-09)T

c. Hunter education requirements are waived for individuals applying for or receiving a disabled veterans special big game tag. (7-27-09)T

04. Validity of Tag. The disabled veterans special big game tag shall be valid for one (1) deer, one (1) elk, one (1) pronghorn, one (1) moose, one (1) black bear, or one (1) mountain lion as allowed by Commission regulation. (7-27-09)T

a. A license is not required to apply for or receive a disabled veterans special big game tag. (7-27-09)T

b. The disabled veterans special big game tag is valid in any open hunt, controlled or general, as provided by Commission regulation. (7-27-09)T

c. Applicants may only receive one (1) disabled veterans special big game tag in a lifetime. (7-27-09)T

05. Application. Applications shall be on a form as prescribed by the Director. (7-27-09)T

a. Applications shall be submitted on behalf of applicants by an eligible nonprofit organization or governmental agency. (7-27-09)T

b. A copy of the nonprofit organization's IRS determination letter must accompany the application. (7-27-09)T

06. Fees. All fees associated with applying for and receiving disabled veterans special big game tag shall be waived. (7-27-09)T

07. Hunters with Disabilities Permit Fees. All fees associated with applying for or receiving a

Disabled Persons Motor Vehicle Hunting Permit or a Disabled Archery Permit by the recipient of a disabled veterans special big game tag are waived. (7-27-09)T

08. Application of Big Game Rules. All rules governing the taking of Big Game Animals, IDAPA 13.01.08, "Rules Governing the Taking of Big Game Animals in the State of Idaho," shall apply to holders of a disabled veterans special big game tag. (7-27-09)T

9042. -- 999. (RESERVED).

IDAPA 13 - IDAHO FISH AND GAME COMMISSION

13.01.06 - RULES GOVERNING CLASSIFICATION AND PROTECTION OF WILDLIFE

DOCKET NO. 13-0106-0901

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 36-201, 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 September 16, 2009.

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 proposed rule and a nontechnical explanation of the substance and purpose of the proposed rulemaking:

Reclassify Yellowstone grizzly bears as a big game animal, and the bald eagle and peregrine falcon as protected nongame species.

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 Section 67-5220, Idaho Code, 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 September 23, 2009.

DATED this 29th day of July, 2009.

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

THE FOLLOWING IS THE PROPOSED TEXT FOR DOCKET NO. 13-0106-0901

100. CLASSIFICATION OF WILDLIFE - BIG GAME ANIMALS.

- 01. Big Game Animals.** (7-1-93)
- a.** Black bear -- *Ursus americanus*. (7-1-93)
- b.** California bighorn sheep -- *Ovis canadensis californiana*. (7-1-93)
- c.** Elk -- *Cervus elaphus*. (7-1-93)
- d.** Gray wolf -- *Canis lupus*. (4-6-05)
- e.** Grizzly bear -- *Ursus arctos*. ()
- ef.** Moose -- *Alces alces*. (7-1-93)
- fg.** Mountain goat -- *Oreamnos americanus*. (7-1-93)
- gh.** Mountain lion -- *Puma concolor*. (4-6-05)
- hi.** Mule deer -- *Odocoileus hemionus*. (7-1-93)
- ij.** Pronghorn antelope -- *Antilocapra americana*. (7-1-93)
- jk.** Rocky Mountain bighorn sheep -- *Ovis canadensis canadensis*. (7-1-93)
- kl.** White-tailed deer -- *Odocoileus virginianus*. (7-1-93)

101. CLASSIFICATION OF WILDLIFE - UPLAND GAME ANIMALS.

- 021. Upland Game Animals.** (7-1-93)
- a.** Mountain cottontail -- *Sylvilagus nuttallii*. (4-6-05)
- b.** Pygmy rabbit -- *Brachylagus idahoensis*. (7-1-93)
- c.** Snowshoe hare -- *Lepus americanus*. (7-1-93)

~~03~~102. CLASSIFICATION OF WILDLIFE - GAME BIRDS.

Game birds includes both upland game birds and migratory game birds. (7-1-93)

- ~~a~~01. Upland Game Birds.** (7-1-93)

~~ia.~~ Pheasants: Chinese or ring-necked pheasant, *Phasianus colchicus*; Mongolian pheasant; mutant pheasant; Japanese green pheasant; or any hybrids thereof-*Phasianus spp.* (4-6-05)

~~ib.~~ Partridge: gray (Hungarian) partridge, *Perdix perdix*; chukar, *Alectoris chukar*; and Red-legged partridge, *Alectoris rufa*. (4-6-05)

~~ic.~~ Quail: northern bobwhite, *Colinus virginianus*; California quail, *Callipepla californica*; mountain quail, *Oreortyx pictus*; and Gambel's quail, *Callipepla gambelii*. (7-1-93)

~~id.~~ Grouse: Blue grouse, *Dendragapus obscurus*; ruffed grouse, *Bonasa umbellus*; spruce grouse, *Falcipennis canadensis*; Greater sage grouse, *Centrocercus urophasianus*; and Columbian sharp-tailed grouse, *Tympanuchus phasianellus columbianus*. (4-6-05)

~~v~~**e.** Wild turkey: Rio Grande, *Meleagris gallopavo intermedia*; Merriam's, *M. g. merriam*; and Eastern, *M. g. silvestris*. (4-6-05)

~~b~~**02.** **Migratory Game Birds.** (7-1-93)

~~i~~**a.** American coot, *Fulica americana*. (4-6-05)

~~ii~~**b.** Mourning dove, *Zenaida macroura*. (4-6-05)

~~iii~~**c.** Ducks: American black duck, *Anas rubripes*; bufflehead, *Bucephala albeola*; canvasback, *Aythya valisineria*; gadwall, *Anas strepera*; Barrow's goldeneye, *Bucephala islandica*; common goldeneye, *Bucephala clangula*; harlequin duck, *Histrionicus histrionicus*; mallard, *Anas platyrhynchos*; common merganser, *Mergus merganser*; hooded merganser, *Lophodytes cucullatus*; red-breasted merganser, *Mergus serrator*; long-tailed duck, *Clangula hyemalis*; northern pintail, *Anas acuta*; redhead, *Aythya americana*; ring-necked duck, *Aythya collaris*; ruddy duck, *Oxyura jamaicensis*; greater scaup, *Aythya marila*; lesser scaup, *Aythya affinis*; surf scoter, *Melanitta perspicillata*; white-winged scoter, *Melanitta fusca*; northern shoveler, *Anas clypeata*; blue-winged teal, *Anas discors*; cinnamon teal, *Anas cyanoptera*; green-winged teal, *Anas crecca*; American wigeon, *Anas americana*; Eurasian wigeon, *Anas penelope*; and wood duck, *Aix sponsa*. (4-6-05)

~~iv~~**d.** Geese: Brant, *Branta bernicla*; Canada goose, *Branta canadensis*; emperor goose, *Chen canagica*; Ross's goose, *Chen rossii*; snow goose, *Chen caerulescens*; and greater white-fronted goose, *Anser albifrons*. (4-6-05)

~~v~~**e.** Swans: Trumpeter swan, *Cygnus buccinator*; and Tundra swan, *Cygnus columbianus*. (4-6-05)

~~vi~~**f.** Wilson's snipe, *Gallinago delicata*. (4-6-05)

~~vii~~**g.** Greater Sandhill Crane, *Grus canadensis*. (4-6-05)

~~e~~**03.** **American Crow.** American crow, *Corvus brachyrhynchos*. (4-6-05)

103. CLASSIFICATION OF WILDLIFE - GAME FISH.

~~0~~**41.** **Game Fish.** Game fish includes the following fish, bullfrog and crayfish: (2-23-94)

a. American shad -- *Alosa sapidissim*. (7-1-93)

b. Arctic grayling -- *Thymallus arcticus*. (7-1-93)

c. Atlantic salmon -- *Salmo salar*. (7-1-93)

d. Bear Lake cutthroat trout -- *Oncorhynchus clarki sp*. (4-6-05)

e. Bear Lake whitefish -- *Prosopium abyssicola*. (7-1-93)

f. Black bullhead -- *Ameirus melas*. (4-6-05)

g. Black crappie -- *Pomoxis nigromaculatus*. (7-1-93)

h. Blue catfish -- *Ictalurus furcatus*. (4-6-05)

i. Blueback trout -- *Salvelinus alpinus oquassa*. (4-6-05)

j. Bluegill -- *Lepomis macrochirus*. (7-1-93)

k. Bluegill/Pumpkinseed -- *L. macrochirus x L. gibbosus* hybrid. (4-6-05)

l.	Bonneville cisco -- <i>Prosopium gemmiferum</i> .	(7-1-93)
m.	Bonneville cutthroat trout -- <i>Oncorhynchus clarki utah</i> .	(4-6-05)
n.	Bonneville whitefish -- <i>Prosopium spilonotus</i> .	(7-1-93)
o.	Brook trout -- <i>Salvelinus fontinalis</i> .	(7-1-93)
p.	Brown bullhead -- <i>Ameiurus nebulosus</i> .	(4-6-05)
q.	Brown trout -- <i>Salmo trutta</i> .	(7-1-93)
r.	Bull trout -- <i>Salvelinus confluentus</i> .	(7-1-93)
s.	Bullfrog -- <i>Rana catesbeiana</i> .	(7-1-93)
t.	Burbot, Ling -- <i>Lota lota</i> .	(7-1-93)
u.	California golden trout -- <i>Oncorhynchus mykiss aguabonita</i> .	(4-6-05)
v.	Channel catfish -- <i>Ictalurus punctatus</i> .	(7-1-93)
w.	Chinook salmon -- <i>Oncorhynchus tshawytscha</i> .	(7-1-93)
x.	Coho salmon -- <i>Oncorhynchus kisutch</i> .	(7-1-93)
y.	Crayfish -- <i>Pacifastacus sp.</i> (3 species).	(2-23-94)
z.	Cutthroat trout -- <i>Oncorhynchus clarki</i> .	(7-1-93)
aa.	Finespotted cutthroat trout (Snake River) -- <i>Oncorhynchus clarki sp.</i>	(4-6-05)
bb.	Flathead catfish -- <i>Pylodictis olivaris</i> .	(7-1-93)
cc.	Green sunfish -- <i>Lepomis cyanellus</i> .	(7-1-93)
dd.	Kokanee -- <i>Oncorhynchus nerka kennerlyi</i> .	(4-6-05)
ee.	Lahotan cutthroat trout -- <i>Oncorhynchus clarki henshawi</i> .	(4-6-05)
ff.	Lake trout, Mackinaw -- <i>Salvelinus namaycush</i> .	(7-1-93)
gg.	Lake whitefish -- <i>Coregonus clupeaformis</i> .	(7-1-93)
hh.	Largemouth bass -- <i>Micropterus salmoides</i> .	(7-1-93)
ii.	Mountain whitefish -- <i>Prosopium williamsoni</i> .	(7-1-93)
jj.	Northern pike -- <i>Esox lucius</i> .	(7-1-93)
kk.	Pumpkinseed -- <i>Lepomis gibbosus</i> .	(7-1-93)
ll.	Pygmy whitefish -- <i>Prosopium coulteri</i> .	(7-1-93)
mm.	Rainbow trout -- <i>Oncorhynchus mykiss</i> .	(7-1-93)
nn.	Redband trout -- <i>Oncorhynchus mykiss gairdneri</i> .	(4-6-05)

- oo. Rainbow/cutthroat trout -- *O. mykiss* x *O. clarki* hybrid. (2-23-94)
- pp. Sauger -- *Stizostedion canadense*. (7-1-93)
- qq. Smallmouth bass -- *Micropterus dolomieu*. (4-6-05)
- rr. Splake -- *S. namaycush* x *S. fontinalis* hybrid. (2-23-94)
- ss. Sockeye salmon -- *Oncorhynchus nerka*. (4-6-05)
- tt. Steelhead trout -- *Oncorhynchus mykiss gairdneri*. (4-6-05)
- uu. Tiger muskie -- *Esox lucius* x *Esox masquinongy* hybrid. (7-1-93)
- vv. Walleye -- *Stizostedion vitreum*. (7-1-93)
- ww. Warmouth -- *Lepomis gulosus*. (7-1-93)
- xx. Westslope cutthroat trout -- *Oncorhynchus clarki lewisi*. (4-6-05)
- yy. White crappie -- *Pomoxis annularis*. (7-1-93)
- zz. White sturgeon -- *Acipenser transmontanus*. (7-1-93)
- aaa. Yellow bullhead -- *Ameiurus natalis*. (4-6-05)
- bbb. Yellow perch -- *Perca flavescens*. (7-1-93)
- ccc. Yellowstone cutthroat trout -- *Oncorhynchus clarki bouvieri*. (4-6-05)

104. CLASSIFICATION OF WILDLIFE - FURBEARING ANIMALS.

- 051. Furbearing Animals.** (7-1-93)
- a. American badger -- *Taxidea taxus*. (4-6-05)
- b. American marten -- *Martes americana*. (4-6-05)
- c. American mink -- *Mustela vison*. (4-6-05)
- d. Beaver -- *Castor canadensis*. (7-1-93)
- e. Bobcat -- *Lynx rufus*. (4-6-05)
- f. Canada lynx -- *Lynx canadensis*. (4-6-05)
- g. Common muskrat -- *Ondatra zibethicus*. (4-6-05)
- h. Common raccoon -- *Procyon lotor*. (4-6-05)
- i. Fisher -- *Martes pennanti*. (7-1-93)
- j. Northern river otter -- *Lontra canadensis*. (4-6-05)
- k. Red fox -- *Vulpes vulpes*-includes all color phases found in Idaho. (7-1-93)

~~1045.~~ -- 149. (RESERVED).

150. THREATENED OR ENDANGERED SPECIES.

- 01. Definitions.** (7-1-93)
- a.** Endangered: Any native species in danger of extinction throughout all or a significant portion of its Idaho range. (4-6-05)
- b.** Threatened Species: Any native species likely to be classified as Endangered within the foreseeable future throughout all or a significant portion of its Idaho range. (4-6-05)
- 02. Endangered Species.** (7-1-93)
- a.** Burbot, Ling -- *Lota lota*. (4-6-05)
- b.** Pacific lamprey -- *Lampetra tridentata*. (7-1-93)
- c.** Sockeye salmon -- *Oncorhynchus nerka*. (7-1-93)
- d.** White sturgeon (Kootenai River population) -- *Acipenser transmontanus*. (7-1-93)
- e.** Woodland caribou -- *Rangifer tarandus caribou*. (4-6-05)
- 03. Threatened Species.** (7-1-93)
- ~~a.~~ ~~Bald eagle -- *Haliaeetus leucocephalus*.~~ (~~4-6-05~~)
- ~~b.~~ Bull trout -- *Salvelinus confluentus*. (7-1-93)
- ~~c.~~ Canada lynx -- *Lynx canadensis*. (4-6-05)
- ~~d.~~ Chinook salmon, spring, summer, and fall -- *Oncorhynchus tshawytscha*. (4-6-05)
- ~~e.~~ Grizzly bear -- *Ursus arctos horribilis*. (~~4-6-05~~)
- ~~f.~~ Northern Idaho ground squirrel -- *Spermophilus brunneus brunneus*. (4-6-05)
- ~~g.~~ Peregrine falcon -- *Falco peregrinus*. (~~4-6-05~~)
- ~~h.~~ Steelhead trout (Snake River) -- *Oncorhynchus mykiss gairdneri*. (4-6-05)

151. -- 199. (RESERVED).

200. PROTECTED NONGAME SPECIES.

- 01. Mammals.** (7-1-93)
- a.** American pika -- *Ochotona princeps*. (4-6-05)
- b.** Bats -- all species. (4-6-05)
- c.** Chipmunks -- *Neotamias spp.* (4-6-05)
- d.** Columbia Plateau (Merriam's) ground squirrel -- *Spermophilus canus vigilis*. (4-6-05)
- e.** Golden-mantled ground squirrel -- *Spermophilus lateralis*. (7-1-93)

- f. Great Basin (piute) ground squirrel -- *Spermophilus canus vigilis*. (4-6-05)
- g. Kit fox -- *Vulpes macrotis*. (7-1-93)
- h. North American wolverine -- *Gulo gulo luscus*. (4-6-05)
- i. Northern flying squirrel -- *Glaucomys sabrinus*. (7-1-93)
- j. Red squirrel -- *Tamiasciurus hudsonicus*. (7-1-93)
- k. Rock squirrel -- *Spermophilus variegatus*. (4-6-05)
- l. Southern Idaho ground squirrel -- *Spermophilus brunneus endemicus*. (4-6-05)
- m. Wyoming ground squirrel -- *Spermophilus elegans nevadensis*. (4-6-05)
- 02. **Birds.** ~~All native species. Except:~~ (~~4-6-05~~)()
- a. Bald eagle -- *Haliaeetus leucocephalus*. ()
- b. Peregrine falcon -- *Falco peregrinus*. ()
- ~~a.c.~~ All native species, except game birds: and (~~7-1-93~~)
- ~~b.~~ Threatened ~~or~~ and endangered wildlife. (~~7-1-93~~)()
- 03. **Amphibians.** All native species (4-6-05)
- 04. **Reptiles.** All native species. (4-6-05)
- 05. **Fish.** (4-6-05)
- a. Bear Lake sculpin -- *Cottus extensus*. (4-6-05)
- b. Leatherside chub -- *Gila copei*. (4-6-05)
- c. Sand roller -- *Percopsis transmontana*. (4-6-05)
- d. Shoshone sculpin -- *Cottus greeniei*. (4-6-05)
- e. Wood River sculpin -- *Cottus leiopomus*. (4-6-05)

IDAPA 13 - IDAHO FISH AND GAME COMMISSION

13.01.08 - RULES GOVERNING THE TAKING OF BIG GAME ANIMALS IN IDAHO

DOCKET NO. 13-0108-0902

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 September 16, 2009.

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:

Add gray wolves to the big game rules in preparation for Commission season setting when wolves are delisted. Authorize the over-the-counter sale of certain leftover controlled hunt tags based on the dates of the hunt. Allow certain handguns to be used in Short-Range Weapon hunts. Correct terminology for landowner permission controlled hunt applications, and mandatory check and report requirements. Delete obsolete references.

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 Section 67-5220, Idaho Code, 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) 287-2780.

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 September 23, 2009.

DATED this 29th day of July, 2009.

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

THE FOLLOWING IS THE PROPOSED TEXT FOR DOCKET NO. 13-0108-0901

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 gray 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 the person legally possesses 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 the person legally possesses 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 the person legally possesses 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:

TYPE OF TAG	SEASONS
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.

TYPE OF TAG	SEASONS
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:*

TYPE OF TAG	SEASONS
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.

(4-6-05)

- iii. Elk A Tag: Valid only for A Tag elk seasons in specific elk zones.

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)()

- i+ii. 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)

- iv. 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)

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.

- 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, and 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~~ regional 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)(____)

09. Second Drawing Exclusion. The Director may designate certain leftover controlled hunt tags to become immediately available on a first-come, first-served over-the-counter basis due to the dates of the hunt. ()

(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 Wolf. 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)

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~~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 that: (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)

d. With any handgun using straight wall centerfire cartridges not originally developed for rifles. ()

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)

412. MOTORIZED VEHICLE USE RESTRICTION UNITS.

The motorized vehicle use restriction applies to areas and hunts in units 29, 30, 30A, 32, 32A, 36A, 37, 37A, 39, 45, 47, 48, 49, 50, 51, 52, 53, 56, 57, 58, 59, 59A, 66, 66A, 69, 70, 72 (late season), 73, 75, 76, 77, and 78. The specific hunts and areas with a motorized vehicle use restriction are identified in the Commission's Big Game Season Proclamation, which is published in a brochure available at department offices and license vendors. ~~(4-2-08)~~(____)

413. -- 419. (RESERVED).

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, or any hunter killing a gray 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, who does not possess a fur buyer or taxidermist license and/or appropriate import documentation, 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~~ documentation). ~~(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, who does not possess a fur buyer or taxidermist license and/or appropriate import documentation, 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~~ documentation). ~~(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 who does not possess a fur buyer or taxidermist license and/or appropriate import documentation 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 that does not have an official state export tag attached (either Idaho's or another state's official export documentation). (____)

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)

422. MANDATORY WOLF TELEPHONE REPORT.

In addition to other check and reporting requirements, any hunter killing a gray 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. ()

(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 Glenns 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 and Gray Wolves. 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 and Gray Wolves. 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

13.01.09 - RULES GOVERNING THE TAKING OF GAME BIRDS IN THE STATE OF IDAHO

DOCKET NO. 13-0109-0901

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 September 16, 2009.

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:

Allow Senior and Disabled hunters to apply for leftover first come, first served youth-only controlled hunt turkey tags.

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 Section 67-5220, Idaho Code, 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 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 September 23, 2009.

DATED this 30th day of July, 2009.

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

THE FOLLOWING IS THE PROPOSED TEXT FOR DOCKET NO. 13-0109-0901

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. (5-8-09)

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 three (3) turkey tags available each calendar year. These are the general tag, extra tag, and special unit tag. Only three (3) turkey tags of the following may be purchased each year; general and extra. 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. (5-8-09)

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: (5-8-09)

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. (5-8-09)

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)

j. 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. 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)

IDAPA 13 - IDAHO FISH AND GAME COMMISSION

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

DOCKET NO. 13-0110-0901

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), 36-501 and 36-504, 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 September 16, 2009.

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:

Allow the possession and sale of bones from lawfully-harvested or naturally-dying big game animals. Delete an obsolete reference to an antler pick-up season in Eastern Idaho.

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 Section 67-5220, Idaho Code, 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 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 September 23, 2009.

DATED this 29th day of July, 2009.

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

THE FOLLOWING IS THE PROPOSED TEXT FOR DOCKET NO. 13-0110-0901

300. RECOVERY, POSSESSION AND SALE OF WILDLIFE PARTS.

01. Wildlife Legally Killed. (3-23-94)

a. The possession, sale and purchase of wildlife or parts of wildlife that have been legally killed is lawful except as provided below and as provided in Chapter 5, Title 36, Idaho Code. (3-23-94)

i. The edible flesh of wildlife classified as big game animals, upland game animals, game birds or migratory birds taken from the wild may not be purchased, bartered or sold. (3-23-94)

ii. The edible flesh of wildlife classified as game fish or crustacea that are taken from the wild may not be purchased, bartered or sold except as provided in Idaho Code Sections 36-501 and 36-801 through 36-805 and rules promulgated pursuant thereto. (3-23-94)

b. A written statement showing the taker's name, address, license and tag numbers, date and location of kill, signed by the taker, must be provided to the buyer of any black bear or mountain lion head, hide or parts (except tanned hides finished into rugs or mounts). A copy of the sales statement must be forwarded by the buyer to the Idaho Department of Fish and Game within ten (10) days after such sale. (3-23-94)

02. Animals Found Dead. Protected species of wildlife that have died naturally or accidentally remain in public trust to be disposed of by the Department of Fish and Game. However, a person may recover, possess, sell or purchase the wildlife parts as specified below, but ONLY under the conditions specified and ONLY if the wildlife has NOT been unlawfully killed. Natural causes shall not include any man-caused mortality. (7-1-98)

a. Horns of Bighorn Sheep. (7-1-93)

i. Bighorn sheep horns of animals that have died of natural causes may be recovered and possessed but may not be sold, bartered or purchased and may not be transferred to another person without a permit issued by the Director. All such pickup horns must be presented to an Idaho Department of Fish and Game regional or subregional office for marking by placement of a permanent metal pin in the horn within thirty (30) days of recovery. The insertion of a pin does not in itself certify that the animal was legally taken or possessed. The pin only identifies the horn(s) and indicates that mandatory check and report requirements were complied with. (3-23-94)

ii. No person shall alter, deface or remove a pin placed in a bighorn sheep horn by the Idaho Department of Fish and Game. No person shall possess the horn(s) of a bighorn sheep that bears an altered, defaced or counterfeit Idaho pin or from which the Idaho pin has been removed. (3-23-94)

b. Antlers, bones, and horns of deer, elk, moose, pronghorn ~~antelope~~ and mountain goat, and parts of bear and mountain lion and elk teeth of animals that have died of natural causes may be recovered, possessed, purchased, bartered or sold. (3-23-94)(____)

~~**c.** Antlers of deer, elk and moose that have been naturally shed in Idaho may be recovered, possessed, purchased or sold year around, EXCEPT in units 60, 60A, 66, 66A, 67, 68, 68A, 69, 70, 71, 72, 73, 73A, 74, 75, 76, 77 and 78 antlers may be picked up in the field only from May 1 through December 31.~~ (7-1-99)

03. Wildlife Taken in Other States. Wildlife or parts thereof that have been legally taken outside of Idaho, may be possessed or sold in Idaho if such sale is not prohibited in Idaho or the state, province or country where taken, or by federal law or regulation; (3-23-94)

IDAPA 13 - IDAHO FISH AND GAME COMMISSION

13.01.15 - RULES GOVERNING THE USE OF DOGS

DOCKET NO. 13-0115-0901

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 September 16, 2009.

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:

Allow the use of one (1) blood-trailing dog controlled by leash during lawful hunting hours and within 72 hours of hitting a big game animal to track wounded animals and aid in recovery. Correct non-resident quota rule to reflect Commission action.

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 Section 67-5220, Idaho Code, 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 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 September 23, 2009.

DATED this 30th day of July, 2009.

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

THE FOLLOWING IS THE PROPOSED TEXT FOR DOCKET NO. 13-0115-0901

100. USE OF HUNTING DOGS.

Dogs may be used to hunt or pursue ONLY the following wildlife, ONLY under the conditions listed, and ONLY if not prohibited by current rules: (7-1-93)

01. Upland Game Animals, Upland Game Birds, and Migratory Game Birds. To train on or hunt upland game animals, game birds, and migratory game birds. (4-5-00)

02. Taking with Conditions. To take black bear, mountain lion, bobcat, fox and raccoon, provided that the following conditions are met: (3-30-01)

- a.** There is an open take season in the area to be hunted. (7-1-93)
- b.** Use of dogs is allowed during the take season in the area to be hunted. (7-1-93)
- c.** Raccoons may be taken or pursued during firearm seasons for deer or elk. (3-30-01)
- d.** Once an individual has harvested an animal, he may continue to pursue. (3-30-01)
- e.** The following persons must have a valid Hound Hunters Permit in possession when dogs are being used to hunt. (3-30-01)
 - i.** Anyone who owns pursuit dogs. (3-30-01)
 - ii.** Anyone having control of dogs owned by another person; or (3-30-01)
 - iii.** Anyone that harvests an animal over dogs, except clients of licensed outfitters. (3-30-01)

03. To Pursue with Conditions. To pursue black bear, mountain lion, bobcat, and raccoon provided that the following conditions are met: (3-30-01)

- a.** There is an open dog training season in the area to be hunted. (7-1-93)
- b.** Anyone who owns or controls pursuit dogs must have purchased a black bear or a mountain lion tag to pursue the respective species. A tag which has been filled is valid for pursuit. (3-30-01)
- c.** The following persons must have a valid Hound Hunter's Permit in possession when dogs are being used to hunt or pursue black bear, mountain lion, bobcat, fox, or raccoon: (3-30-01)
 - i.** Anyone who owns pursuit dogs. (3-30-01)
 - ii.** Anyone having control of dogs owned by another. (3-30-01)

04. Unprotected and Predatory Wildlife. A Hound Hunter Permit is not required to take and/or pursue unprotected and predatory wildlife. (3-30-01)

05. Blood Trailing Dogs. The use of one (1) blood-trailing dog controlled by leash during lawful hunting hours and within seventy-two (72) hours of hitting a big game animal is allowed to track animals and aid in recovery. A Hound Hunting Permit is not required. ()

101. -- 199. (RESERVED).

200. HOUND HUNTER PERMIT.

- 01. Use of Hound Hunter Permits.** (4-5-00)
 - a.** The following persons must have a valid Hound Hunter Permit in possession when dogs are being

used to hunt or pursue black bear, mountain lion, bobcat, fox, and raccoon: (3-30-01)

i. Anyone who owns pursuit dogs. (3-30-01)

ii. Anyone having control of dogs owned by another person. (3-30-01)

b. Permits are not transferable EXCEPT, an outfitter licensed pursuant to the authority vested in the Outfitters and Guides Board, Sections 36-2101, et seq., Idaho Code, may convey the authority of his Hound Hunter Permit to a nonresident licensed guide operating for him. A nonresident guide will be deemed to be in compliance with this requirement if the guide has a copy of the above-referenced Hound Hunter Permit in his possession. (4-5-00)

c. Hound Hunter Permits are valid from January 1 through December 31 of each year. (4-5-00)

02. Limitation on Hound Hunter Permits for Nonresidents. No more than seventy (70) nonresident hound hunter permits will be issued to nonresident hunters who are not licensed outfitters pursuant to the authority vested in the Outfitters and Guides Board, Sections 36-2101, et seq., Idaho Code. A licensed outfitter, who is a nonresident, is exempt from the limitation. Nonresident licensed outfitters and guides who have obtained a hound hunter permit under this exemption shall not use this for personal hunting. Sales of nonresident Hound Hunter Permits to the following persons shall not be counted in the quota for nonresidents: (3-30-01)

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. Middle Fork Zone. Persons who hound hunt solely in big game units within the Middle Fork elk zone (Units 20A, 26, and 27) shall not be counted in the quota for nonresidents. (3-30-01)

c. Selway Zone. Persons who hound hunt solely within the Selway Zone (Units 16A, 17, 19, and 20) shall not be counted in the quota for nonresidents. A total of forty (40) permits will be issued for Units 16A, 19, 20, and all of Unit 17, excluding Hunt Area 17-1 which will have six (6) permits. Hunt Area 17-1 is defined as that portion of Unit 17 south of the following boundary: Beginning at the junction of the Unit 17 boundary and Forest Service Trail 24, then west along Forest Service Trail 24 to the Selway River, then north along the Selway River to Forest Service Trail 40, then southwest along Forest Service Trail 40 to Forest Service Trail 3, then along Forest Service Trail 3 to the Unit 17 boundary. (3-30-01)

d. Lolo Zone. Persons who hound hunt solely in the Lolo Zone (Units 10 and 12) shall not be counted in the quota for nonresidents. ~~Six (6) permits will be issued for each of the following four (4) hunt areas:~~ (3-30-01)()

~~i. Hunt Area 10-1 is that portion of Unit 10 on the north side of the North Fork of the Clearwater River drainage downstream from its junction with Kelly Creek. (3-30-01)~~

~~ii. Hunt Area 10-2 is that portion of Unit 10 within the North Fork of the Clearwater River drainage upstream from its junction with Kelly Creek, and the Kelly Creek drainage excluding the Cayuse Creek drainage upstream from its junction with Forest Service Road 581. (3-30-01)~~

~~iii. Hunt Area 12-1 is that portion of Unit 12 north of U.S. Highway 12, and west of Doe Creek Road (Forest Service Road 566). (3-30-01)~~

~~iv. Hunt Area 12-2 is that portion of Unit 12 south of U.S. Highway 12 and west of Elk Summit Road (Forest Service Road 360). (3-30-01)~~

03. Eligibility -- Residents. A resident Hound Hunter Permit may be obtained by a holder of a resident hunting license by paying the appropriate fee at a license vendor. (3-30-01)

04. Eligibility -- Nonresidents. (7-1-93)

a. Applications for Hound Hunter Permits 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 December 1 of the year preceding the year in which the permit is to be valid. (4-5-00)

b. Any application which is unreadable or which lacks the required information 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. (4-5-00)

c. Applicants must comply with the following requirements: (7-1-93)

i. No person may submit more than one (1) application for a Hound Hunter Permit. (4-5-00)

ii. Group applications will be accepted. A group application for a Hound Hunter Permit is defined as two (2) hunters applying for two (2) permits on the same application form. (3-30-01)

d. Hound Hunter Permits that remain unissued after the drawing may be issued by the Department on a first-come, first-served basis at the Regional offices during normal business hours on or after December 10. (4-5-00)

05. Invalidity of Permit. In the event a permit is issued based on erroneous or fraudulent information, the permit is invalid and CANNOT be used. Any permit issued on the basis of fraudulent information is subject to the provisions of Title 36, Idaho Code, and IDAPA 13.01.01, "Rules Governing Licensing." (4-5-00)

IDAPA 13 - IDAHO FISH AND GAME COMMISSION

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

DOCKET NO. 13-0116-0901

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 September 16, 2009.

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:

Allow other forms of official import documentation to suffice as an export tag for possession of lawfully obtained pelts in Idaho. Correct an obsolete reference to the vendor fee.

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 Section 67-5220, Idaho Code, 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 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 September 23, 2009.

DATED this 29th day of July, 2009.

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

THE FOLLOWING IS THE PROPOSED TEXT FOR DOCKET NO. 13-0116-0901

500. MANDATORY CHECK AND REPORT - PELT TAG REQUIREMENTS.

01. Mandatory Check and Report. Any person trapping river otter or taking bobcat, whether by hunting or trapping, must comply with the mandatory check and report and pelt tag requirements by: (5-3-03)

a. Presenting the pelts of all bobcat taken to a regional office, the McCall office or official check point to obtain the appropriate pelt tag and complete a harvest report. To have a pelt tagged, the pelt must be legally taken in Idaho and must be presented to a regional office, the McCall office, or designated checkpoint of IDFG during normal working hours -- 8 a.m. to 5 p.m. (3-30-01)

b. Additional River Otter Requirements: (3-30-01)

i. Pelts must be tagged by IDFG personnel at the regional office in the region in which the animal was taken within seventy-two (72) hours of taking. Trappers unable to comply with the tagging requirements due to special or unique circumstances must report their harvest to the appropriate regional office or field personnel within seventy-two (72) hours and make arrangements for tagging at the proper regional office. Pelts not registered or presented to Department personnel within seventy-two (72) hours are subject to confiscation. (3-30-01)

ii. Otters harvested after the season has closed, or otters harvested in excess of a trapper's personal quota of two (2), must be turned into IDFG personnel. Check with the IDFG regional office for further information when reporting a harvest. (4-6-05)

iii. No person shall have in possession, except during the open season and for seventy-two (72) hours after the close of the season, any raw otter pelt legally harvested in Idaho that does not have an official state export tag attached. (3-30-01)

02. Pelt Tags. A fee of two dollars (\$2) will be charged for each pelt tag. An additional ~~one-dollar and fifty-cent (\$1.50)~~ vendor fee as set forth in Section 36-306, Idaho Code, will be charged to each license holder when pelts are brought in for tagging. ~~(3-30-01)~~(____)

a. No person, who does not possess a furbearer or taxidermist license or appropriate import documentation, or both, shall have in possession, except during the open season and for ten (10) days after the close of the season, any raw bobcat pelt that does not have an official state export tag attached (either Idaho's or another state's official export tag). ~~(7-1-98)~~(____)

b. No person, who does not possess a furbearer or taxidermist license or appropriate import documentation, or both, shall sell, offer for sale, purchase, or offer to purchase any raw bobcat or otter pelt that does not have an official state export tag attached. ~~(5-3-03)~~(____)

IDAPA 13 - IDAHO FISH AND GAME COMMISSION

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

DOCKET NO. 13-0117-0901

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 September 16, 2009.

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:

Prohibit the use of salt for bear baiting. Amend language for removal of bait sites for consistency.

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 Section 67-5220, Idaho Code, 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 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 September 23, 2009.

DATED this 30th day of July, 2009.

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

THE FOLLOWING IS THE PROPOSED TEXT FOR DOCKET NO. 13-0117-0901

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. (5-8-09)

b. All bait, bait containers and materials must be removed and all excavations refilled no later than seven (7) days after the close of each season; spring, fall, or black bear dog training. (5-8-09)

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)

c. No person shall use salt in any form (liquid or solid) for bait. ()

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~~ after the close of ~~the~~ each season; spring, ~~and~~ fall, or black bear ~~seasons~~ dog training. (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)