

Dear Senators PEARCE, Bair, Werk, and
Representatives STEVENSON, Shepherd, Pence:

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

- IDAPA 13.01.08 - Rules Governing the Taking of Big Game Animals in the State of Idaho -
Proclamation (Docket No. 13-0108-1102P);
- IDAPA 13.01.08 - Rules Governing the Taking of Big Game Animals in the State of Idaho -
Proclamation (Docket No. 13-0108-1103P);
- IDAPA 13.01.09 - Rules Governing the Taking of Game Birds in the State of Idaho - Proclamation
(Docket No. 13-0109-1102P);
- IDAPA 13.01.09 - Rules Governing the Taking of Game Birds in the State of Idaho - Proclamation
(Docket No. 13-0109-1103P);
- IDAPA 13.01.11 - Rules Governing Fish - Proclamation (Docket No. 13-0111-1102P);
- IDAPA 13.01.02 - Rules Governing Public Safety (Docket No. 13-0102-1101);
- IDAPA 13.01.04 - Rules Governing Licensing (Docket No. 13-0104-1101);
- IDAPA 13.01.04 - Rules Governing Licensing (Docket No. 13-0104-1102);
- IDAPA 13.01.05 - Rules Governing Fishing Contests (Docket No. 13-0105-1101);
- IDAPA 13.01.06 - Rules Governing Classification and Protection of Wildlife (Docket No.
13-0106-1101);
- IDAPA 13.01.08 - Rules Governing the Taking of Big Game Animals in the State of Idaho (Docket
No. 13-0108-1101);
- IDAPA 13.01.09 - Rules Governing the Taking of Game Birds in the State of Idaho (Docket No.
13-0109-1101);
- IDAPA 13.01.10 - Rules Governing the Importation, Possession, Release, Sale or Salvage of Wildlife
(Docket No. 13-0110-1101);
- IDAPA 13.01.11 - Rules Governing Fish (Docket No. 13-0111-1101);
- IDAPA 13.01.12 - Rules Governing Commercial Fishing (Docket No. 13-0112-1101);
- IDAPA 13.01.16 - The Trapping of Predatory and Unprotected Wildlife and the Taking of Furbearing
Animals (Docket No. 13-0116-1101).

Pursuant to Section 67-454, Idaho Code, a meeting on the enclosed rules may be called by the
cochairmen or by two (2) or more members of the subcommittee giving oral or written notice to Research
and Legislation no later than fourteen (14) days after receipt of the rules analysis from Legislative
Services. The final date to call a meeting on the enclosed rules is no later than 10/26/2011. 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 11/25/2011.

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 334-4845, or send a written request to the address or FAX number indicated on the memorandum enclosed.



Jeff Youtz
Director

Legislative Services Office

Idaho State Legislature

Serving Idaho's Citizen Legislature

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: October 6, 2011

SUBJECT: Department of Fish and Game

IDAPA 13.01.08 - Rules Governing the Taking of Big Game Animals in the State of Idaho - Proclamation (Docket No. 13-0108-1102P)

IDAPA 13.01.08 - Rules Governing the Taking of Big Game Animals in the State of Idaho - Proclamation (Docket No. 13-0108-1103P)

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IDAPA 13.01.11 - Rules Governing Fish - Proclamation (Docket No. 13-0111-1102P)

IDAPA 13.01.02 - Rules Governing Public Safety (Docket No. 13-0102-1101)

IDAPA 13.01.04 - Rules Governing Licensing (Docket No. 13-0104-1101)

IDAPA 13.01.04 - Rules Governing Licensing (Docket No. 13-0104-1102)

IDAPA 13.01.05 - Rules Governing Fishing Contests (Docket No. 13-0105-1101)

IDAPA 13.01.06 - Rules Governing Classification and Protection of Wildlife (Docket No. 13-0106-1101)

IDAPA 13.01.08 - Rules Governing the Taking of Big Game Animals in the State of Idaho (Docket No. 13-0108-1101)

IDAPA 13.01.09 - Rules Governing the Taking of Game Birds in the State of Idaho (Docket No. 13-0109-1101)

IDAPA 13.01.10 - Rules Governing the Importation, Possession, Release, Sale or Salvage of Wildlife (Docket No. 13-0110-1101)

IDAPA 13.01.11 - Rules Governing Fish (Docket No. 13-0111-1101)

IDAPA 13.01.12 - Rules Governing Commercial Fishing (Docket No. 13-0112-1101)

IDAPA 13.01.16 - The Trapping of Predatory and Unprotected Wildlife and the Taking of Furbearing Animals (Docket No. 13-0116-1101)

Mike Nugent Manager
Research & Legislation

Cathy Holland-Smith, Manager
Budget & Policy Analysis

Don H. Berg, Manager
Legislative Audits

Glenn Harris, Manager
Information Technology

1. Notices of Proclamation (Five Proclamations Submitted)

Pursuant to Section 36-105(3), Idaho Code, the Department of Fish and Game has submitted notices of proclamation setting seasons and rules for Big Game Animals, specifically deer, elk, pronghorn, black bear and mountain lion, for the 2011 seasons, and for moose, bighorn sheep and mountain goat for the 2011-12 seasons; for sage grouse for the 2011 season; for migratory waterfowl (ducks and geese) for the 2011-12 season; and for fall chinook fishing for the 2011 season. Section 36-105(3), Idaho Code, provides that the Department shall be excepted from the requirements of rulemaking when adopting, repealing, or amending any proclamations relating to the setting of various seasons and limits, provided it publishes notice of such proposed proclamations in the Idaho Administrative Bulletin and provides notice to Legislative Services for review by the germane joint subcommittees as soon as possible after adoption by the Commission. The seasons are included in the Department's regulation pamphlets. The Department notes that a number of public hearings and open houses have already occurred and an additional Commission meeting is expected to take place on November 9, 2011 in Coeur d'Alene, Idaho.

2. IDAPA 13.01.02 - Rules Governing Public Safety

The Department of Fish and Game submits notice of temporary and proposed rule at IDAPA 13.01.02 - Rules Governing Public Safety. According to the Department, the purpose of the rule is to provide a mechanism for exemption from the live fire requirement of hunter education certification for persons with military and peace officer training, and responds to constituent and legislative requests. The temporary rule was effective on May 23, 2011.

Negotiated rulemaking was not conducted. The rule appears to be authorized pursuant to Sections 36-104 and 36-412, Idaho Code.

3. IDAPA 13.01.04 - Rules Governing Licensing (Docket 13-0104-1101)

The Department of Fish and Game submits notice of temporary and proposed rule at IDAPA 13.01.04 - Rules Governing Licensing. According to the Department, the purpose of the rule is to comply with HB143 from the 2011 Legislative Session. The rule allows nonresident disabled veterans to participate in a hunt in association with a qualified organization to receive reduced fees for certain licenses and tags. The Department states that the changes also provide specific rules for bighorn sheep auction and lottery tags to accommodate proxy bidders while preventing tag resale and sets nonresident tag and outfitter set-aside quotas. The temporary rule became effective on August 1, 2011.

Negotiated rulemaking was not conducted. The rule appears to be authorized pursuant to Sections 36-104, 36-404, 36-407 through 36-409 and 36-416, Idaho Code.

4. IDAPA 13.01.04 - Rules Governing Licensing (Docket 13-0104-1102)

The Department of Fish and Game submits notice of proposed rule at IDAPA 13.01.04 - Rules Governing Licensing. According to the Department, the rule changes provide improvements to the landowner appreciation program to provide for consistency in tag allocation and to provide incentives for landowners in certain units who provide benefits for wildlife, wildlife habitat or sportsmen.

Negotiated rulemaking was not conducted. The rule appears to be authorized pursuant to Section 36-104, Idaho Code.

5. IDAPA 13.01.05 - Rules Governing Fishing Contests

The Department of Fish and Game submits notice of proposed rule at IDAPA 13.01.05 - Rules Governing Fishing Contests. According to the Department, the purpose of the rule is to clarify and simplify the definition of "fishing contest." The current rule provides that a fishing contest is any fishing event which is based on the capture of an individual fish or the size or number of fish - and total prize value is greater than one thousand dollars, or the individual entry fee is greater than twenty-five dollars, or the number of boats is greater than ten, or the number of individual contestants is greater than twenty, or there is a live fish weigh-in. The proposed amendment would redefine "fishing contest" to mean any organized fishing event that has a live fish weigh-in and awards cash or prizes of one thousand dollars or more based on number, size, or species of fish captured or is expected to draw or have more than twenty participants. Events organized wholly for youth under the age of fourteen are exempted.

Negotiated rulemaking was not conducted. The rule appears to be authorized by Sections 36-104 and 36-901, Idaho Code.

6. IDAPA 13.01.06 - Rules Governing Classification and Protection of Wildlife

The Department of Fish and Game submits notice of proposed rule at IDAPA 13.01.06 - Rules Governing Classification and Protection of Wildlife. According to the Department, the purpose of the rule change is to change the classification name for Leatherside chub and Bluehead sucker to comply with recent research.

Negotiated rulemaking was not conducted. The rule appears to be authorized pursuant to Sections 36-104 and 36-201, Idaho Code.

7. IDAPA 13.01.08 - Rules Governing the Taking of Big Game Animals in the State of Idaho

The Department of Fish and Game submits notice of temporary and proposed rule at IDAPA 13.01.08 - Rules Governing the Taking of Big Game Animals in the State of Idaho. According to the Department, the rule deletes references to a wolf trapping permit, clarifies the wolf trapping rules, allows wolf trapping near naturally deceased (not man-caused mortality) big game carcasses and clarifies and adjusts certain big game management unit descriptions. The temporary rule became effective on August 29, 2011.

Negotiated rulemaking was not conducted. The rule appears to be authorized pursuant to Sections 36-104 and 36-1101, Idaho Code.

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

The Department of Fish and Game submits notice of temporary and proposed rule at IDAPA 13.01.09 - Rules Governing the Taking of Game Birds in the State of Idaho. According to the Department, the purpose of the rule changes are to amend provisions of the Youth Waterfowl Day to correspond to the federal age qualifica-

tion and to amend obsolete references to seasons, bag limits and possession limits which are set by commission proclamation. The temporary rule became effective on August 1, 2011.

Negotiated rulemaking was not conducted. The rule appears to be authorized pursuant to Sections 36-104, 36-105, 36-1101 and 36-1102, Idaho Code.

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

The Department submits notice of proposed rule at IDAPA 13.01.10 - Rules Governing the Importation, Possession, Release, Sale or Salvage of Wildlife. According to the Department, the rule amends the wildlife salvage rules to allow increased salvage of commercially valuable wildlife. The rule changes specifically involve animals that have been accidentally killed as a result of vehicle-collision mortality. One subsection of the rule provides for the recovery and possession of such animals, with requirements associated with notification and adherence to mandatory check and report requirements, and another subsection provides for the purchase, barter or sale of parts, excluding meat, of such animals, except bighorn sheep.

Negotiated rulemaking was not conducted. The rule appears to be authorized pursuant to Sections 36-103, 36-104, 36-501 and 36-504, Idaho Code.

10. IDAPA 13.01.11 - Rules Governing Fish

The Department submits notice of temporary and proposed rule at IDAPA 13.01.11 - Rules Governing Fish. According to the Department, the rule amends and simplifies definitions of certain terms, specifies the conditions by which hatchery steelhead and salmon legally harvested may be transported without tails and heads attached, prohibits marking and releasing fish without a collecting permit, allows the use of a gaff hook when harvesting nongame fish taken with archery equipment and corrects obsolete rules. The temporary rule was effective on August 1, 2011.

Negotiated rulemaking was not conducted. The rule appears to be authorized pursuant to Sections 36-104 and 36-901, Idaho Code.

11. IDAPA 13.01.12 - Rules Governing Commercial Fishing

The Department submits notice of proposed rule at IDAPA 13.01.12 - Rules Governing Commercial Fishing. According to the Department, the rule removes mountain sucker from the list of fish species that may be commercially harvested.

Negotiated rulemaking was not conducted. The rule appears to be authorized pursuant to Sections 36-104 and 36-804, Idaho Code.

12. IDAPA 13.01.16 - The Trapping of Predatory and Unprotected Wildlife and the Taking of Furbearing Animals

The Department submits notice of temporary and proposed rule at IDAPA 13.01.16 - The Trapping of Predatory and Unprotected Wildlife and the Taking of Furbearing Animals. According to the Department, the rule is the result of working with trappers to determine if or how trapping closures near campgrounds and picnic areas could be adjusted. The Department states that the rule also provides detail specifications on trap break-away devices, specifies allowable jaw size for foothold traps in ground sets now that wolves have been delisted and sets wolf trap equipment specifications. The temporary rule was effective on August 1, 2011.

The Department notes that negotiated rulemaking was not conducted because of the need to set wolf trap specifications now that wolves have been delisted, but that input from trappers and trapping organizations were incorporated via informal negotiations. The rule appears to be authorized pursuant to Sections 36-104 and 36-1101, Idaho Code.

cc: Department of Fish and Game
Dallas Burkhalter
Sharon Kiefer

IDAPA 13 - IDAHO FISH AND GAME COMMISSION

13.01.02 - RULES GOVERNING PUBLIC SAFETY

DOCKET NO. 13-0102-1101

NOTICE OF RULEMAKING - TEMPORARY AND PROPOSED RULE

EFFECTIVE DATE: The effective date of the temporary rule is May 23, 2011.

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) and 36-412, Idaho Code.

PUBLIC HEARING SCHEDULE: Public hearing(s) concerning this rulemaking will be scheduled if requested in writing by twenty-five (25) persons, a political subdivision, or an agency, not later than October 19, 2011.

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

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

Provides a mechanism for exemption from the live fire requirement of hunter education certification for persons with military and peace officer training, and responds to constituent and Legislative request.

TEMPORARY RULE JUSTIFICATION: Pursuant to Section 67-5226(1)(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 hunters.

FEE SUMMARY: Pursuant to Section 67-5226(2), the Governor has found that the fee or charge being imposed or increased is justified and necessary to avoid immediate danger and the fee is described herein: None.

NEGOTIATED RULEMAKING: Pursuant to Section 67-5220, Idaho Code, negotiated rulemaking was not conducted because of the lack of an identifiable group representing the affected interested persons.

INCORPORATION BY REFERENCE: Pursuant to Section 67-5229(2)(a), Idaho Code, the following is a brief synopsis of why the materials cited are being incorporated by reference into this rule: N/A

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

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 October 26, 2011.

DATED this 26th day of August, 2011.

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 OF DOCKET NO. 13-0102-1101

100. HUNTER EDUCATION.

01. Mandatory Hunter Education Program. All students being certified under this program must have successfully completed at least ten (10) hours of instruction in firearms safety, wildlife management, wildlife law, hunter ethics, first aid/survival, plus practical experience in the handling and shooting of firearms. This instruction may be completed through classroom study, home study, an on-line computer course, or other approved methods. The Department of Fish and Game shall manage the Hunter Education Program pursuant to the Idaho Hunter Education Policy and Procedure Manual. Only certificates for courses which meet or exceed the standards of the Idaho course are acceptable from other states or countries. (4-7-11)

02. Fees. A fee as established by Section 36-412(c), Idaho Code, shall be charged each student enrolling in the Hunter Education Program. (3-20-04)

03. Parent to Attend Live Fire Exercise with Student. For students under the age of twelve (12), a parent, legal guardian or other adult designated by the parent or legal guardian shall attend the Hunter Education Live Fire Exercise with the student. Preferably, the adult attending the live fire exercise should be the same adult who will accompany the student into the field while hunting. This requirement is mandatory for successful completion of the Hunter Education Course. (3-20-04)

04. Exemption from Practical Handling and Shooting of Firearms Requirement. An active, former, or retired member of the United States Armed Forces (Army, Navy, Air Force, Marine Corps, and Coast Guard) or an active, former or retired peace officer as defined by Section 19-5101(d), Idaho Code, may be exempted from the practical firearms handling and shooting requirement of the Mandatory Hunter Education Program if they received training in firearms handling and shooting. To qualify for the exemption the applicant must submit by mail or in person a signed affidavit provided by the Department, which certifies the applicant meets the criteria for exemption due to training in the practical handling and shooting of firearms provided through either the Armed Forces or as a peace officer. (5-23-11)T

IDAPA 13 - IDAHO FISH AND GAME COMMISSION

13.01.04 - RULES GOVERNING LICENSING

DOCKET NO. 13-0104-1101

NOTICE OF RULEMAKING - TEMPORARY AND PROPOSED RULE

EFFECTIVE DATE: The effective date of the temporary rule is August 1, 2011.

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), 36-404, 36-407 through -409, and 36-416, Idaho Code.

PUBLIC HEARING SCHEDULE: Public hearing(s) concerning this rulemaking will be scheduled if requested in writing by twenty-five (25) persons, a political subdivision, or an agency, not later than October 19, 2011.

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

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

2011 HB143 allows nonresident disabled veterans to participate in a hunt in association with a qualified organization to receive reduced fees for certain licenses and tags; provide specific rules for bighorn sheep auction and lottery tags to accommodate proxy bidders, but prevent tag resale; and set Nonresident tag and outfitter set-aside quotas.

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 hunters, and complies with an amendment to governing law.

FEE SUMMARY: Pursuant to Section 67-5226(2), the Governor has found that the fee or charge being imposed or increased is justified and necessary to avoid immediate danger and the fee is described herein: None.

NEGOTIATED RULEMAKING: Pursuant to Section 67-5220, Idaho Code, negotiated rulemaking was not conducted because of the need to comply with the amendments approved by HB143, and the lack of organized groups representing nonresident disabled veterans, nonresident hunters, and bidders and buyers for bighorn sheep auction and lottery tags.

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

INCORPORATION BY REFERENCE: Pursuant to Section 67-5229(2)(a), Idaho Code, the following is a brief synopsis of why the materials cited are being incorporated by reference into this rule: 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 October 26, 2011.

DATED this 26th day of August, 2011.

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 OF DOCKET NO. 13-0104-1101

010. DEFINITIONS.

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

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

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

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

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

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

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

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

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

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

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

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

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

04. Disabled. A person is disabled if they are deemed disabled by one (1) or more, but not necessarily all of the following: the railroad retirement board pursuant to Title 45 of the United States Code, or certified as eligible for Federal Supplemental Security Income (SSI); or Social Security Disability Income (SSDI); or a nonservice-connected veterans pension; or a service-connected veterans disability benefit with forty percent (40%) or more disability; or if a physician has certified any of the following - that a person has lost the use of one (1) or both

lower extremities or both hands, or is unable to walk two hundred (200) feet or more unassisted by another person, or is unable to walk two hundred (200) feet or more without the aid of a walker, cane, crutches, braces, prosthetic device or a wheelchair, or is unable to walk two hundred (200) feet or more without great difficulty or discomfort due to the following impairments - neurological, orthopedic, respiratory, cardiac, arthritic disorder, blindness, or the loss of function or absence of a limb. (3-8-07)

05. Eligible Applicant. A physically disabled person certified by a physician licensed in the state in which the disabled person resides, as meeting one (1) or more of the criteria set forth in Section 36-1101(b), Idaho Code. (5-8-09)

06. Eligible Property. At least three hundred twenty (320) acres of land in one (1) controlled hunt unit determined by the Department to be valuable for habitat or propagation purposes for deer, elk, and/or pronghorn, whether owned by one (1) or more persons, a partnership, or corporation. It shall not include any government lands. (4-7-11)

07. Landowner. Any person or corporation whose name appears on a deed as the owner of eligible property or whose name appears on a contract for sale of eligible property as the purchaser, and any affiliates, management companies, associated entities, wholly-owned subsidiaries, corporations, or limited liability corporations wherein fifty percent (50%) or more of the ownership or controlling interest is maintained by a single individual, partnership or corporation. (4-7-11)

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

~~09.~~ **Physician.** A person licensed to practice medicine pursuant to the Idaho Medical Practice Act (Sections 54-1801 through 54-1820, Idaho Code), or equivalent state licensing authority if the person is not licensed to practice in Idaho. (5-8-09)

~~10.~~ **Qualified Organization.** The term "Qualified Organization" is defined in Section 36-408(7), Idaho Code. (8-1-11)T

~~09~~**11. Resident.** The term "resident" is defined in Section 36-202(s), Idaho Code. (5-8-09)

(BREAK IN CONTINUITY OF SECTIONS)

302. DISABILITY LICENSES.

Disabled Combination Hunting/Fishing, Disabled Fishing, Disabled American Veterans Combination Hunting and Fishing License, ~~and~~ Disabled American Veterans Fishing License, and Nonresident Disabled American Veterans Hunting License. (~~3-8-07~~)(8-1-11)T

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

02. Required Documentation. Required documentation must be submitted in person or by mail to the Department of Fish and Game set forth in Section 005 of this rule. Applications must be supported by the documentation noted in either Subsection 302.02.a., 302.02.b., ~~or~~ 302.02.c., or 302.02.d. of this rule. (~~5-8-09~~)(8-1-11)T

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

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

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

iii. A letter from the from the Veterans Affairs office verifying a service-connected disability rating of forty percent (40%) or greater. Such documentation can bear any date prior to license application. Such documentation will be required only for the initial application and will not be required for subsequent disability license application. (5-8-09)

iv. A current year's letter from the Veterans Affairs office showing an individual is receiving a nonservice-connected pension. (5-8-09)

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

c. Individuals using the department form for a physician's permanent disability certification must complete and sign the application form. Each application submitted on the department form shall be accompanied by certification from the applicant's physician, physician assistant, or nurse practitioner stating which of the criteria set forth in Subsection 010.04 of this rule, qualifies the applicant and why. If the physician, physician assistant, or nurse practitioner is not licensed to practice in Idaho, a photo copy of the physician, physician assistant, or nurse practitioner's medical license must accompany the application. Physicians, physician assistants, or nurse practitioners must check the appropriate box for a permanent disability on the application. (5-8-09)

d. Nonresident Disabled American Veterans must meet the requirements in Subsection 302.02.a.iii. and provide information, prescribed by the Department, showing they are participating in a hunt in association with a Qualified Organization. Applicant must provide a letter from a Qualified Organization documenting the following: (8-1-11)T

i. The license applicant is participating in a hunt in association with the Qualified Organization in the calendar year of the application. (8-1-11)T

ii. The Qualified Organization is qualified under Internal Revenue Code Section 501(c)(3) as a nonprofit organization with a mission to offer opportunities, experiences, and assistance to disabled veterans or the qualified organization is a government agency with a mission to offer opportunities, experiences, and assistance to disabled veterans. (8-1-11)T

iii. If the Qualified Organization is a government agency, the letter must be on the government agency letterhead and signed by an employee of the government agency. (8-1-11)T

iv. If the Qualified Organization is a nonprofit organization, a copy of the IRS determination letter showing IRS Section 501(c)(3) status must be included with the letter. (8-1-11)T

(BREAK IN CONTINUITY OF SECTIONS)

700. SPECIAL BIGHORN SHEEP AUCTION TAG.

01. Eligibility. In order to be eligible to bid on the special bighorn sheep auction tag, a person must be eligible to purchase an Idaho hunting or combination license. (~~3-20-04~~)(8-1-11)T

02. Validity of Tag. The Special Bighorn Sheep Auction Tag shall be valid in Unit 11 only during odd-

numbered years and during even-numbered years when the Bighorn Sheep Lottery Tag holder chooses not to hunt in Unit 11. ~~(4-7-11)~~(8-1-11)T

03. License and Controlled Hunt Tag. (8-1-11)T

a. A hunting license and controlled hunt tag will be provided to the successful bidder from the net proceeds of the auction. (4-7-11)

b. The successful bidder for the Bighorn Sheep Auction Tag must file a notarized affidavit within fifteen (15) days of the successful bid if the hunting license and tag are to be designated to another individual. (8-1-11)T

04. Application of Big Game Rules. All rules governing the Taking of Big Game Animals, IDAPA 13.01.08, shall apply to the eligible and successful bidders other than as specified herein. (7-1-93)

a. No successful bidder shall be eligible to apply for a bighorn sheep controlled hunt tag the same year the bidder is issued a ~~Special~~ Bighorn Sheep Auction Tag. ~~(4-7-11)~~(8-1-11)T

b. A person receiving a ~~Special~~ Bighorn Sheep Auction Tag, but who is unsuccessful in taking a bighorn sheep, shall be eligible to bid the following year for another ~~Special~~ Bighorn Sheep Auction Tag. ~~(4-7-11)~~(8-1-11)T

c. A person successful in taking a bighorn sheep with a ~~special~~ bighorn sheep tag shall be eligible to bid the following year. ~~(3-20-04)~~(8-1-11)T

701. -- 799. (RESERVED)

800. BIGHORN SHEEP LOTTERY TAG.

01. Eligibility. (7-1-93)

a. In order to win and be issued the Bighorn Sheep Lottery Tag, a person must be eligible to purchase an Idaho hunting or combination license. (4-7-11)

b. If any person wins the Bighorn Sheep Lottery Tag and has already been drawn for a bighorn sheep controlled hunt tag for the same year, the controlled hunt tag shall be returned to the Department and voided and the tag fees refunded. The lottery tag will be valid to hunt bighorn sheep that year. (4-7-11)

02. Validity of Tag. The Bighorn Sheep Lottery Tag shall be valid in Unit 11 only during even-numbered years and during odd-numbered years when the ~~Special~~ Bighorn Sheep Auction Tag holder chooses not to hunt in Unit 11. ~~(4-7-11)~~(8-1-11)T

03. ~~Permit~~ Tag. (8-1-11)T

a. A hunting license (if needed) and a controlled hunt tag will be provided to the lottery tag winner from the net proceeds of the lottery. ~~(4-7-11)~~(8-1-11)T

b. Lottery tickets are not transferable. The Bighorn Sheep Lottery Tag shall be issued to the person whose name appears on the winning ticket, and may not be transferred to another individual. (8-1-11)T

04. Application of Big Game Rules. All Rules Governing the Taking of Big Game Animals shall apply to the eligible ticket purchasers and lottery tag winner, other than as specified herein. (7-1-93)

a. A person receiving a bighorn sheep lottery tag shall be eligible to purchase lottery tickets the following year for another bighorn sheep lottery tag. (3-30-01)

b. A person successful in taking a bighorn sheep with a bighorn sheep lottery tag shall be eligible to

purchase lottery tickets the following year.

(3-20-04)

c. Any person who wins a Bighorn Sheep Lottery Tag, and who is otherwise eligible to apply for a deer, elk or pronghorn controlled hunt tag and who has drawn such a tag, shall be allowed to ~~apply for a controlled~~ hunt for those species during the same year the Bighorn Sheep Lottery Tag is valid. ~~(4-7-11)~~(8-1-11)T

IDAPA 13 - IDAHO FISH AND GAME COMMISSION

13.01.04 - RULES GOVERNING LICENSING

DOCKET NO. 13-0104-1102

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 October 19, 2011.

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:

Improvements to the Landowner Appreciation Program to provide for consistency in tag allocation, and to provide incentives for landowners in certain units who provide benefits for wildlife, wildlife habitat, or sportsmen.

FEE SUMMARY: The following is a specific description of the fee or charge imposed or increased: None.

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.

INCORPORATION BY REFERENCE: Pursuant to Section 67-5229(2)(a), Idaho Code, the following is a brief synopsis of why the materials cited are being incorporated by reference into this rule: N/A

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

Anyone may submit written comments regarding the proposed rulemaking. All written comments must be directed to the undersigned and must be delivered on or before October 26, 2011.

DATED this 29th day of August, 2011.

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 OF DOCKET NO. 13-0104-1102

400. LANDOWNER APPRECIATION PROGRAM.

01. Eligible Applicants. Eligible applicants must be registered with the Department and are limited to landowners. Landowners not complying with prohibitions listed in Subsection 400.08, of these rules, shall not be eligible to participate in the landowner appreciation program for three (3) years. (4-7-11)

02. Hunt ~~Units~~ Areas. Landowner Appreciation Program controlled hunt tags shall be issued only for those controlled hunt ~~units~~ areas designated by the Director as eligible for such permits. (~~4-7-11~~)()

03. Qualifying Property. Only property that is used by and provides significant habitat values for deer, elk or pronghorn qualifies for the Landowner Appreciation controlled hunt tag program. Landowners may receive Landowner Appreciation controlled hunt tags only for the species and sex that use the property. (4-7-11)

04. Applications for Landowner Appreciation Controlled Hunt Tags. Applications for landowner appreciation controlled hunt tag(s) shall be on a form prescribed by the Department. Applicants must be registered with the Department and shall sign the application. (4-7-11)

a. Applications from landowners with six hundred forty (640) acres or more will be accepted on or after June 15 of each year. Applications received at the Headquarters Office of the Idaho Department of Fish and Game or postmarked not later than July 15 of each year will be entered in the random drawing for tags. Each application will be entered in the random drawing one (1) time based upon each six hundred and forty (640) acres of eligible property registered by the landowner that are within the hunt area. For example, if a landowner has six thousand four hundred (6,400) eligible acres, the application will be entered into the random drawing ten (10) times. (4-7-11)

b. One (1) application may be submitted by a landowner with eligible property consisting of six hundred forty (640) acres to four thousand nine hundred ninety-nine (4,999) acres. A second application may be submitted for eligible property consisting of five thousand (5,000) acres or more. (4-7-11)

05. Left Over Tags. Landowners with three hundred twenty (320) acres or more may apply for left-over tags following the random draw. Written applications will be accepted after August 15 of each year on a first-come, first-served basis. Applications must be accompanied by the appropriate application fee as specified in Section 36-416, Idaho Code. (4-7-11)

06. Property and Applicant Registration. (5-15-95)

a. Prior to any eligible applicant applying for a Landowner Appreciation Program controlled hunt, the qualifying property and eligible applicant must be registered with the Department. Registering landowners must notify the Department of any changes in property or applicant eligibility. (4-7-11)

b. Registration of property and eligible applicant must be on a form prescribed by the Department. The landowner must submit the registration form and a copy of the deed(s), and the most recent tax assessment(s), describing the eligible property showing the name(s) of the owner(s), and a map of eligible property to the Department regional office. Department personnel will certify the registration and land description and return a copy to the landowner. (4-5-00)

c. If the person registering is an authorized corporate or partnership representative, he shall submit with his registration written verification from the board of directors, partnership, or an officer of the corporation, other than himself, verifying that he is authorized to register the property and eligible applicants. (4-5-00)

07. Issuance of Controlled Hunt Tag(s). (4-7-11)

a. Once the Department has determined the number of controlled hunt tags to be issued in any controlled hunt unit, an additional ten percent (10%) of the number of controlled hunt tags MAY be issued as Landowner Appreciation Program tags. ~~In subsequent years up to twenty five percent (25%) of the number of controlled hunt tags MAY be issued only if the hunt is over subscribed by eligible Landowner Appreciation Program~~

~~applicants. An additional fifteen percent (15%) of the number of controlled hunt tags MAY be issued in game management units 40, 41, 42, 45 and 52 as Landowner Incentive tags pursuant to Subsection 400.11 of this rule.~~ (4-7-11)()

b. Where the number of landowner appreciation applicants exceeds the number of landowner appreciation controlled hunt tags available in a unit, successful applicants will be determined by drawing. All eligible landowners in the drawing will be considered for one (1) tag before any landowner is eligible for a second tag. (4-7-11)

~~e. No more than two (2) Landowner Appreciation Program controlled hunt tags may be issued to any eligible landowner.~~ (4-7-11)

~~d. Only one (1) leftover Landowner Appreciation Program controlled hunt tag may be issued for eligible property consisting of between three hundred twenty (320) and six hundred thirty nine (639) acres within the hunt area designated by the Director with Landowner Appreciation Program controlled hunt tags. Only one (1) landowner appreciation program controlled hunt tag may be issued for eligible property consisting of between six hundred forty (640) and four thousand nine hundred ninety-nine (4,999) acres within the hunt area designated by the Director with Landowner Appreciation Program controlled hunt tags. One (1) additional controlled hunt tag may be issued to a landowner or designated agent(s) for eligible property in excess of five thousand (5,000) acres within the hunt area designated by the Director with Landowner Appreciation Program controlled hunt tags. No landowner or designated agent(s) is eligible to receive more than one (1) controlled hunt tag for one (1) species in a calendar year.~~ (4-7-11)()

~~d. No landowner or designated agent(s) is eligible to retain more than one (1) landowner controlled hunt tag for one (1) species in a calendar year, except extra tag hunts pursuant to Subsection 400.10.b. of this rule.~~ ()

e. A successful landowner, corporate or partnership representative drawing a landowner appreciation program controlled hunt tag may designate to whom the controlled hunt tag will be issued pursuant to Subsection 400.08 of this rule. (4-7-11)

08. Prohibitions. Landowner Appreciation Program or Incentive controlled hunt tags shall not be sold or marketed. (4-7-11)()

09. Application of Controlled Hunt Restrictions. (7-1-93)

a. The restriction that applying for a moose, bighorn sheep, or mountain goat controlled hunt makes the applicant ineligible to apply for any other controlled hunt shall not apply to persons who are otherwise eligible to apply for a landowner appreciation program controlled hunt tag. (4-7-11)

b. Landowner appreciation program controlled hunt tags issued to non-residents shall not be considered as part of the non-resident quota. (4-7-11)

c. Landowner appreciation program controlled hunt tags are exempt from the one (1) year waiting periods applicable for certain deer, elk and pronghorn permits. (4-7-11)

10. Special Restrictions. Any person hunting with a Landowner appreciation program controlled hunt tag shall hunt only within the boundaries described in the hunt area designated by the Director. Only valid, current-year controlled hunt deer, elk, or pronghorn tags may be used in conjunction with a landowner appreciation program. No person shall kill more than one (1) deer, elk or pronghorn during a calendar year EXCEPT: (4-7-11)

a. Depredation Hunts. In depredation hunts, one (1) additional deer, elk or pronghorn may be taken by persons holding tags for those hunts; EXCEPT: those depredation hunters who were selected for depredation hunts prior to the controlled hunt season for the unit(s) in which they hold a controlled hunt tag must include any animal they harvest within the restrictions imposed by the controlled hunt tag. (4-7-11)

b. Extra Tag Hunts. In extra tag hunts, one (1) additional deer, elk or pronghorn may be taken by

persons holding tags for those hunts. (4-7-11)

c. Limits on Take - Deer, Elk, Pronghorn. In no event shall any person take more deer, elk or pronghorn in a calendar year than the number of tags the person legally possesses for each species. (4-7-11)

11. Landowner Incentive Tags. ()

a. Landowners or authorized corporate or partnership representatives with qualifying property in controlled hunt areas within game management units 40, 41, 42, 45 or 52 may apply for up to an additional fifteen percent (15%) of the number of controlled hunt tags. ()

b. Applications will be submitted on a form prescribed by the Department and signed by the applicant. ()

c. Written applications will be accepted on or before May 15 of each year. ()

d. Written applications will be evaluated and ranked by a Sportsmen Review Committee. The Department will determine final eligibility and priority ranking for applications considering Sportsmen Review Committee recommendations. ()

e. Applications must contain one (1) or more of the following: ()

i. Department approved managed public access agreement; ()

ii. Department approved depredation continued use agreement; ()

iii. Department approved habitat improvement agreement; and/or ()

iv. Department approved agreement to provide special sporting opportunity. Veteran and youth hunting opportunities are examples of special sporting opportunity. ()

f. If the number of eligible applications exceeds the number of available Landowner Incentive tags, tags will be issued according to priority ranking and eligibility as determined by the Department. ()

g. Landowner Appreciation Program controlled hunt tag restrictions in Subsection 400.07.c. shall not apply to Landowner Incentive tags. ()

IDAPA 13 - IDAHO FISH AND GAME COMMISSION

13.01.05 - RULES GOVERNING FISHING CONTESTS

DOCKET NO. 13-0105-1101

NOTICE OF RULEMAKING - PROPOSED RULE

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

PUBLIC HEARING SCHEDULE: Public hearing(s) concerning this rulemaking will be scheduled if requested in writing by twenty-five (25) persons, a political subdivision, or an agency, not later than October 19, 2011.

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:

Clarify/simplify the definition of "fishing contest".

FEE SUMMARY: The following is a specific description of the fee or charge imposed or increased: None.

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.

INCORPORATION BY REFERENCE: Pursuant to Section 67-5229(2)(a), Idaho Code, the following is a brief synopsis of why the materials cited are being incorporated by reference into this rule: N/A

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

Anyone may submit written comments regarding the proposed rulemaking. All written comments must be directed to the undersigned and must be delivered on or before October 26, 2011.

DATED this 29th day of August, 2011.

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 OF DOCKET NO. 13-0105-1101

010. DEFINITIONS.

01. **Catch-and-Release Contest.** Any fishing contest where the contest rules require specific procedures to keep target species of fish alive and healthy and require that all fish caught by participants be released back into the contest water on the same day they were captured. (7-1-93)

02. **Fishing Contest.** Any organized fishing event, ~~which is based on the capture of an individual fish or the size or number of fish and total prize value is greater than one thousand dollars (\$1,000); or the individual entry fee is greater than twenty five dollars (\$25); or the number of boats is greater than ten (10) or the number of individual contestants is greater than twenty (20); or there is a live fish weigh-in.~~ that: (3-30-07)()

a. Has a live-fish weigh-in; ()

b. Awards cash or prizes of one thousand dollars (\$1,000) or more based on number, size, or species of fish captured; or ()

c. Is expected to draw or have more than twenty (20) participants. ()

d. Events organized wholly for youth under the age of fourteen (14) are excluded from the requirement for a Fishing Contest Permit. ()

03. **Harvest Contest.** Any fishing contest where the contest rules do not require participants keep all target species of fish alive and healthy and release the fish back into contest waters, but allow participants to harvest or kill the fish. (7-1-93)

IDAPA 13 - IDAHO FISH AND GAME COMMISSION

13.01.06 - RULES GOVERNING CLASSIFICATION AND PROTECTION OF WILDLIFE

DOCKET NO. 13-0106-1101

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 October 19, 2011.

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:

Change the classification name for Leatherside chub and Bluehead sucker to comply with recent research.

FEE SUMMARY: The following is a specific description of the fee or charge imposed or increased: None.

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.

INCORPORATION BY REFERENCE: Pursuant to Section 67-5229(2)(a), Idaho Code, the following is a brief synopsis of why the materials cited are being incorporated by reference into this rule: N/A

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

Anyone may submit written comments regarding the proposed rulemaking. All written comments must be directed to the undersigned and must be delivered on or before October 26, 2011.

DATED this 29th day of August, 2011.

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 OF DOCKET NO. 13-0106-1101

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. (3-29-10)
 - a. Bald eagle -- *Haliaeetus leucocephalus*. (3-29-10)
 - b. Peregrine falcon -- *Falco peregrinus*. (3-29-10)
 - c. All native species, except game birds and threatened and endangered wildlife. (3-29-10)
- 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. Northern ~~H~~leatherside chub -- ~~Gila~~ Lepidomeda copei. (~~4-6-05~~)()
 - c. Sand roller -- *Percopsis transmontana*. (4-6-05)
 - d. Shoshone sculpin -- *Cottus greenei*. (4-6-05)
 - e. Wood River sculpin -- *Cottus leiopomus*. (4-6-05)
 - f. Bluehead sucker -- Catostomus discobolus. ()

IDAPA 13 - IDAHO FISH AND GAME COMMISSION

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

DOCKET NO. 13-0108-1101

NOTICE OF RULEMAKING - TEMPORARY AND PROPOSED RULE

EFFECTIVE DATE: The effective date of the temporary rule is August 29, 2011.

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) and 36-1101, Idaho Code.

PUBLIC HEARING SCHEDULE: Public hearing(s) concerning this rulemaking will be scheduled if requested in writing by twenty-five (25) persons, a political subdivision, or an agency, not later than October 19, 2011.

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

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

Delete references to a wolf trapping permit; clarification and cleanup of wolf trapping rules; allow wolf trapping near naturally deceased big game carcasses; and clarify and adjust certain Big Game Management Unit descriptions.

TEMPORARY RULE JUSTIFICATION: Pursuant to Section 67-5226(1)(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 hunters, outfitters, and sportsmen's organizations.

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: None.

NEGOTIATED RULEMAKING: Pursuant to Section 67-5220, Idaho Code, negotiated rulemaking was not conducted because of the need to set the rules for 2011 hunting and trapping seasons after delisting.

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

INCORPORATION BY REFERENCE: Pursuant to Section 67-5229(2)(a), Idaho Code, the following is a brief synopsis of why the materials cited are being incorporated by reference into this rule: 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 October 26, 2011.

DATED this 29th day of August, 2011.

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 RULE & PROPOSED TEXT OF DOCKET NO. 13-0108-1101

271. WOLF TRAPPING - **MANDATORY WOLF TRAPPER EDUCATION CLASS.**

~~01. Mandatory Wolf Trapper Education Class.~~ Individuals interested in trapping wolves must **purchase a trapping license and** successfully complete a wolf trapping education class held by the Idaho Department of Fish and Game prior to ~~purchase a wolf~~ trapping **permit for wolves.** A certificate of completion **and trapping license** will be required to purchase ~~the tags for~~ wolf trapping ~~permit.~~ Trappers who complete the class will not be required to take the class again in the future ~~to purchase a wolf trapping permit.~~ ~~(4-7-11)~~**(8-29-11)T**

~~02. Wolf Trapping Permits. Wolf trapping permits will be available only at Idaho Department of Fish and Game offices.~~ ~~(4-7-11)~~

(BREAK IN CONTINUITY OF SECTIONS)

410. UNLAWFUL METHODS OF TAKE.

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

01. Firearms. (7-1-93)

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

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

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

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

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

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

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

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

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

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

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

f. With any electronic or tritium-powered device attached to, or incorporated into, an arrow, bolt,

crossbow, or bow (except nonmagnifying scopes containing battery powered or tritium lighted reticles may be used by disabled archery permit holders). (5-8-09)

- g.** With any bow capable of shooting more than one (1) arrow at a time. (7-1-93)
- h.** With any compound bow with more than eighty-five percent (85%) let-off. (4-2-08)
- i.** With an arrow and broadhead, or bolt and broadhead, with a combined total weight of less than three hundred (300) grains. (4-2-08)
- j.** With an arrow less than twenty-four (24) inches or a crossbow bolt less than twelve (12) inches in length from the broadhead to the nock inclusive. (4-2-08)
- k.** With an arrow wherein the broadhead does not proceed the shaft and nock. (3-30-01)
- l.** During an *Archery Only* season, with any firearm, crossbow (except holders of handicapped archery permits), or other implement other than a longbow, compound bow, or recurve bow, or: (3-30-07)

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

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

 - a.** With a muzzleloading rifle or musket which is less than forty-five (.45) caliber for deer, pronghorn, mountain lion, or gray wolf, or which is less than fifty (.50) caliber for elk, moose, bighorn sheep, mountain goat, or black bear. (4-7-11)
 - b.** With any electronic device attached to, or incorporated in, the muzzleloader. (3-30-01)
 - c.** During a *Muzzleloader Only* season, with any firearm, muzzleloading pistol or other implement other than a muzzleloading rifle or musket which: (7-1-93)

 - i. Is at least forty-five (.45) caliber for deer, pronghorn, mountain lion, or gray wolf, or at least fifty (.50) caliber for elk, moose, bighorn sheep, mountain goat or black bear. (4-7-11)
 - 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 ignition system. (5-8-09)
- 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, pronghorn, mountain lion, or gray wolf, or at least fifty (0.50) caliber for elk, moose, bighorn sheep, mountain goat, or black bear. (4-7-11)
- 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. (3-29-10)
- 05. Other.** (7-1-93)
- a.** With electronic calls EXCEPT for the hunting of mountain lions, black bears, and wolves in seasons set by Idaho Fish and Game Commission proclamation. (4-7-11)
- 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-"; additionally with the exception that wolves may be trapped or taken near a big game animal that has died naturally and the carcass has not been repositioned for trapping or hunting purposes. Natural causes shall not include any man-caused mortality. Traps or snares may not be set or placed within thirty (30) feet of a carcass of a big game animal. ~~(3-30-07)~~(8-29-11)T
- 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; EXCEPT wolves may be trapped or snared in seasons set by Idaho Fish and Game Commission proclamation and subject to all trapping rules in IDAPA 13.01.16 "The Trapping of Predatory and Unprotected Wildlife and the Taking of Furbearing Animals." (4-7-11)
- 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)
- f.** With radio telemetry or other electronic tracking devices used as an aid to locate big game animals. This rule does not affect the use of telemetry equipment on hounds or other sporting dogs. (4-7-11)

(BREAK IN CONTINUITY OF SECTIONS)

600. GAME MANAGEMENT UNIT BOUNDARY DESCRIPTIONS.

Subsections 600.01 through 600.65 have no changes and are not republished here.

66. Unit 52A. Those portions of BLAINE, BUTTE, LINCOLN, and MINIDOKA COUNTIES within the following boundary: beginning at Shoshone, then north and east on U.S. 93 to the Arco-Minidoka Road (approximately two (2) miles SW of Arco), then south on the Arco-Minidoka Road to the East Minidoka Road (approximately two (2) miles east of Minidoka), then northwest on the East Minidoka Road to Minidoka, then northwest on State Highway 24 to Shoshone, the point of beginning. CRATERS OF THE MOON NATIONAL MONUMENT-CLOSED. The boundary of the Craters of the Moon National Monument was recently greatly enlarged by Presidential Proclamation. Approximately 410,512 acres of the expansion will be primarily managed by the National Park Service which has stated its intention to close this area to hunting. The state of Idaho strongly opposes this action and is working to keep this area open to hunting in accordance with the language in the Presidential Proclamation which assures continued jurisdiction over wildlife by the state of Idaho. This issue remains unresolved. It is the hunter's responsibility to check the current status of open/closed area boundaries prior to hunting. ~~(3-15-02)~~(8-29-11)T

67. Unit 53. Those portions of BLAINE, CASSIA, GOODING, JEROME, LINCOLN, MINIDOKA, POWER, and TWIN FALLS COUNTIES within the following boundary: beginning at Twin Falls, then west and north on U.S. 30 to the Snake River, then down the Snake River to the Malad River, then up the Malad River to U.S. 30, then northwest on U.S. 30 to Bliss, then east on U.S. 26 to Shoshone, then southeast on State Highway 24 to Minidoka, then east on the ~~Union-Pacific-railroad-tracks~~ East Minidoka Road approximately one (1) mile to the Minidoka-Blaine County line, then south along the Minidoka-Blaine County line to the Minidoka National Wildlife Refuge, then southeast along the refuge boundary to the Cassia-Power County line, then south along the Cassia-Power County line to Interstate 86 near Raft River, then west on Interstate 86 to Yale Road, then southwest on Yale Road over Interstate 84 to State Highway 81, then west on State Highway 81 to Burley, then west on U.S. 30 to Twin Falls, the point of beginning. MINIDOKA NATIONAL WILDLIFE REFUGE-CLOSED. ~~(7-1-93)~~(8-29-11)T

68. Unit 54. Those portions of CASSIA and TWIN FALLS COUNTIES within the following boundary: beginning at Burley, then west on U.S. 30 to U.S. 93 west of Twin Falls, then south on U.S. 93 to the Idaho-Nevada State line, then east along the state line to the Oakley-Goose Creek Road, then north on Oakley-Goose Creek Road to Oakley, then north on State Highway 27 to Burley, the point of beginning. (7-1-93)

69. Unit 55. That portion of CASSIA COUNTY within the following boundary: beginning at Burley, then south on State Highway 27 to Oakley, then south on the Oakley-Goose Creek Road to the Idaho-Utah State line, then east on the state line to the Strevell-Malta Road, then north on Strevell-Malta Road to Malta and State Highway 81, then northwest on State Highway 81 to Burley, the point of beginning. (7-1-93)

70. Unit 56. Those portions of CASSIA, ONEIDA, and POWER COUNTIES within the following boundary: beginning at the Yale Road-State Highway 81 junction, then northeast on Yale Road over Interstate 84 to Interstate 86, then east on Interstate 86 to State Highway 37, then south on State Highway 37 to Holbrook, then south on the Holbrook-Stone Road to the Idaho-Utah State line, then west on the state line to Interstate 84, then northwest on Interstate 84 to the Malta-Sublett Road, then west on Malta-Sublett Road to its junction with State Highway 81, then north on State Highway 81 to the point of beginning. (7-1-93)

71. Unit 57. Those portions of CASSIA and ONEIDA COUNTIES within the following boundary: beginning at Malta, then east on the Malta-Sublett Road to Interstate 84, then southeast on Interstate 84 to the Idaho-Utah State line, then west on the state line to the Malta-Strevell Road, then northwest on Malta-Strevell Road to Malta, the point of beginning. (7-1-93)

72. Unit 58. Those portions of BUTTE, CLARK, JEFFERSON, and LEMHI COUNTIES within the Birch Creek drainage northwest of State Highway 22. (3-30-01)

73. Unit 59. That portion of CLARK COUNTY within the following boundary: beginning at Dubois, then north on Interstate 15 to the Idaho-Montana State line, then west along the state line to Bannock Pass (Clark County), then south on Medicine Lodge Road to State Highway 22, then east on State Highway 22 to Dubois, the point of beginning. (7-1-93)

74. Unit 59A. Those portions of CLARK, JEFFERSON, and LEMHI COUNTIES within the following boundary: beginning at Bannock Pass (Clark County) on the Idaho-Montana State line, then west along the state line to the watershed divide between Birch and Crooked Creeks, then south along the divide through Reno Point to State Highway 22, then east on State Highway 22 to Medicine Lodge Road, then north on Medicine Lodge Road to Bannock Pass, the point of beginning. (7-1-93)

75. Unit 60. Those portions of CLARK and FREMONT COUNTIES within the following boundary: beginning at Ashton, then north on U.S. 191-20 to the old (south) Shotgun Valley Road, then west on Shotgun Valley Road to Idmon, then south on the Rexburg-Kilgore Road (Red Road) to the Camas Creek-Jackson Mill Springs Road, then east on Camas Creek-Jackson Mill Springs Road to the Hamilton Hill Road, then southeast on the Hamilton Hill Road to the Sand Creek Road, then southeast on the Sand Creek Road to the old Yellowstone Highway, then east on old Yellowstone Highway to U.S. 191-20, then north on U.S. 191-20 to Ashton, the point of beginning. HARRIMAN STATE PARK WILDLIFE REFUGE-CLOSED. (7-1-93)

76. Unit 60A. Those portions of CLARK, FREMONT, JEFFERSON, and MADISON COUNTIES within the following boundary: beginning at Spencer, east on the Spencer-Kilgore Road to Idmon, then south on the Rexburg-Kilgore Road (Red Road) to the Camas Creek-Jackson Mill Springs Road, then east on Camas Creek-Jackson Mill Springs Road to the Hamilton Hill Road, then southeast on the Hamilton Hill Road to the Sand Creek Road, then south on the Sand Creek Road to the old Yellowstone Highway, then south on old Yellowstone Highway to U.S. 191-20, then south on U.S. 191-20 to Rexburg, then west on State Highway 33 to Sage Junction, then north on Interstate 15 to Spencer, the point of beginning. (7-1-93)

77. Unit 61. Those portions of CLARK and FREMONT COUNTIES within the following boundary: beginning at Spencer, east on the Spencer-Kilgore Road to Idman, then east on the old (south) Shotgun Valley Road to U.S. 191, then south on U.S. 191 to State Highway 47, then southeast on State Highway 47 to the North Hatchery Butte Road, then east on North Hatchery Butte Road to Pineview, then north on the Pineview-Island Park Road to the Baker Draw-Black Mountain Springs Road, then east on Baker Draw-Black Mountain Springs Road to Fish Creek Road, then south on Fish Creek Road to the North Fork of Partridge Creek, then upstream to the Yellowstone Park boundary, then north along the Yellowstone Park boundary to the Idaho-Montana State line, then west to Monida Pass, then south on Interstate 15 to Spencer, the point of beginning. (4-5-00)

78. Unit 62. Those portions of FREMONT, MADISON, and TETON COUNTIES within the following boundary: beginning at the Leigh Creek Road on the Idaho-Wyoming State line, north along the state line to the Yellowstone Park boundary, then northwest along the Yellowstone Park boundary to Robinson Creek, then downstream to State Highway 47, then southwest on State Highway 47 to Ashton, then south on U.S. 191 to State Highway 33, then east on State Highway 33 to Leigh Creek Road east of Tetonia, then east on Leigh Creek Road to the state line, the point of beginning. (7-1-93)

79. Unit 62A. That portion of FREMONT COUNTY within the following boundary: beginning at Ashton, then north on U.S. 191 to State Highway 47, then south on State Highway 47 to the North Hatchery Butte Road, then east on North Hatchery Butte Road to Pineview, then north on the Pineview-Island Park Road to the Baker Draw-Black Mountain Springs Road, then east on Baker Draw-Black Mountain Springs Road to Fish Creek Road, then south on Fish Creek Road to the North Fork of Partridge Creek, then upstream to the Yellowstone Park boundary, then south along the park boundary to Robinson Creek, then downstream to State Highway 47, then southwest on State Highway 47 to Ashton, the point of beginning. HARRIMAN STATE PARK WILDLIFE REFUGE - CLOSED. (7-1-93)

80. Unit 63. Those portions of BINGHAM, BONNEVILLE, BUTTE, CLARK, and JEFFERSON COUNTIES within the following boundary: beginning at Blackfoot then north on Interstate 15 to Dubois, then southwest on State Highway 22 to U.S. 20-26, then southeast on U.S. 26 to Interstate 15 at Blackfoot, the point of beginning. Camas National Wildlife Refuge - CLOSED. (3-30-01)

81. Unit 63A. Those portions of BONNEVILLE, JEFFERSON, and MADISON COUNTIES within the following boundary: beginning at Idaho Falls, then east on U.S. 26 to the spot directly above the Heise measuring cable (about 1.5 miles upstream from Heise Hot Springs), then north across the South Fork of the Snake River to the Heise-Archer-Lyman Road (Snake River Road), then northwest on Heise-Archer-Lyman Road to U.S. 191, then north

on U.S. 191 to Rexburg, then west on State Highway 33 to Interstate 15 (Sage Junction), then south on Interstate 15 to Idaho Falls, then east on Broadway Street to U.S. 26, the point of beginning. (7-1-93)

82. Unit 64. Those portions of BONNEVILLE, JEFFERSON, MADISON, and TETON COUNTIES within the following boundary: beginning at the junction of State Highway 33 and U.S. 191 at Sugar City, then south on U.S. 191 to the Lyman-Archer-Heise Road (Snake River Road), then southeast on Lyman-Archer-Heise Road to the Kelly Canyon-Tablerock Road, then east on Kelly Canyon-Tablerock Road to the Hawley Gulch Road (Forest Service Road 218), then east on Hawley Gulch Road to the Moody Swamp Road (Forest Service Road 226), then northeast on Moody Swamp Road to the head of Hilton Creek, then east along the watershed divide between Big Burns and Canyon Creeks to Garns Mountain, then north along the watershed divide between Canyon Creek and Teton River to Grandview Point, then north down the Milk Creek Road to State Highway 33, then west on State Highway 33 to U.S. 191, the point of beginning. (7-1-93)

83. Unit 65. Those portions of BONNEVILLE, MADISON, and TETON COUNTIES within the following boundary: beginning on the Leigh Creek Road at the Idaho-Wyoming State line east of Tetonia, west to State Highway 33, then west on State Highway 33 to Milk Creek Road, then south on Milk Creek Road to Grandview Point, then south along the watershed divide between Canyon Creek and Teton River to Garns Mountain, then southeast along the watershed divide between Pine Creek and Teton River over Red Mountain to Pine Creek Pass, then east on State Highway 31 to Victor, then southeast on State Highway 33 to the state line, then north to the Leigh Creek Road, the point of beginning. (7-1-93)

84. Unit 66. Those portions of BINGHAM and BONNEVILLE COUNTIES within the following boundary: beginning at the Idaho-Wyoming State line on the South Fork of the Snake River, then downstream to the Swan Valley bridge on U.S. 26, then northwest on U.S. 26 to the watershed divide between Granite and Garden Creeks, then southwest along the divide and the divides between Garden-Antelope Creeks, Antelope-Pritchard Creeks and Fall-Tex Creeks to the Fall Creek Road (Forest Service Road 077), then west on Fall Creek Road to Skyline Ridge Road (Forest Service Road 077), then south on Skyline Ridge Road to Brockman Guard Station, then down Brockman Creek to Grays Lake Outlet, then upstream along the outlet to the Bone-Grays Lake Road, then east on Bone-Grays Lake Road through Herman to the McCoy Creek Road (Forest Service Road 087), then east on the McCoy Creek Road to the Idaho-Wyoming State line, then north to the point of beginning. ~~(7-1-93)~~ (8-29-11)T

85. Unit 66A. Those portions of BONNEVILLE and CARIBOU COUNTIES within the following boundary: beginning on the McCoy Creek Road (Forest Service Road 087) at the Idaho-Wyoming State line, west on McCoy Creek Road through Herman to the Bone ~~Road~~ Grays Lake Road, then west on the Bone-Grays Lake Road to the West Side Road west of Grays Lake, then south on the ~~Bone~~ West Side Road to State Highway 34, then east on State Highway 34 to the state line, then north along the state line to the point of beginning. ~~(7-1-93)~~ (8-29-11)T

86. Unit 67. Those portions of BONNEVILLE, JEFFERSON, MADISON, and TETON COUNTIES within the following boundary: beginning on State Highway 33 at the Idaho-Wyoming State line, then northwest to Victor, then southwest on State Highway 31 to Pine Creek Pass, then northwest along the watershed divide between Pine Creek and Teton River over Red Mountain to Garns Mountain, then west along the watershed divide between Big Burns and Canyon Creeks to the Moody Swamp Road (Forest Service Road 226) at Hilton Creek, then west on Moody Swamp Road to the Hawley Gulch Road (Forest Service Road 218), then west on Hawley Gulch Road and the Kelly Canyon Road to the South Fork Snake River Road, then upstream to the Heise measuring cable (about 1.5 miles upstream from Heise Hot Springs), then due south across the river to the mean high water line on the south shore of the South Fork Snake River, then upstream along the mean high water line to the divide between Garden and Granite Creeks in Conant Valley, then south up the divide to U.S. 26, then southeast on U.S. 26 to the Swan Valley bridge, then up the South Fork Snake River to the Idaho-Wyoming State line, then north on the state line to State Highway 33, the point of beginning. (7-1-93)

87. Unit 68. Those portions of BINGHAM, BLAINE, BUTTE, CASSIA, MINIDOKA, and POWER COUNTIES within the following boundary: beginning at Arco, then southeast on U.S. 26 to Blackfoot, then southwest on State Highway 39 to American Falls, then southwest on Interstate 86 to the Cassia-Power County line east of Raft River, then north along the Cassia-Power county line to the north bank of the Snake River, then northwest along the northern boundary of the Minidoka National Wildlife Refuge to the Minidoka-Blaine County line, then north along the Minidoka-Blaine County line to the ~~Union-Pacific Railroad tracks~~ East Minidoka Road, then ~~west on the tracks to Minidoka~~ east on the East Minidoka Road approximately one (1) mile to the Arco-Minidoka Road, then

north on the Minidoka-Arco Road to U.S. 93 approximately two (2) miles southwest of Arco, then northeast approximately two (2) miles on U.S. 93 to Arco, the point of beginning. ~~(3-30-07)~~(8-29-11)T

88. Unit 68A. Those portions of BANNOCK, BINGHAM, BONNEVILLE, and POWER COUNTIES within the following boundary: beginning at American Falls, then northeast on State Highway 39 to U.S. 26 near Blackfoot, then east on U.S. 26 to Interstate 15, then north on Interstate 15 to Idaho Falls, then east on Broadway Street to U.S. 91 (Old Yellowstone Highway), then south on U.S. 91 to Interstate 15, then south on Interstate 15 to Interstate 86, then southwest on Interstate 86 to American Falls, the point of beginning. (7-1-93)

89. Unit 69. Those portions of BINGHAM, BONNEVILLE, and CARIBOU COUNTIES within the following boundary: beginning at Idaho Falls, then south on U.S. 91 to Blackfoot, then south on Interstate 15 to the Fort Hall interchange, then east on the Fort Hall-Government Dam Road to the Blackfoot River below the Government Dam, then along the north and east shore of the Blackfoot River and Reservoir to State Highway 34, then north on State Highway 34 to the Bone West Side Road, then north on the Bone West Side Road west of Grays Lake to the Bone-Grays Lake Road, then east on the Bone-Grays Lake Road to Grays Lake Outlet, then downstream along the outlet to Brockman Creek, then up Brockman Creek to the Brockman Guard Station, then northwest on the Skyline Ridge Road (Forest Service Road 077) to Fall Creek Road (Forest Service Road 077), then east on the Fall Creek Road to the watershed divide between Fall and Tex Creeks, then north along the Fall Creek-Tex Creek, Antelope Creek-Pritchard Creek, Antelope Creek-Garden Creek and Garden Creek-Granite Creek watershed divides to the South Fork of the Snake River, then downstream along the mean high water line on the south shore of the South Fork to the Heise measuring cable (about 1.5 miles upstream from Heise Hot Springs), then southwest to U.S. 26, then west on U.S. 26 to Idaho Falls, the point of beginning. ~~(7-1-93)~~(8-29-11)T

90. Unit 70. Those portions of BANNOCK and POWER COUNTIES within the following boundary: beginning at the junction of Interstate 86 and Interstate 15 near Pocatello, then west on Interstate 86 to the Bannock Creek-Arbon Valley Highway, then south along Bannock Creek-Arbon Valley Highway to Mink Creek-Arbon Valley junction near Pauline, then northeast along Mink Creek Road to the Rattlesnake Creek Road, then east along the Rattlesnake Creek-Garden Gap-Arimo Road, then southeast on Rattlesnake Creek-Garden Gap-Arimo Road to Arimo, then north on Interstate 15 to the point of beginning. (7-1-93)

91. Unit 71. Those portions of BANNOCK, BINGHAM, and CARIBOU COUNTIES within the following boundary: beginning at Bancroft, then north on the Bancroft-Chesterfield Road to Chesterfield Dam, then upstream on the Portneuf River to the Government Dam-Fort Hall Road, then west to Fort Hall interchange, then south on Interstate 15 to U.S. 30, then east to the Pebble-Bancroft county road (old U.S. 30N), then northeast to Bancroft, the point of beginning. (7-1-93)

92. Unit 72. Those portions of BINGHAM and CARIBOU COUNTIES within the following boundary: beginning at State Highway 34 on the Blackfoot River, then west along the east and north shore of the Blackfoot River and Reservoir to the Government Dam Road, then west on the Government Dam-Fort Hall Road to the Portneuf River, then downstream to Chesterfield Dam, then south on the Chesterfield-Bancroft Road to Bancroft, then east on the Pebble-Bancroft county road (old U.S. 30N) to U.S. 30N-State Highway 34, then northeast on State Highway 34 to the point of beginning. (7-1-93)

93. Unit 73. Those portions of BANNOCK, FRANKLIN, POWER, and ONEIDA COUNTIES within the following boundary: beginning on U.S. 91 at the Idaho-Utah State line, then north to Arimo, then northwest on the Arimo-Garden Gap-Rattlesnake Road to the Mink Creek Highway, then south along Mink Creek Highway to the Arbon Valley Highway near Pauline, then south on the Arbon Valley Highway to State Highway 37, then west to Holbrook, then south on the Holbrook-Stone Road to the Idaho-Utah State line, then east along the state line to U.S. 91, the point of beginning. (7-1-93)

94. Unit 73A. Those portions of BANNOCK, ONEIDA, and POWER COUNTIES within the following boundary: beginning at Holbrook, then north on State Highway 37 to Interstate 86, then northeast on Interstate 86 to the Bannock Creek-Arbon Valley Highway, then south on Bannock Creek-Arbon Valley Highway to State Highway 37, then west to Holbrook, the point of beginning. (7-1-93)

95. Unit 74. Those portions of BANNOCK, CARIBOU, and FRANKLIN COUNTIES within the following boundary: beginning at Preston, then north on U.S. 91 to Interstate 15, then north on Interstate 15 to U.S.

30N, then east on U.S. 30N to the Pebble-Bancroft county road (old U.S. 30N), then northeast to State Highway 34, then south on State Highway 34 to Preston, the point of beginning. (7-1-93)

96. Unit 75. Those portions of BEAR LAKE, CARIBOU, and FRANKLIN COUNTIES within the following boundary: beginning at Montpelier, then northwest on U.S. 30 to State Highway 34, then south to Cleveland Bridge, then south on the county road to Maple Grove Hot Springs, then east on the Hot Springs-Strawberry Canyon Road to the Strawberry Canyon-Emigration Canyon Road, then east on Strawberry Canyon-Emigration Canyon Road to Ovid, then east on U.S. 89 to Montpelier, the point of beginning. (7-1-93)

97. Unit 76. Those portions of BEAR LAKE and CARIBOU COUNTIES within the following boundary: beginning at U.S. 89 on the Idaho-Utah State line, then north to Montpelier, then north on U.S. 30 to Soda Springs, then northeast on State Highway 34 to the Idaho-Wyoming State line, then south on the Idaho-Wyoming State line to the Idaho-Utah State line, then west on the Idaho-Utah State line to U.S. 89, the point of beginning. (7-1-93)

98. Unit 77. That portion of FRANKLIN COUNTY within the following boundary: beginning at U.S. 91 on the Idaho-Utah State line, then north to Preston, then north on State Highway 34 to Cleveland Bridge, then south on the county road to Maple Grove Hot Springs, then east on the Hot Springs-Strawberry Canyon Road to the Strawberry Canyon-Emigration Canyon Road, ~~then east to the Franklin-Bear Lake County line, then south on the county line to the ridge at the head of Hillyard Canyon, then west approximately one mile along the ridge to the Franklin-Basin Road, then south to the Idaho-Utah State line~~ then south on the Highline Trail (Forest Service Trail 316) to Danish Pass (Forest Service Road 415), then west on (Forest Service Road 415), then south on the Franklin Basin Road to the Idaho-Utah State line, then west on the state line to U.S. 91, the point of beginning. ~~(7-1-93)~~(8-29-11)T

99. Unit 78. Those portions of BEAR LAKE and FRANKLIN COUNTIES within the following boundary: beginning at U.S. 89 on the Idaho-Utah State line, then north to Ovid, then west on the Emigration Canyon-Strawberry Canyon Road ~~to the Bear Lake-Franklin County line, then south to the ridge at the head of Hillyard Canyon, then west approximately one mile along the ridge to Franklin Basin Road,~~ then south on the Highline Trail (Forest Service Trail 316) to Danish Pass (Forest Service Road 415), then west on (Forest Service Road 415), then south on Franklin Basin Road to the Idaho-Utah State line, then east on the state line to U.S. 89, the point of beginning. ~~(7-1-93)~~(8-29-11)T

601. -- 604. (RESERVED)

605. ELK ZONE DESCRIPTIONS.

- 01. Panhandle Zone.** All of Units 1, 2, 3, 4, 4A, 5, 6, 7, and 9. (7-1-99)
- 02. Palouse Zone.** All of Units 8, 8A, and 11A. (7-1-99)
- 03. Dworshak Zone.** All of Unit 10A. (7-1-99)
- 04. Hells Canyon Zone.** All of Units 11, 13, and 18. (7-1-99)
- 05. Lolo Zone.** All of Units 10 and 12. (7-1-99)
- 06. Elk City Zone.** All of Units 14, 15, and 16. (7-1-99)
- 07. Selway Zone.** All of Units 16A, 17, 19, and 20. (7-1-99)
- 08. Middle Fork Zone.** All of Units 20A, 26, and ~~36B~~ 27. ~~(7-1-99)~~(8-29-11)T
- 09. Salmon Zone.** All of Units 21, 21A, ~~27,~~ and 28, and ~~36B~~. ~~(4-5-00)~~(8-29-11)T
- 10. Weiser River Zone.** All of Units 22, 32, and 32A. (4-5-00)

11. **McCall Zone.** All of Units 19A, 23, 24, and 25. (7-1-99)
12. **Lemhi Zone.** All of Units 29, 37, 37A, and 51. (7-1-99)
13. **Beaverhead Zone.** All of Units 30, 30A, 58, 59, and 59A. (7-1-99)
14. **Brownlee Zone.** All of Unit 31. (7-1-99)
15. **Sawtooth Zone.** All of Units 33, 34, 35, and 36. (7-1-99)
16. **Pioneer Zone.** All of Units 36A, 49, and 50. (7-1-99)
17. **Owyhee-South Hill Zone.** All of Units 38, 40, 41, 42, 46, 47, 54, 55, and 57. (4-5-00)
18. **Boise River Zone.** All of Unit 39. (7-1-99)
19. **Smoky Mountains Zone.** All of Units 43, 44, and 48. (3-15-02)
20. **Bennett Hills Zone.** All of Units 45 and 52. (7-1-99)
21. **Big Desert Zone.** All of Units 52A and 68. (4-7-11)
22. **Island Park Zone.** All of Units 60, 60A, 61, and 62A. (7-1-99)
23. **Teton Zone.** All of Units 62 and 65. (7-1-99)
24. **Palisades Zone.** All of Units 64 and 67. (7-1-99)
25. **Tex Creek Zone.** All of Units 66 and 69. (7-1-99)
26. **Bannock Zone.** All of Units 56, 70, 71, 72, 73, 73A, and 74. (7-1-99)
27. **Bear River Zone.** All of Units 75, 77, and 78. (7-1-99)
28. **Diamond Creek Zone.** All of Units 66A and 76. (7-1-99)
29. **Snake River Zone.** All of Units 53, 63, 63A, and 68A. (3-15-02)

IDAPA 13 - IDAHO FISH AND GAME COMMISSION

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

DOCKET NO. 13-0108-1102P

NOTICE OF PROCLAMATION

AUTHORITY: In compliance with Section 36-105(3), Idaho Code, notice is hereby given that this agency is proposing to adopt by proclamation the 2011 Big Game Seasons establishing seasons and limits for deer, elk, pronghorn, black bear and mountain lion hunting in Idaho.

PUBLIC HEARING SCHEDULE: A number of public hearings and open houses have already occurred. The next public hearing before the Fish and Game Commission will be on November 9 at approximately 7 p.m. at the Salvation Army Kroc Center, 1765 W. Golf Course Road in Coeur d'Alene, Idaho.

FISH AND GAME COMMISSION PUBLIC HEARING

**Wednesday, November 9, 2011
approx. 7:00 p.m. (PDT)**

**Salvation Army Kroc Center
1765 W. Golf Course Road
Coeur d'Alene, ID**

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

Individuals with disabilities may request meeting accommodations by contacting the Director's office at the Idaho Department of Fish and Game directly at 208-334-5159 or through the Idaho Relay Service at 1-800-377-2529 (TDD).

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

IDAPA 13 - IDAHO FISH AND GAME COMMISSION

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

DOCKET NO. 13-0108-1103P

NOTICE OF PROCLAMATION

AUTHORITY: In compliance with Section 36-105(3), Idaho Code, notice is hereby given that this agency is proposing to adopt by proclamation the 2011-12 Moose, Bighorn Sheep and Mountain Goat Hunting Seasons establishing seasons and limits for moose, bighorn sheep and mountain goat hunting in Idaho.

PUBLIC HEARING SCHEDULE: A number of public hearings and open houses have already occurred. The next public hearing before the Fish and Game Commission will be on November 9 at approximately 7 p.m. at the Salvation Army Kroc Center, 1765 W. Golf Course Road in Coeur d'Alene, Idaho.

FISH AND GAME COMMISSION PUBLIC HEARING

**Wednesday, November 9, 2011
approx. 7:00 p.m. (PDT)**

**Salvation Army Kroc Center
1765 W. Golf Course Road
Coeur d'Alene, ID**

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

Individuals with disabilities may request meeting accommodations by contacting the Director's office at the Idaho Department of Fish and Game directly at 208-334-5159 or through the Idaho Relay Service at 1-800-377-2529 (TDD).

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IDAPA 13 - IDAHO FISH AND GAME COMMISSION

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

DOCKET NO. 13-0109-1101

NOTICE OF RULEMAKING - TEMPORARY AND PROPOSED RULE

EFFECTIVE DATE: The effective date of the temporary rule is August 1, 2011.

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), 36-105, 36-1101, and 36-1102, Idaho Code.

PUBLIC HEARING SCHEDULE: Public hearing(s) concerning this rulemaking will be scheduled if requested in writing by twenty-five (25) persons, a political subdivision, or an agency, not later than October 19, 2011.

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

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

Amend the Youth Waterfowl Day to correspond to the federal age qualification; and amend obsolete references to seasons, bag limits, and possession limits which are set by Commission Proclamation.

TEMPORARY RULE JUSTIFICATION: Pursuant to Section 67-5226(1)(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 hunters.

FEE SUMMARY: Pursuant to Section 67-5226(2), the Governor has found that the fee or charge being imposed or increased is justified and necessary to avoid immediate danger and the fee is described herein: None.

NEGOTIATED RULEMAKING: Pursuant to Section 67-5220, Idaho Code, negotiated rulemaking was not conducted because of the lack of an identified group representing youth waterfowl hunters, and the need to correct obsolete rules.

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

INCORPORATION BY REFERENCE: Pursuant to Section 67-5229(2)(a), Idaho Code, the following is a brief synopsis of why the materials cited are being incorporated by reference into this rule: 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 October 26, 2011.

DATED this 26th day of August, 2011.

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. 13-0109-1101

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~~ Wilson's 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; one (1) general and two (2) 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.~~ A hunter may use the general tag to hunt in any spring general season or use the general tag with a controlled hunt permit to hunt in a controlled hunt. ~~(5-8-09)~~ (8-1-11)T

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 controlled hunt. ~~(4-5-00)~~ (8-1-11)T

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 nine (9) to fifteen (15) years of age with a valid license may apply for youth-only controlled hunts, provided they are ten (10) to fifteen (15) years of age during the hunt for which they are applying, 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. Hunters nine (9) years of age with a valid license may apply for regular controlled hunts provided they are ten (10) years of age during the hunt for which they are applying. (4-7-11)

04. Early September Canada Goose Hunts. Pursuant to Section 36-105(3), Idaho Code, the Commission now sets the seasons, bag limits, and possession limits by proclamation. The proclamation is published in a brochure available at Department offices and license vendors. (7-1-98)(8-1-11)T

~~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.e., 100.03.d., 100.03.e.ii., 100.03.e.iv. through 100.03.e.vi., and 100.03.f.*~~ (3-30-01)

~~iv. *Any controlled hunt permits for Canada geese that remain unsold after the controlled hunt drawing may be sold by the Department on a first-come, first-served basis.*~~ (7-1-98)

(BREAK IN CONTINUITY OF SECTIONS)

300. UPLAND GAME BIRD METHODS OF TAKE.

- 01. Taking of Upland Game Birds.** No person shall take upland game birds: (7-1-93)
- a.** Except wild turkey, from one-half (1/2) hour after sunset to one-half (1/2) hour before sunrise. ~~Pheasants shall not be taken before twelve o'clock noon on the opening day in certain counties (see Rule 11, Pheasant Seasons).~~ Wild turkey shall not be taken between sunset and one-half (1/2) hour before sunrise. Upland game birds shall not be taken before 10 a.m. during the pheasant season on the Fort Boise, Montour, Payette River and C.J. Strike Wildlife Management Areas. (4-7-11)(8-1-11)T
- b.** With a trap, snare, net, crossbow, or firearms EXCEPT a shotgun using shells not exceeding three and one-half (3-1/2) inches maximum length, slingshot, hand-held or thrown missiles, EXCEPT forest grouse. Forest grouse shall not be taken with a trap, snare, net, or crossbow. (3-30-01)
- c.** From any watercraft. (4-7-11)
- d.** By the use or aid of any electronic call. (7-1-93)
- e.** By the aid of baiting. Bait is defined as any substance placed to attract upland game birds. (7-1-93)
- f.** When hunting on Wildlife Management Areas where pheasants are stocked without wearing at least thirty-six (36) square inches of visible hunter orange above the waist. (5-8-09)
- 02. Wild Turkey.** In addition to the methods listed above, wild turkey may not be taken: (7-1-93)
- a.** With lead shot exceeding BB size. (7-1-93)
- b.** With steel shot exceeding T size. (7-1-93)
- c.** By the use of dogs, except during fall hunts. (3-30-01)

(BREAK IN CONTINUITY OF SECTIONS)

600. PHEASANT SEASONS, BAG AND POSSESSION LIMITS.

Pursuant to Section 36-105(3), Idaho Code, the Commission now sets the seasons, bag limits, and possession limits by proclamation. The proclamation is published in a brochure available at Department offices and license vendors. (8-1-11)T

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

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

~~**03. Area 3.** Area 3 includes Ada, Adams, Boise, Blaine, Camas, Canyon, Elmore, Gem, Gooding,~~

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

041. WMA Upland Game Permit. (4-2-08)

a. Permit Requirement. Any person seventeen (17) years of age or older hunting for or having a pheasant in his or her possession on Fort Boise, C.J. Strike, Montour, Payette River, Sterling, Market Lake, Mud Lake, Cartier, or Niagara Springs Wildlife Management Areas must have a valid WMA Upland Game Bird Permit in his or her possession. (5-8-09)

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

c. Recording Harvest. Any person harvesting a pheasant on any of the Wildlife Management Areas listed in Subsection 600.041.a. must immediately record their harvest, in writing, on the back of their permit. (4-6-05)(8-1-11)T

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

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

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

(BREAK IN CONTINUITY OF SECTIONS)

603. BOBWHITE QUAIL AND CALIFORNIA QUAIL SEASONS, BAG AND POSSESSION LIMITS.

Pursuant to Section 36-105(3), Idaho Code, the Commission now sets seasons, bag limits, and possession limits by proclamation. The proclamation is published in a brochure available at Department offices and license vendors. (8-1-11)T

~~01. Area 1. Area 1 includes Bannock, Bear Lake, Bingham, Bonneville, Butte, Caribou, Clark, Custer, Franklin, Fremont, Jefferson, Lemhi, Madison, Oneida, Power, and Teton Counties. Season for quail in Area 1 is CLOSED. (5-3-03)~~

~~02. Area 2. Area 2 includes Ada, Adams, Benewah, Blaine, Boise, Bonner, Boundary, Camas, Canyon, Cassia, Clearwater, Gem, Gooding, Idaho, Kootenai, Latah, Lewis, Nez Perce, Payette, Shoshone, Valley, Jerome, Lincoln, Minidoka, Twin Falls, Elmore, Washington, and Owyhee Counties. Pursuant to Section 36-105(3), Idaho Code, the Commission now sets the seasons, bag limits, and possession limits by proclamation. The proclamation is published in a brochure available at Department offices and license vendors. (4-2-08)~~

(BREAK IN CONTINUITY OF SECTIONS)

605. SAGE GROUSE SEASONS, BAG AND POSSESSION LIMITS.

Pursuant to Section 36-105(3), Idaho Code, the Commission now sets seasons, bag limits, and possession limits by proclamation. The proclamation is published in a brochure available at Department offices and license vendors. (8-1-11)T

~~01. **Area 1.** Ada, Adams, Benewah, Blaine County within the Salmon River drainage, Boise, Bonner, Boundary, Canyon, Cassia County south of Interstate 86 and east of Interstate 84, Clearwater, Custer County within the Salmon River drainage upstream from and including Valley Creek, Elmore County EXCEPT that portion south and east of US Highway 20 and north of Interstate 84, Payette, Power County south of Interstate 86, Shoshone, Valley, and Washington counties. Pursuant to Section 36-105(3), Idaho Code, the Commission now sets seasons, bag limits, and possession limits by proclamation. The proclamation is published in a brochure available at Department offices and license vendors. (4-6-05)~~

~~02. **Area 2.** Bannock, Bear Lake, Bingham, Blaine County east of the Arco-Minidoka road, Bonneville, Butte County south of US Highways 20/26 and 22/33 and the entire Birch Creek drainage, Caribou, Cassia EXCEPT that portion south of Interstate 86 and east of Interstate 84, Clark, Franklin, Fremont, Jefferson, Lemhi County within the Birch Creek drainage, Madison, Oneida EXCEPT that portion north and east of Interstate 84, Owyhee County north of the Juniper Mountain/Mud Flat/Poison Creek roads and Highway 78 to Grandview and the Snake River, Owyhee County east of the Bruneau River, Power County north of Interstate 86, Twin Falls and Teton County north of Interstate 86, Twin Falls and Teton counties. Pursuant to Section 36-105(3), Idaho Code, the Commission now sets seasons, bag limits, and possession limits by proclamation. The proclamation is published in a brochure available at Department offices and license vendors. (4-6-05)~~

~~03. **Area 3.** Blaine County EXCEPT that part within the Salmon River drainage and that part east of the Arco-Minidoka Road, that part of Butte County north of US Highway 22/33 not within the Birch Creek drainage, and that part west of the Arco-Minidoka Road, Camas, Custer County EXCEPT that portion within the Salmon River drainage upstream from and including Valley Creek, Elmore County south and east of US Highway 20 and north of Interstate 84, Gooding, Jerome, Lemhi County EXCEPT that portion within the Birch Creek drainage, Lincoln, Minidoka, Owyhee County south of the Juniper Mountain/Mud Flat/Poison Creek roads and Highway 78 to Grandview and the Snake River and west of the Bruneau River. Pursuant to Section 36-105(3), Idaho Code, the Commission now sets seasons, bag limits, and possession limits by proclamation. The proclamation is published in a brochure available at Department offices and license vendors. (4-6-05)~~

606. SHARP-TAILED GROUSE SEASONS, BAG AND POSSESSION LIMITS.

Pursuant to Section 36-105(3), Idaho Code, the Commission now sets seasons, bag limits, and possession limits by proclamation. The proclamation is published in a brochure available at Department offices and license vendors. (8-1-11)T

~~01. **Area 1.** Area 1 includes the following counties or portions of counties: Ada, Adams, Bannock County west of Interstate 15 and north of Interstate 86, Benewah, Bingham County west of Interstate 15, Blaine, Boise, Bonner, Bonneville County west of Interstate 15, Boundary, Butte, Camas, Canyon, Cassia County west of Interstate 84 north of the Malta Sublett Road and west of the Malta Strevell Road, Clark County west of Interstate 15, Clearwater, Custer, Elmore, Gem, Gooding, Idaho, Jefferson County west of Interstate 15, Jerome, Kootenai, Latah, Lemhi, Lewis, Lincoln, Minidoka, Nez Perce, Owyhee, Payette, Power County north of Interstate 86, Shoshone, Twin Falls, Valley, and Washington County. Pursuant to Section 36-105(3), Idaho Code, the Commission now sets seasons, bag limits, and possession limits by proclamation. The proclamation is published in a brochure available at Department offices and license vendors. (4-6-05)~~

~~02. **Area 2.** Area 2 includes the following counties or portions of counties: Bingham County east of Interstate 15, Bonneville County east of Interstate 15, Clark County east of Interstate 15, Fremont, Jefferson County east of Interstate 15, Madison, Teton County, Bannock County east of Interstate 15 and south of Interstate 86, Bear Lake County, Caribou County, Cassia County east of Interstate 84 and that portion west of Interstate 84 south of the Malta Sublett Road and east of the Malta Strevell Road, Franklin County, Oneida County, and Power County south of Interstate 86. Pursuant to Section 36-105(3), Idaho Code, the Commission now sets seasons, bag limits, and possession limits by proclamation. The proclamation is published in a brochure available at Department offices and license vendors. (4-6-05)~~

607. -- 614. (RESERVED)

615. SANDHILL CRANES.

No person shall hunt sandhill cranes without having in his or her possession the appropriate hunting license ~~and~~

~~controlled hunt permit. Persons obtaining and using a permit must comply with the following requirements: that has been validated for the Federal Migratory Bird Harvest Information Program (Federal HIP). (7-1-98)(8-1-11)T~~

~~**01. 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. (4-5-00)~~

~~**02. 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 not required.) (Idaho Code 36-414; Title 50 Code of Federal Regulations, Part 20.) (3-30-01)~~

~~**03. Hunt Rules.** (7-1-98)~~

~~**a.** The following rules previously established for wild turkey hunts also apply to sandhill crane 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. through 100.03.i. (3-30-01)~~

~~**b.** Any controlled hunt permits for sandhill cranes that remain unsold after the controlled hunt drawing may be sold by the Department on a first come, first served basis. (7-1-98)~~

616. SANDHILL CRANE SEASONS AND BAG AND POSSESSION LIMITS.

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

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

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

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

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

~~**d.** Area 4 includes all of Bonneville County. (5-8-09)~~

~~**e.** Area 5 includes all of Jefferson County. (5-8-09)~~

617. -- 619. (RESERVED)

620. EARLY SEPTEMBER CANADA GOOSE SEASONS AND BAG AND POSSESSION LIMITS.

Pursuant to Section 36-105(3), Idaho Code, the Commission now sets seasons, bag limits, and possession limits by proclamation. The proclamation is published in a brochure available at Department offices and license vendors. (8-1-11)T

~~**01. General Hunts.** General hunts include the following: All of Nez Perce County EXCEPT: (5-3-03)~~

~~**a.** Mann Lake closure in Lewiston Orchards. This includes all of the lake and three hundred (300) yards beyond the Bureau of Reclamation property encompassing the lake. (5-3-03)~~

~~**b.** Lewiston Preserve along the Clearwater River from Lewiston City limits to Spalding between Highway 12-95 on the north side of the river and the Camas Prairie Railroad on the south side. (5-3-03)~~

~~**c.** Lewiston City limits on the Clearwater River and the Snake River. (5-3-03)~~

~~d. Hellsgate State Park along the Snake River from the north end of the park upstream to the basalt bluffs opposite Asotin. (5-3-03)~~

~~02. **General Hunt Seasons, Bag and Possession Limits, and Permits.** Pursuant to Section 36-105(3), Idaho Code, the Commission now sets seasons, bag limits, and possession limits by proclamation. The proclamation is published in a brochure available at Department offices and license vendors. (4-6-05)~~

(BREAK IN CONTINUITY OF SECTIONS)

900. MIGRATORY GAME BIRD SEASONS, BAG AND POSSESSION LIMITS.

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

02. Ducks Including Mergansers and American Coot. Pursuant to Section 36-105(3), Idaho Code, the Commission now sets seasons, bag limits, and possession limits by proclamation. The proclamation is published in a brochure available at Department offices and license vendors. (7-1-93)(8-1-11)T

~~a. Area 1 is that area designated by the U.S. Fish and Wildlife Service as Waterfowl Zone 1 and includes the following counties: Bannock; Bingham EXCEPT that portion within the Blackfoot Reservoir drainage; Power east of State Highway 37 and State Highway 39; and, all lands, including private holdings, within the Fort Hall Indian Reservation. (3-30-01)~~

~~b. Area 2 is that area designated by the U.S. Fish and Wildlife Service as Waterfowl Zone 2 and includes the following counties or portions of counties: Adams; Bear Lake; Benewah; Bingham within the Blackfoot Reservoir drainage; those portions of Blaine west of State Highway 75, south and east of U.S. Highway 93, and between State Highway 75 and U.S. Highway 93 north of U.S. Highway 20 outside the Silver Creek drainage; Bonner; Bonneville; Boundary; Butte; Camas; Caribou EXCEPT the Fort Hall Indian Reservation; Cassia within the Minidoka National Wildlife Refuge; Clark; Clearwater; Custer; Elmore within the Camas Creek drainage; Franklin; Fremont; Idaho; Jefferson; Kootenai; Latah; Lemhi; Lewis; Madison; Nez Perce; Oneida; Power within the Minidoka National Wildlife Refuge; Shoshone; Teton; and Valley Counties. (3-30-01)~~

~~c. Area 3 is that area designated by the U.S. Fish and Wildlife Service as Waterfowl Zone 3 and includes the following counties or portions of counties: Ada; those portions of Blaine between State Highway 75 and U.S. Highway 93 south of U.S. Highway 20, and between State Highway 75 and U.S. Highway 93 north of U.S. Highway 20 within the Silver Creek drainage; Boise; Canyon; Cassia EXCEPT the Minidoka National Wildlife Refuge; Elmore EXCEPT the Camas Creek drainage; Gem; Gooding; Jerome; Lincoln; Minidoka; Owyhee; Payette; Power west of State Highway 37 and State Highway 39 EXCEPT the Minidoka National Wildlife Refuge; Twin Falls; and Washington Counties. (3-30-01)~~

~~d. Please see the Waterfowl brochure, which contains the Commission's proclamation setting seasons, bag and possession limits. (3-30-01)~~

03. Common Wilson's Snipe. Pursuant to Section 36-105(3), Idaho Code, the Commission now sets seasons, bag limits, and possession limits by proclamation. The proclamation is published in a brochure available at Department offices and license vendors. (7-1-93)(8-1-11)T

~~a. Area 1 is that area designated by the U.S. Fish and Wildlife Service as Waterfowl Zone 1 and includes the following counties or portions of counties: Bannock; Bingham EXCEPT that portion within the Blackfoot Reservoir drainage; Power east of State Highway 37 and State Highway 39; and all lands, including private holdings, within the Fort Hall Indian Reservation. (3-30-01)~~

~~b. Area 2 is that area designated by the U.S. Fish and Wildlife Service as Waterfowl Zone 2 and~~

~~includes the following counties or portions of counties: Adams; Bear Lake; Benewah; Bingham within the Blackfoot Reservoir drainage; those portions of Blaine west of State Highway 75, south and east of U.S. Highway 93, and between State Highway 75 and U.S. Highway 93 north of U.S. Highway 20 outside the Silver Creek drainage; Bonner; Bonneville; Boundary; Butte; Camas; Caribou EXCEPT the Fort Hall Indian Reservation; Cassia within the Minidoka National Wildlife Refuge; Clark; Clearwater; Custer; Elmore within the Camas Creek drainage; Franklin; Fremont; Idaho; Jefferson; Kootenai; Latah; Lemhi; Lewis; Madison; Nez Perce; Oneida; Power within the Minidoka National Wildlife Refuge; Shoshone; Teton; and Valley Counties. (3-30-01)~~

~~e. Area 3 is that area designated by the U.S. Fish and Wildlife Service as Waterfowl Zone 3 and includes the following counties or portions of counties: Ada; those portions of Blaine between State Highway 75 and U.S. Highway 93 south of U.S. Highway 20, and between State Highway 75 and U.S. Highway 93 north of U.S. Highway 20 within the Silver Creek drainage; Boise; Canyon; Cassia EXCEPT the Minidoka National Wildlife Refuge; Elmore EXCEPT the Camas Creek drainage; Gem; Gooding; Jerome; Lincoln; Minidoka; Owyhee; Payette; Power west of State Highway 37 and State Highway 39 EXCEPT the Minidoka National Wildlife Refuge; Twin Falls; and Washington Counties. (3-30-01)~~

~~d. Please see the Waterfowl brochure, which contains the Commission's proclamation setting seasons, bag and possession limits. (3-30-01)~~

04. Geese Including Dark Geese -- Black Brant, Canada, Emperor, and White-Fronted, and Light Geese - Ross' and Snow. Pursuant to Section 36-105(3), Idaho Code, the Commission now sets seasons, bag limits, and possession limits by proclamation. The proclamation is published in a brochure available at Department offices and license vendors. (9-1-93)(8-1-11)T

~~a. Area 1 includes the following counties: Benewah; Bonner; Boundary; Clearwater; Idaho; Kootenai; Latah; Lewis; Nez Perce; and Shoshone Counties. (9-1-93)~~

~~b. Area 2 includes the following counties or portions of counties: Ada; Adams; Boise; Canyon; those portions of Elmore north and east of Interstate 84, and south and west of Interstate 84 west of State Highway 51, EXCEPT that portion within the Camas Creek drainage; Gem; Owyhee west of State Highway 51; Payette; Valley; and Washington Counties. (9-1-93)~~

~~e. Area 3 includes the following counties or portions of counties: Blaine; Camas; Cassia; those portions of Elmore south of Interstate 84 east of State Highway 51, and within the Camas Creek drainage; Gooding; Jerome; Lincoln; Minidoka; Owyhee east of State Highway 51; Power within the Minidoka National Wildlife Refuge; and Twin Falls Counties. (7-1-99)~~

~~d. Area 4 includes the following counties or portions of counties: Bear Lake; Bingham within the Blackfoot Reservoir drainage; Bonneville; Butte; Caribou EXCEPT the Fort Hall Indian Reservation; Clark; Custer; Franklin; Fremont; Jefferson; Lemhi; Madison; Oneida; Power west of State Highway 37 and State Highway 39 EXCEPT the Minidoka National Wildlife Refuge; and Teton Counties. EXCEPT, Fremont and Teton Counties are CLOSED to the taking of light geese. (7-1-99)~~

~~e. Area 5 is that area designated by the U.S. Fish and Wildlife Service as Waterfowl Zone 1 and includes the following counties or portions of counties: Bannock; Bingham EXCEPT that portion within the Blackfoot Reservoir drainage; Power east of State Highway 37 and State Highway 39; and, all lands, including private holdings, within the Fort Hall Indian Reservation. (7-1-93)~~

~~f. Please see the Waterfowl brochure, which contains the Commission's proclamation setting seasons, bag and possession limits. (3-30-01)~~

05. Youth Waterfowl Hunting Day. (7-1-98)(8-1-11)T

a. The youth waterfowl hunting day is open only to youth from twelve (12) through fifteen (15) years of age **and younger**. Any youth participating must: (7-1-98)(8-1-11)T

i. Have in his or her possession the appropriate, valid hunting license. (The ~~Idaho Migratory~~

~~Waterfowl Stamp and the~~ Federal Migratory Bird stamp ~~are~~ **is** not required (Idaho Code 36-414; Title 50 Code of Federal Regulations, Part 20)). ~~(7-1-98)~~**(8-1-11)T**

ii. Be accompanied in the field at all times by at least one (1) adult eighteen (18) years of age or older, having in his or her possession a valid hunting license. (7-1-98)

b. Please see the Waterfowl brochure, which contains the Commission's proclamation setting seasons, bag and possession limits. (3-30-01)

IDAPA 13 - IDAHO FISH AND GAME COMMISSION

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

DOCKET NO. 13-0109-1102P

NOTICE OF PROCLAMATION

AUTHORITY: In compliance with Section 36-105(3), Idaho Code, notice is hereby given that this agency is proposing to adopt by proclamation the 2011 Sage Grouse Hunting Seasons establishing seasons and limits for sage grouse hunting in Idaho.

PUBLIC HEARING SCHEDULE: A number of public hearings and open houses have already occurred. The next public hearing before the Fish and Game Commission will be on November 9 at approximately 7 p.m. at the Salvation Army Kroc Center, 1765 W. Golf Course Road in Coeur d'Alene, Idaho.

FISH AND GAME COMMISSION PUBLIC HEARING

**Wednesday, November 9, 2011
approx. 7:00 p.m. (PDT)**

**Salvation Army Kroc Center
1765 W. Golf Course Road
Coeur d'Alene, ID**

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

Individuals with disabilities may request meeting accommodations by contacting the Director's office at the Idaho Department of Fish and Game directly at 208-334-5159 or through the Idaho Relay Service at 1-800-377-2529 (TDD).

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

IDAPA 13 - IDAHO FISH AND GAME COMMISSION

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

DOCKET NO. 13-0109-1103P

NOTICE OF PROCLAMATION

AUTHORITY: In compliance with Section 36-105(3), Idaho Code, notice is hereby given that this agency is proposing to adopt by proclamation the 2011-12 Migratory Waterfowl Seasons establishing seasons and limits for migratory waterfowl (ducks and geese) hunting in Idaho.

PUBLIC HEARING SCHEDULE: A number of public hearings and open houses have already occurred. The next public hearing before the Fish and Game Commission will be on November 9 at approximately 7 p.m. at the Salvation Army Kroc Center, 1765 W. Golf Course Road in Coeur d'Alene, Idaho.

FISH AND GAME COMMISSION PUBLIC HEARING

**Wednesday, November 9, 2011
approx. 7:00 p.m. (PDT)**

**Salvation Army Kroc Center
1765 W. Golf Course Road
Coeur d'Alene, Idaho**

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

Individuals with disabilities may request meeting accommodations by contacting the Director's office at the Idaho Department of Fish and Game directly at 208-334-5159 or through the Idaho Relay Service at 1-800-377-2529 (TDD).

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IDAPA 13 - IDAHO FISH AND GAME COMMISSION

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

DOCKET NO. 13-0110-1101

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 36-103, 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 October 19, 2011.

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

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

Amend the wildlife salvage rules to allow increased salvage of commercially valuable wildlife.

FEE SUMMARY: The following is a specific description of the fee or charge imposed or increased: None.

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.

INCORPORATION BY REFERENCE: Pursuant to Section 67-5229(2)(a), Idaho Code, the following is a brief synopsis of why the materials cited are being incorporated by reference into this rule: 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 October 26, 2011.

DATED this 29th day of August, 2011.

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 OF DOCKET NO. 13-0110-1101

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, migratory birds, or rattlesnakes taken from the wild may not be purchased, bartered or sold. (4-7-11)

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)

iii. The annual sale by holders of a valid Idaho hunting, trapping or combination hunting and fishing license of up to six (6) skins of legally taken rattlesnakes is lawful pursuant to IDAPA 13.01.06, "Classification and Protection of Wildlife," Subsection 300.02 and Subsection 100.06 of this rule. (4-7-11)

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. A department CE-50, Statement of Sale/Purchase of Wildlife Parts, may be used in lieu of a sales statement. (4-7-11)

c. Persons possessing a taxidermist or fur buyer license shall keep a record for two (2) years from the date the wildlife was received for mounting or preservation, furbearers purchased and raw black bear skins, raw mountain lion skins or parts of black bears or mountain lions purchased. Records may be written or retained on media other than paper and must comply with standards set forth in Section 9-328, Idaho Code. Copies of sales statements as per Subsection 300.01.b. satisfy provisions of this rule. (4-7-11)

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. Accidental death shall include accidental vehicle-collision 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, hides, bones, and horns of deer, elk, moose, pronghorn and mountain goat, 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. Reporting of bear and mountain lion parts is required pursuant to Subsection 300.01, of this rule. ~~(4-7-11)~~()

c. Parts, including meat, of big game animals, upland game animals, upland game birds, and furbearing animals, which may be lawfully hunted or trapped, that have been accidentally killed as a result of vehicle-

collision mortality may be recovered and possessed with notification to the Idaho Department of Fish and Game within twenty-four (24) hours of salvage and with written authorization within seventy-two (72) hours from the Director or a delegate on a form prescribed by the Department, if such taking is not in violation of state, federal, county, or city law, ordinances, rules, or regulations. Mandatory check and report requirements must be followed for bighorn sheep, black bear, mountain lion, mountain goat, moose, gray wolf, bobcat and river otter as described in IDAPA 13.01.08.420 and 13.01.16.500. ()

d. Parts, excluding meat, of big game animals (except bighorn sheep), upland game animals, upland game birds, and furbearing animals, which may be lawfully hunted or trapped, that have been accidentally killed as a result of vehicle-collision mortality may be purchased, bartered, or sold, where sale is not specifically prohibited by federal statute or regulation or state statute, when accompanied by written authorization from the Director as described in IDAPA 13.01.10.300.02.c. Bighorn sheep that have been accidentally killed as a result of vehicle-collision mortality may not be purchased, bartered, or sold. ()

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

13.01.11 - RULES GOVERNING FISH

DOCKET NO. 13-0111-1101

NOTICE OF RULEMAKING - TEMPORARY AND PROPOSED RULE

EFFECTIVE DATE: The effective date of the temporary rule is August 1, 2011.

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) and 36-901, Idaho Code.

PUBLIC HEARING SCHEDULE: Public hearing(s) concerning this rulemaking will be scheduled if requested in writing by twenty-five (25) persons, a political subdivision, or an agency, not later than October 19, 2011.

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

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

Amend and simplify definitions of certain terms; specify the conditions by which hatchery steelhead and salmon legally harvested may be transported without tails and heads attached; prohibit marking and releasing fish without a collecting permit; allow the use of a gaff hook when harvesting nongame fish taken with archery equipment, and correct obsolete rules.

TEMPORARY RULE JUSTIFICATION: Pursuant to Section(s) 67-5226(1)(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 fishermen.

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: None.

NEGOTIATED RULEMAKING: Pursuant to Section 67-5220, Idaho Code, negotiated rulemaking was not conducted because of the lack of an identified group to represent the diverse interests of fishermen, and the need to correct obsolete rules.

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

INCORPORATION BY REFERENCE: Pursuant to Section 67-5229(2)(a), Idaho Code, the following is a brief synopsis of why the materials cited are being incorporated by reference into this rule: 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 October 26, 2011.

DATED this 26th day of August, 2011.

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 RULE & PROPOSED TEXT OF DOCKET NO. 13-0111-1101

004. DEFINITIONS.

For the purposes of this chapter, the following terms will be defined as follows: (3-20-97)

01. Artificial Fly. Any fly made entirely of rubber, wood, metal, glass, feather, fiber, or plastic by the method known as fly tying. (3-20-97)

02. Artificial Lure. Any device made entirely of rubber, wood, metal, glass, feather, fiber, or plastic with hook or hooks attached. ~~No bait of any kind may be used with artificial lures when fishing artificial flies and lures only waters.~~ (3-20-97)(8-1-11)T

03. Bag Limit. The maximum number of fish that may be lawfully taken by any one (1) person in one (1) day. The term "bag limit" shall be construed to be an individual, independent effort and shall not be interpreted in any manner as to allow one (1) individual to take more than his "bag limit" toward filling the "bag limit" of another. The bag and possession limits are equal except for salmon and steelhead. (3-20-97)

04. Bait. Organic substances, other than rubber, wood, feather, fiber, or plastic, attached to a hook to attract fish. Bait includes insects, insect larvae, worms, dead fish, fish parts, any other animal or vegetable matter, or scented synthetic materials. (Live fish prohibited.) ~~(See: Subsection 004.19—NO-BAIT.)~~ (3-20-97)(8-1-11)T

05. Barbless Hook. A fish hook without barbs or on which barbs have been bent completely closed. (3-20-97)

06. Catch-and-Release. Effort, by permitted methods, to catch or attempt to catch a fish or species of fish is lawful, with the restriction that any fish so caught must be released immediately, unharmed, back to the water. NOTE: Species of fish not specifically listed as catch-and-release may be harvested under their appropriate limits. (3-30-07)

07. Confluence of a Stream or River. The point where two (2) rivers or streams come together. (3-20-97)

08. Diversion. A man-made structure designed to change the direction of flowing water in a stream. (8-1-11)T

09. Diversion Pond. A man-made pond holding water taken from a stream or reservoir. The diversion pond may be connected to the stream or reservoir by an open ditch or pipe. (8-1-11)T

10. Drainage. All water flowing into a common river or stream system, either above or below ground, due to area geography. (8-1-11)T

0811. Electric Motors Only. When fishing waters listed "electric motors only," gas (internal

- combustion) motors may be attached to the boat; but use of the gas motor is prohibited. (3-20-97)
- ~~09~~**12.** **Fishing.** Any effort made to take, kill, injure, capture, or catch any fish, crayfish, or bullfrog. (3-20-97)
- 13.** **Fish Trap.** Any man-made structure designed to capture fish. (8-1-11)T
- 14.** **Fish Weir.** Any man-made structure placed in a water body to delay or divert migrating fish. (8-1-11)T
- 15.** **Flat Water.** Water where there is no observable direction of flow. (8-1-11)T
- ~~10~~**6.** **Float Tube.** A floating device that suspends a single occupant, from the seat down, in the water, and is not propelled by oars, paddles, or motors. (4-6-05)
- ~~17~~**7.** **Fly Fishing.** Fishing with a fly rod, fly reel, fly line, and artificial fly. (3-20-97)
- ~~12~~**8.** **Game Fish.** Brook, brown, bull (Dolly Varden), cutthroat, golden, lake (Mackinaw), rainbow (including steelhead), splake and sunapee trout; trout hybrids; Chinook, coho, Atlantic and kokanee (blueback) salmon; grayling; whitefish; cisco; crappie; perch; bass; catfish; bullheads; sunfish; sturgeon; northern pike; tiger muskie; walleye and sauger; and burbot (ling). Bullfrogs and crayfish are also defined as game fish. (4-6-05)
- 19.** **General Rules.** The seasons, gear, and bag limits adopted for the Department Region where you are fishing. (8-1-11)T
- ~~13~~**20.** **Harvest.** Reduce a fish to possession. (3-20-97)
- ~~14~~**21.** **Hook.** A bent wire device, for the catching of fish, to which one (1), two (2), or three (3) points may be attached to a single shank. Up to five (5) hooks per line may be used, except where specifically prohibited. (3-20-97)
- 22.** **Hybrid Fish.** The offspring of two (2) different species or subspecies of fish. (8-1-11)T
- ~~15~~**23.** **Ice Fishing.** Fishing through an opening broken or cut through the ice. (3-20-97)
- ~~16~~**24.** **Length.** The length between the tip of the nose or jaw and the tip of the tail fin. (3-20-97)
- 25.** **Limit is 0 (Zero).** Fishing is allowed but the species listed in the rule or proclamation must be released after landing and may not be reduced to possession. (8-1-11)T
- ~~17~~**26.** **Motor.** Includes electric and internal combustion motors. (See Subsection 004.09 - Electric Motors Only.) (3-20-97)
- ~~18~~**27.** **Mouth of River or Stream.** The place where a river or stream enters a larger body of water. (3-20-97)
- ~~19~~**28.** **No Motors.** Fishing from a boat with a motor attached is prohibited. (3-20-97)
- ~~20~~**9.** **Possession Limit.** Maximum number of fish that may be lawfully in possession of any person. "Possession limit" shall apply to fish while in the field or being transported to the final place of consumption or storage. (3-20-97)
- ~~21~~**30.** **Reservoir.** The flat water level existing at any time within a reservoir basin. Unless noted otherwise, a stream flowing through the drawdown portion of a reservoir is not considered part of the reservoir. (3-20-97)
- ~~22~~**31.** **Season Limit.** The maximum number of fish that may be lawfully taken in any declared season.

(3-20-97)

32. Section. An area of a river, stream, or reservoir between specific boundary locations. (8-1-11)T

233. Sliding Sinker. A method of attaching a sinker to a device that slides freely on the main line. The line used to attach the sinker to the sliding device must be of lower breaking strength than the main line. (3-2-10)

2434. Snagging. Taking or attempting to take a fish by use of a hook or lure in any manner or method other than enticing or attracting a fish to strike with, and become hooked in, its mouth or jaw. Game fish which are hooked other than in the jaw or mouth must be released immediately. (4-6-05)

35. Special Rule Waters. Any water with a gear, season, or bag limit rule that is different from the regional general rules. (8-1-11)T

2536. Steelhead. Steelhead are defined as any Rainbow trout longer than twenty (20) inches in length in rivers and streams in the Snake River drainage below Hells Canyon Dam, the Salmon River drainage (excluding lakes and the Lemhi and the Pahsimeroi rivers), and the Clearwater River drainage (excluding that portion above Dworshak Dam, and lakes). Rainbow trout longer than twenty (20) inches in length with the adipose fin clipped (as evidenced by a healed scar) are defined as steelhead in the Snake River from Hells Canyon Dam upstream to Oxbow Dam, and in the Boise River from its mouth upstream to Barber Dam. (~~3-2-10~~)(8-1-11)T

2637. Tributary. A stream flowing into a larger stream or lake. (3-20-97)

2738. Trout. Includes the following trout family fishes: brown, cutthroat, golden, grayling, lake (Mackinaw), rainbow, splake, Sunapee; trout hybrids; and the landlocked forms of Chinook, coho, Atlantic and kokanee (blueback) salmon. (3-30-07)

2839. Unattended Line. A line not under the immediate surveillance by the angler. (3-20-97)

2940. Unprotected Nongame Fish. All fish species other than game fish and protected nongame fish. (3-30-07)

41. Upstream. Moving from a lower elevation towards a higher elevation point in the same stream. (8-1-11)T

(BREAK IN CONTINUITY OF SECTIONS)

101. RELEASE OF FISH.

No person shall release or allow the release of any species of live fish, or eggs thereof, in the state of Idaho without the permission of the director of the Idaho Department of Fish and Game, EXCEPT where no permission is required: (3-20-97)

01. Same Location -- Fish. When fish are being freed from a hook and released at the same time and place where caught. No released fish can be marked by any means, including with a tag, by removing fins or injuring with intent to leave a scar, without first obtaining a Scientific Collecting Permit. (~~3-20-97~~)(8-1-11)T

02. Same Location -- Crayfish. When crayfish are being released from a trap and released at the same time and place where caught. (3-20-97)

(BREAK IN CONTINUITY OF SECTIONS)

201. FISHING METHODS AND GEAR.

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

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

~~**02. Bait Restricted.** It is unlawful to fish with bait in waters designated as artificial flies and lures only; fly fishing only; or no bait. (3-30-97)~~

~~**032. Barbed Hooks.** It is unlawful to fish for sturgeon with barbed hooks. It is unlawful to fish for or take steelhead or *Chinook* salmon with barbed hooks in the Clearwater River drainage, Salmon River drainage, and Snake River drainage below Hells Canyon Dam. It is unlawful to fish in no bait waters with barbed hooks. (3-2-10)(8-1-11)T~~

043. Fishing Gear. It is unlawful to fish in any waters of Idaho with more than one (1) handline or pole with a line attached, except a person with a two (2) pole permit may use two (2) poles; or with more than five (5) lines while ice fishing; or by archery, spearfishing, snagging, hands, and netting except as permitted. Not more than five (5) hooks may be attached per line. The line or lines must be attended by the person fishing. In conjunction with the Angler Incentive Program, unlimited poles and lines may be used while fishing from a boat on Lake Pend Oreille. A sliding sinker must be used when fishing for sturgeon. (3-2-10)

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

065. Gaff Hook. It is unlawful to land fish of any species with a gaff hook except through a hole cut or broken in the ice in waters which have no length restrictions or harvest closures for that species or when landing nongame fish species taken with archery equipment. (3-20-97)(8-1-11)T

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

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

~~**098. Trapping and Seining Minnows or Crayfish.** It is lawful to take unprotected nongame fish, crayfish, and yellow perch with a minnow net, seine, or up to five (5) traps, subject to the following restrictions: (3-2-10)~~

~~**a.** Unprotected nongame fish, yellow perch, and crayfish may be taken only in waters open to fishing; provided the seine or net does not exceed ten (10) feet in length or width and nets and seines must have three-eighths (3/8) inch square or smaller mesh; and the minnow or crayfish trap does not exceed two (2) feet in length, width or height. If the trap is of irregular dimension, but its volume does not exceed the volume of an eight (8) cubic foot trap, it is also lawful to use. (3-2-10)~~

~~**b.** Nets and seines may not be left unattended. Traps must be checked at least every forty-eight (48) hours. All game fish (except yellow perch) and protected nongame fish incidentally taken while trapping or seining must be immediately released alive. All fish so taken must immediately be killed except where stated otherwise. (3-2-10)~~

~~**c.** All traps must have a tag attached bearing the owner's name and address. (3-2-10)~~

~~**d.** Minnows and crayfish may only be taken during the season set for the taking of game fish in those waters. Crayfish may be taken alive to be used as bait ONLY on the water where captured. (3-2-10)~~

~~402.~~ **Use of Bait.** It is unlawful to use live fish, leeches, frogs, salamanders, waterdogs or shrimp as bait, except that live crayfish and bull frogs may be used if caught on the body of water being fished. (5-8-09)

~~140.~~ **Use of Hands.** It is lawful to take bull frogs and crayfish with the hands. (3-20-97)

(BREAK IN CONTINUITY OF SECTIONS)

300. GENERAL FISHING SEASONS.

The following general seasons apply to all waters of the state, except as listed in ~~“Regional Exceptions.”~~ the Commission’s proclamation. Pursuant to Section 36-105(3), Idaho Code, the Commission now sets the seasons, bag, possession, and regional exceptions by proclamation. The proclamation is published in a brochure and is available at Department offices and through license vendors. ~~(3-20-97)~~(8-1-11)T

01. Lakes, Ponds and Reservoirs (Including Alpine Lakes). Extends ONLY to the edge of flat waters, excluding small, unnamed irrigation diversion ponds, beaver ponds and mill ponds. OPEN ALL YEAR (3-20-97)

02. Ditches and Canals. Man-made structures used to transport water for irrigation or hydropower purposes. OPEN ALL YEAR (3-20-97)

03. Rivers and Streams. Small, unnamed irrigation diversion ponds, beaver ponds and mill ponds have the same season as the river or stream on which they are located.

~~Saturday of Memorial Day Weekend through November 30~~ OPEN ALL YEAR ~~(4-6-05)~~(8-1-11)T

04. General Whitefish Season. Fishing gear or bait restrictions which apply to a river or stream section during the season open for other species apply during the whitefish season.

~~January 1—March 31 and: December 1—December 31~~

NOTE: Whitefish or brook trout may also be taken in any waters during seasons open for other species, including reduced bag limit or size restricted waters, closed to harvest, and catch-and-release waters. ~~(4-6-05)~~(8-1-11)T

05. General Steelhead Season. See Rule Sections 400 through 499. (3-20-97)

06. General Salmon Season. See Rule Sections 500 through 599. (4-6-05)

07. Bullfrogs, Crayfish and Nongame Fish. Bullfrogs, crayfish, and nongame fish may be taken ONLY during the season set for the taking of game fish in those waters. (3-20-97)

(BREAK IN CONTINUITY OF SECTIONS)

401. STEELHEAD DEFINITION.

See Subsection 004.~~236.~~

~~(4-6-05)~~(8-1-11)T

(BREAK IN CONTINUITY OF SECTIONS)

404. IDENTIFICATION OF SPECIES IN POSSESSION AND DURING TRANSPORTATION OR SHIPMENT.

01. Provisions for Processing and Transporting Steelhead. No person shall have in the field or in transit ~~any hatchery-produced anadromous steelhead trout from which that has been processed by removing the head or and tail has been removed.~~ unless the following conditions are met: (3-20-97)(8-1-11)T

- a. The fish has been recorded on the taker's steelhead permit; (8-1-11)T
- b. The fish is processed and packaged with the skin naturally attached to the flesh including a portion with a healed, clipped, adipose fin scar; and (8-1-11)T
- c. The fish must be packaged in a manner that the number of fish harvested can be readily determined. (8-1-11)T

02. Restrictions on Processing and Transporting Steelhead. No person shall process steelhead until they are ashore and done fishing for the day. No person shall transport processed steelhead via boat. Any processed steelhead count towards an angler's possession limit while in the field or in transit. (8-1-11)T

(BREAK IN CONTINUITY OF SECTIONS)

500. ~~CHINOOK~~ SALMON.

501. **ANADROMOUS SALMON DEFINITIONS.**

01. Chinook Salmon. Anadromous (ocean run) salmon of the species *Oncorhynchus tshawytscha* in the Snake River drainage below Hells Canyon Dam, the Salmon River drainage, and the Clearwater River drainage, (excluding lakes and the North Fork of the Clearwater River above Dworshak Dam), and the Boise River Drainages. (3-2-10)

02. Coho Salmon. Anadromous (ocean run) salmon of the species *Oncorhynchus kisutch* in the Snake River drainage below Hells Canyon Dam, the Salmon River drainage, and Clearwater River drainage (excluding lakes and the North Fork of the Clearwater River above Dworshak Dam). (8-1-11)T

03. Sockeye Salmon. Anadromous (ocean run) salmon of the species *Oncorhynchus nerka* in the Snake River drainage below Hells Canyon Dam and the Salmon River drainage. (8-1-11)T

502. **SALMON LICENSES AND PERMITS.**

01. Licenses. Any person fishing for salmon, except those expressly exempt, must have in his or her possession a valid fishing license. (4-6-05)

02. Permits. Any person fishing for, reducing to possession, or catching and releasing ~~Chinook~~ salmon must have a valid salmon permit in his or her possession. However, when a salmon is immediately released unharmed, or a jack salmon is reduced to possession, the angler is not required to make an entry on the permit. (4-6-05)(8-1-11)T

503. **PERMIT VALIDATION.**

When an ~~Chinook~~ adult salmon has been hooked, landed, and reduced to possession, the angler hooking the fish must immediately complete the following: (3-2-10)(8-1-11)T

- 01. Permit.** Cut out and completely remove one (1) numbered notch from the permit. (3-20-97)
- 02. Number Code.** Look up the number code from the location code list in Subsection 403.02 of these rules and write it in the space provided. (4-6-05)

03. Date Entry. Enter in the space provided, the month, and day the fish was caught. (3-20-97)

504. IDENTIFICATION OF SPECIES IN POSSESSION AND DURING TRANSPORTATION OR SHIPMENT.

01. Provisions for Processing and Transporting Salmon. No person shall have in the field or in transit ~~any Chinook hatchery-produced adult anadromous salmon from which that has been processed by removing the head or and tail has been removed.~~ unless the following conditions are met: ~~(4-6-05)~~(8-1-11)T

a. The fish has been recorded on the taker's salmon permit; (8-1-11)T

b. The fish is processed and packaged with the skin naturally attached to the flesh including a portion with a healed, clipped, adipose fin scar; and (8-1-11)T

c. The fish must be packaged in a manner that the number of fish harvested can be readily determined. (8-1-11)T

02. Restrictions on Processing and Transporting Salmon. No person shall process salmon until they are ashore and done fishing for the day. No person shall transport processed salmon via boat. Jack salmon may not be processed while in the field or in transit. Any processed salmon count towards an angler's possession limit while in the field or in transit. (8-1-11)T

IDAPA 13 - IDAHO FISH AND GAME COMMISSION

13.01.11 - RULES GOVERNING FISH

DOCKET NO. 13-0111-1102P

NOTICE OF PROCLAMATION

AUTHORITY: In compliance with Section 36-105(3), Idaho Code, notice is hereby given that this agency is proposing to adopt by proclamation the 2011 Fall Chinook Fishing Seasons establishing seasons and limits for fall Chinook fishing in Idaho.

PUBLIC HEARING SCHEDULE: A number of public hearings and open houses have already occurred. The next public hearing before the Fish and Game Commission will be on November 9 at approximately 7 p.m. at the Salvation Army Kroc Center, 1765 W. Golf Course Road in Coeur d'Alene, Idaho.

FISH AND GAME COMMISSION PUBLIC HEARING

**Wednesday, November 9, 2011
approx. 7:00 p.m. (PDT)**

**Salvation Army Kroc Center
1765 W. Golf Course Road
Coeur d'Alene, Idaho**

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

Individuals with disabilities may request meeting accommodations by contacting the Director's office at the Idaho Department of Fish and Game directly at 208-334-5159 or through the Idaho Relay Service at 1-800-377-2529 (TDD).

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

IDAPA 13 - IDAHO FISH AND GAME COMMISSION

13.01.12 - RULES GOVERNING COMMERCIAL FISHING

DOCKET NO. 13-0112-1101

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 36-804, Idaho Code.

PUBLIC HEARING SCHEDULE: Public hearing(s) concerning this rulemaking will be scheduled if requested in writing by twenty-five (25) persons, a political subdivision, or an agency, not later than October 19, 2011.

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:

Remove mountain sucker from the list of fish species that may be commercially harvested.

FEE SUMMARY: The following is a specific description of the fee or charge imposed or increased: None.

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.

INCORPORATION BY REFERENCE: Pursuant to Section 67-5229(2)(a), Idaho Code, the following is a brief synopsis of why the materials cited are being incorporated by reference into this rule: N/A

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

Anyone may submit written comments regarding the proposed rulemaking. All written comments must be directed to the undersigned and must be delivered on or before October 26, 2011.

DATED this 29th day of August, 2011.

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 OF DOCKET NO. 13-0112-1101

010. DEFINITIONS.

01. Commercial Fishing. Fishing for, taking, or transporting fish or crustacea for the purpose of selling, bartering, exchanging, offering or exposing for sale. (7-1-93)

02. Commercial Fish Species. Except as permitted by the Director of the Department of Fish and Game under Subsection 100.03 of this rule, only the following fish species may be taken for commercial purposes: (4-6-05)

- a.** Bridgelip sucker -- *Catostomus columbianus*. (7-1-93)
- b.** Common carp -- *Cyprinus carpio*. (4-2-08)
- c.** Chiselmouth -- *Acrocheilus alutaceus*. (4-2-08)
- d.** Fathead minnow -- *Pimephales promelas*. (7-1-93)
- e.** Goldfish -- *Carassius auratus*. (7-1-93)
- f.** Lake trout -- *Salvelinus namaycush*. (4-2-08)
- g.** Lake whitefish -- *Coregonus clupeaformis*. (4-2-08)
- h.** largescale sucker -- *Catostomus macrocheilus*. (4-2-08)
- i.** Longnose dace -- *Rhinichthys cataractae*. (7-1-93)
- ~~**j.** Mountain sucker -- *Catostomus platyrhynchus*. (7-1-93)~~
- ~~**k.** Northern pikeminnow -- *Ptychocheilus oregonensis*. (4-2-08)~~
- ~~**k.** Peamouth -- *Mylocheilus caurinus*. (7-1-93)~~
- ~~**m.** Redside shiner -- *Richardsonius balteatus*. (7-1-93)~~
- ~~**m.** Speckled dace -- *Rhinichthys osculus*. (7-1-93)~~
- ~~**n.** Tench -- *Tinca tinca*. (7-1-93)~~
- ~~**o.** Tui chub -- *Gila bicolor*. (7-1-93)~~
- ~~**p.** Utah chub -- *Gila atraria*. (7-1-93)~~
- ~~**q.** Utah sucker -- *Catostomus ardens*. (7-1-93)~~

03. Commercial Crustacea Species. Except as permitted by the Director of the Department of Fish and Game under Subsection 100.03, only the Crayfish - species of the genus *Pacifastacus*, may be taken for commercial purposes. (7-1-93)

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. 13-0116-1101

NOTICE OF RULEMAKING - TEMPORARY AND PROPOSED RULE

EFFECTIVE DATE: The effective date of the temporary rule is August 1, 2011.

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) and 36-1101, Idaho Code.

PUBLIC HEARING SCHEDULE: Public hearing(s) concerning this rulemaking will be scheduled if requested in writing by twenty-five (25) persons, a political subdivision, or an agency, not later than October 19, 2011.

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

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

Commission direction to work with trappers to determine if or how trapping closures near campgrounds and picnic areas could be adjusted; provide detail specifications on trap break-away devices; specify allowable jaw size for foothold traps in ground sets now that wolves have been delisted; and set wolf trap equipment specifications.

TEMPORARY RULE JUSTIFICATION: Pursuant to Section 67-5226(1)(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 trappers.

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: None.

NEGOTIATED RULEMAKING: Pursuant to Section 67-5220, Idaho Code, negotiated rulemaking was not conducted because of the need to set wolf trap specifications now that wolves have been delisted, and informal negotiations with and input from trappers and trapping organizations were incorporated.

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

INCORPORATION BY REFERENCE: Pursuant to Section 67-5229(2)(a), Idaho Code, the following is a brief synopsis of why the materials cited are being incorporated by reference into this rule: 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 October 26, 2011.

DATED this 26th day of August, 2011.

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 RULE & PROPOSED TEXT OF DOCKET NO. 13-0116-1101

400. METHODS OF TAKE.

01. Furbearing Animals. No person shall take beaver, muskrat, mink, marten, or otter by any method other than trapping. In Valley County and portions of Adams County in the Little Salmon River drainage, red fox may be taken only by trapping. (5-3-03)

02. Hunting. No person hunting permissible furbearing animals or predatory or unprotected wildlife shall: (7-1-93)

a. Hunt with any weapon the possession of which is prohibited by state or federal law. (7-1-93)

b. Hunt with dogs unless they comply with IDAPA 13.01.15, "Rules Governing the Use of Dogs." (7-1-93)

c. Hunt any furbearing animal with or by the aid of artificial light. (4-7-11)

d. Persons may hunt raccoon with the aid of an artificial light without a permit from the Director but no person hunting raccoon at night shall: (4-7-11)

i. Hunt from a motorized vehicle. (7-1-93)

ii. Use any light attached to any motor vehicle. (7-1-93)

iii. Hunt on private land without obtaining written permission from the landowner or lessee. (7-1-93)

03. Trapping. No person trapping furbearing animals or predatory or unprotected wildlife shall: (7-1-93)

a. Use for bait or scent, any part of a domestic or wild origin game bird, big game animal, upland game animal, game fish, or protected nongame wildlife. (4-7-11)

b. Use any set within thirty (30) feet of any visible bait. (4-6-05)

c. Use a dirt hole ground set with bait unless the person ensures that the bait remains covered at all times to protect raptors and other meat-eating birds from being caught accidentally. (4-7-11)

d. Use live animals as a bait or attractant. (4-6-05)

e. Place any ground, water, or other sets on, across, or within five (5) feet of center line of any maintained public trail. (4-7-11)

f. Place any ground set on, across, or within any public highway as defined in Section 36-202, Idaho Code; except ground sets may be placed underneath bridges and within and at culverts that are part of a public highway right-of-way. (4-7-11)

g. Place any ground set incorporating snare, trap, or attached materials within three hundred (300) feet of any designated public campground, trailhead, or picnic area. Cage or box live traps are permitted within three hundred (300) feet of designated public campgrounds, trailheads, or picnic areas as allowed by city, county, state, and federal law. ~~(4-7-11)~~(8-1-11)T

h. Place or set any ground set snare without a break-away device or cable stop incorporated within the loop of the snare. ~~(4-7-11)~~(8-1-11)T

i. Place or set any wolf snare without a diverter; or without a break-away device or cable stop incorporated within the loop of the snare. (8-1-11)T

j. Place any ground set incorporating a foothold trap with an inside jaw spread greater than nine (9) inches. (8-1-11)T