

IDFG notes added in the margin  
(highlighted).

DEPARTMENT OF FISH AND GAME  
Rules Governing Licensing

Docket No. 13-0104-2201  
PENDING RULE

THE FOLLOWING IS THE TEXT OF DOCKET NO. 13-0104-2201

000 & 001  
edits  
consistent  
with DFM's  
ZBR rule  
formatting.

000. LEGAL AUTHORITY.

Sections 36-104(b), 36-301, 36-401 through 413, and 36-1101, Idaho Code, ~~authorize the Commission to adopt rules concerning issuance and sales of licenses.~~ (3-31-22)( )

001. ~~TITLE AND SCOPE.~~

~~The title of this chapter for citation is IDAPA 13.01.04, "Rules Governing Licensing."~~ These rules govern licensing. (3-31-22)( )

002. – 009. (RESERVED)

010. DEFINITIONS.

01. Allocated Tag. Game tag allocated under Section 36-408, Idaho Code. ( )

02. Authorized Corporate Representative. ~~Any Corporation~~ shareholder in a corporation, designated in writing by the corporation as the eligible tag applicant, ~~who is in actual physical control of the eligible property.~~ (3-31-22)( )

03. Blind Person or Visually Impaired. ~~A blind person has a medically documented loss or impairment of 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.~~ Persons meeting criteria set forth in Sections 36-202(w) or 67-5402(2), Idaho Code. (3-31-22)( )

04. Domicile. ~~The place where a~~ An individual's ~~has his~~ true, fixed, permanent home and ~~to which place he has the intention of~~ where they intend to returning whenever he is absent. ~~An individual~~s can have several dwelling places, but only one (1) domicile. ~~Factors to consider establishing domicile include, but are not limited to~~ Determination of domicile may consider, without limitation: (3-31-22)( )

a. ~~What address does the person use on tax returns and where does the person file a state resident~~ Income tax return state of residency and filing address? (3-31-22)( )

b. ~~Where is the person registered to~~ Voter registration? (3-31-22)( )

c. Location ~~Where do the~~ person and his immediate family live? (3-31-22)( )

d. ~~Where does the person have his mail sent or forwarded to?~~ Mailing/forwarding address: (3-31-22)( )

e. ~~Where does he register his automobiles?~~ Vehicle registration: (3-31-22)( )

f. ~~Where has the person~~ Location claimed a for homeowner exemption ~~on a personal residence?~~ or (3-31-22)( )

g. ~~Where does he have a~~ State of driver's license? (3-31-22)( )

05. Disabled. ~~A disabled person is defined as a person m~~Meeting criteria set forth in Sections 36-406(g), or 36-1101(b), Idaho Code. (3-31-22)( )

06. Eligible Property. At least three hundred twenty (320) acres of land, excluding any government

Added  
definition 01.

Non-  
substantive  
edits to  
02-07  
definitions  
for word  
count  
offset.

lands, in one (1) controlled hunt area determined by the Department to be valuable for habitat or propagation purposes for deer, elk, pronghorn, ~~and~~ or black bear, whether owned by one (1) or more persons, a partnership, or corporation. (3-31-22)( )

~~067.~~ **Landowner.** ~~Any p~~Person or corporation whose name appears on a deed as the owner of eligible property or whose name appears, or on a sales contract for sale of eligible property as the purchaser, and any affiliates, management companies, associated entities, wholly-owned subsidiaries, corporations, or limited liability corporations companies wherein fifty percent (50%) or more of the ownership or controlling interest is maintained by a single individual, partnership, or corporation. (3-31-22)( )

Added definitions 08 & 09.

**08. Non-Allocated Tag.** Game tag other than an allocated tag. ( )

**09. Outfitter Hunter.** Person who obtains hunting services (excluding meat pack-out) under written agreement with an outfitter licensed under Chapter 21, Title 36, Idaho Code, for the species and area for which the applicable game tag is valid. ( )

~~0710.~~ **Permanent Disability.** ~~A m~~Medically determinable physical impairment, which a physician has certified that the as a condition has vining no expectation for a fundamental or marked change improvement at any time in the future. (3-31-22)( )

~~0811.~~ **Physician.** ~~A p~~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 in the state of practice in Idaho. (3-31-22)( )

**09. Resident.** "Resident" is defined in Section 36-202(s), Idaho Code. (3-31-22)

Added definition 12.

**12. Two-Year Outfitter Verified Use History.** Tag use by outfitter hunters, as verified and recorded in accordance with Section 36-408, Idaho Code, for each of the two (2) calendar years immediately preceding the date on which the Commission determines tag allocation for a hunt area. ( )

(BREAK IN CONTINUITY OF SECTIONS)

**506. DEER AND ELK TAG ALLOCATION IN GENERAL HUNTS LIMITED FOR NONRESIDENTS ONLY.**

**01. Tag Allocation.** When setting annual or biennial limits for general hunt deer or elk tags available to nonresidents without resident limits, in zones, units, or other hunt areas with historic outfitter hunter use, the Commission will first allocate, on a corresponding biennial or annual basis, the number of tags reserved for outfitter hunters equal to the Initial Tag Use Number determined under this Section 506. The Commission will subtract the number of tags so allocated from the nonresident tag limit. Subject to a maximum of fifty percent (50%) of the remaining nonresident tag limit, the Commission will allocate an additional number of tags reserved for outfitter hunters corresponding to the number by which the higher tag number from the Two-Year Verified Outfitter Use History exceeds the Initial Tag Use Number for the hunt area. The number of tags remaining in the nonresident limit after subtracting the Initial Tag Use Number, and any additional tags allocated under this section, will be available for purchase as non-allocated tags by outfitter or non-outfitter hunters. ( )

**02. Initial Tag Use Number.** ( )

**a.** For general hunts first limited for nonresidents while unlimited for residents in 2021 or subsequent years, the Initial Tag Use Number for outfitter hunters is the higher tag use number of the Two-Year Verified Outfitter Use History for 2021-2022, or the two (2) years immediately preceding the first year the hunt area is limited, whichever period is later. ( )

**b.** The Commission will increase the Initial Tag Use Number for a deer unit subject to a fifty percent (50%) restriction for allocated tag limits in 2021-2022, corresponding to the reduction in outfitter hunter use

demonstrated by outfitter(s). ( )

c. If general hunt tags are allocated under this Section 506 for elk zones capped for all hunters before 2021, the Initial Tag Use Number will be the number determined to be historic outfitted hunter use at the time of prior capping, if greater than the otherwise applicable Two-Year Verified Outfitter Use History. ( )

d. The Initial Tag Use Number will remain the same for the zone, unit, or hunt area for subsequent consecutive years in which nonresident tag limits apply. ( )

**5067. DEER AND ELK ~~OUTFITTER~~ ALLOCATED TAGS.**

01. **Distribution of ~~Outfitter~~ Allocated Tags.** ~~Allocated tags will be sold by the Department, as designated by Section 36-2107, Idaho Code, and IDAPA 24.35.01.057, "Rules of Idaho Outfitters and Guides Licensing Board," to hunters with signed agreements with licensed outfitters in those zones with a cap on the number of tags sold and in outfitter allocated controlled hunts.~~ Application for the purchase of allocated tags will be made by the outfitter for the outfitted hunter, in accordance with tag designation by the Idaho Outfitters and Guides Licensing Board under Section 36-2107, Idaho Code, on a form prescribed by the Department. ~~The application shall be accompanied by the appropriate license fees, and a with outfitter's certification by the outfitter that the hunter has a signed a written agreement to hunt with the outfitter making application exists between the outfitter and outfitted hunter for the tag applied for.~~ (3-31-22)( )

02. **Designated Buyers.** Purchasers of allocated tags, who return their unused tag ~~and a~~ with a notarized affidavit stating that ~~the tag buyer has~~ they have not hunted, may designate another person to purchase a replacement tag. If the original buyer does not make a designation, the outfitter may make the designation. The designated buyer must pay the regular fee for the replacement tag. (3-31-22)( )

03. **Unsold Tags.** Any allocated tags not sold by August 1 of each year will be sold by the Department on a first-come, first-served basis. (3-31-22)

**5078. – 549. (RESERVED)**

Edited section 507 for clarity and word count offset.

IDFG Note: Section 506 is a new section to allocate tags in general elk and deer hunts limited to nonresidents only (unlimited for residents). Other current rule sections (IDAPA 13.01.04.505) address tag allocation based on biological limitation in "Capped Elk Zones" limited for both residents and nonresidents, and tag allocation in controlled hunts.

Under Section 506, the first step of outfitter tag allocation in the nonresident-limited hunts applies historical use based on the first two-years of verified tag use data (2021-2022). That number of tags is then deducted from the nonresident limit to determine what tags remain for additional tag allocation (after later years with business growth) or are available as non-allocated tags. It is possible if the allocated number is equal to or greater than the nonresident limit, that no tags remain available to non-residents.

THE FOLLOWING IS THE TEXT OF DOCKET NO. 13-0104-2202

304. REASONABLE MODIFICATION PERMIT (WEAPON RESTRICTIONS).

Edited to  
remove  
references to  
special  
weapons  
seasons, to  
allow  
reasonable  
modification  
in "any  
weapon"  
hunts.

01. **Application.** Applications for reasonable modification permits (for medical reasons) to allow use of equipment otherwise unauthorized ~~in a special weapon season (archery or muzzleloader only)~~ will include: (3-31-22)( )

a. All information requested on a form prescribed by the Department; (3-31-22)

b. The applicant's signature; (3-31-22)

c. Signed certification from the applicant's physician, physician assistant, optometrist, or nurse practitioner stating the criteria limiting the applicant's ability to participate without special accommodation, including checking of the appropriate box for short-term or long-term disability, and for short-term disability, including date when the disability is expected to end; (3-31-22)

d. A copy of the license of the physician, physician assistant, optometrist, or nurse practitioner, if that person is not licensed to practice in Idaho; (3-31-22)

e. Applicant's certification that applicant is able to hold and fire, without help from other persons, legal firearms or archery equipment; and (3-31-22)

f. A description of ~~the~~ equipment accommodation requested, explaining how the requested accommodation will allow the applicant to participate ~~in the special weapon hunt~~ without enhancing their abilities beyond the limitations and purpose of the ~~special weapon~~ hunt. (3-31-22)( )

02. **Determination.** The Department will make its determination based on ~~the~~ reasonableness of the accommodation and its consistency insofar as possible with all provisions guiding other ~~participants in the special weapon hunting season~~ hunters. The Department has discretion to deny ~~the~~ applications as unreasonable in light of restrictions for other ~~participants in the~~ hunters, or set a modification different from the modification requested. (3-31-22)( )

a. Reasonable modification related to accommodation for use of scope or sight magnification (including battery-powered or tritium-lighted reticles) for archery or muzzleloader equipment may include magnification up to 4x power because of equipment availability. (3-31-22)

b. Reasonable modification related to archery only hunts may include the use of a crossbow or a device that holds a bow at partial or full draw. (3-31-22)

The new  
subsection "c"  
addresses  
petitioned  
accommoda-  
tion for blind/  
visually  
impaired  
hunters.

c. Reasonable modification for blind or visually impaired hunters may include a simple electronic device (e.g., smartphone camera), incorporated or attached to the scope (otherwise prohibited by IDAPA 13.01.08.410.01), for use by the hunter or companion, only as a viewfinder or display screen to aid in aiming. ( )

03. **Authority.** Reasonable Modification Permits authorize holders to use equipment, as specified in the permit, that is otherwise prohibited ~~in a special weapon season~~. (3-31-22)( )

04. **Expiration and Carrying.** (3-31-22)

a. Reasonable modification permits expire no later than December 31 of the fifth year following the ~~issuance~~ date ~~of issuance~~, or the earlier ending of any shorter-term disability. (3-31-22)( )

b. A permit holder must carry a copy of the permit ~~while~~ during any hunting ~~in any special weapon hunt~~ in which the permit applies. (3-31-22)( )

000 and 001 edits per DFM ZBR format.

Based on regulated community input, incorporated USDA regulations by reference to promote consistency for rules for warm-blooded animals.

Added Acronyms to Definitions & moved text from other sections of current rules to Definitions.

Added clarity regarding ISDA-regulated animals and more detailed definition of convention al pets.

Displaying differences between the current and pending rule chapters with strikethrough/underline would be difficult to read because of the reorganization of reorganization of chapter sections and the number of edits to improve organization and clarity. IDFG has added margin notes with explanations of changes.

**THE FOLLOWING IS THE TEXT OF ZBR DOCKET NO. 13-0110-2201**

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

**000. LEGAL AUTHORITY.**

Sections 36-103, 36-104, 36-501, 36-504, 36-506, 36-701, 36-703, 36-704, 36-706, 36-708, 36-712, and 36-2201-2205, Idaho Code. ( )

**001. SCOPE.**

These rules govern commercial and non-commercial importation, possession, release, sale, and salvage of wildlife.

**002. INCORPORATION BY REFERENCE.**

The code of federal regulations, title 9, part 2, section 131 (handling of animals), and part 3, sections 125-142 (specifications for humane handling, care, treatment, and transportation of certain warm-blood animals), (effective July 1, 2022) are incorporated by reference and available at <https://www.ecfr.gov/current/title-9/chapter-1/subchapter-A/>.

**003. -- 009. (RESERVED)**

**010. DEFINITIONS.**

In this chapter, “wildlife” excludes bullfrogs, fish, or crustaceans whose possession, transport, release, and sale are regulated by IDAPA 13.01.11 and 13.01.12 or by ISDA, unless they are or will be maintained in a zoo or aquarium for live exhibit to the public. ( )

**1. Agricultural/Domestic Animals.** Animals or eggs normally considered to be of agricultural or domestic types currently common to Idaho that: (1) do not meet the definition of wildlife in Section 36-202, Idaho Code and (2) are not intended for release into the wild in Idaho. These include but are not limited to livestock, domestic bison, domestic cervids, and domestic furbearing animals regulated by ISDA under Title 25, Idaho Code.

**2. Bona Fide Pet Store.** Legitimate retail store that engages in the selling of conventional pets with a set location and regular business hours.

**3. Captive Wildlife Facility.** Facility where the operator obtains, possesses, or propagates wildlife for any purpose, including commercial, rehabilitation, private ownership (including private park) or sale. ( )

**4. Commercial Wildlife Facility.** Facility where the operator obtains, possesses, or propagates wildlife for any commercial purpose, including exhibition, education, entertainment, or sale.

**5. Commercial Wildlife Farm.** Commercial wildlife facility where operator propagates big game animals not regulated by ISDA.

**6. Conventional Pets.** Privately owned companion animals not intended for research or resale that are not native wildlife captured from the wild in Idaho: dogs, cats ferrets, rabbits, rodents, non-venomous or non-dangerous reptiles and amphibians, non-poultry birds, hedgehogs, tenrecs, and sugar gliders. ( )

**7. CWD.** Chronic Wasting Disease. ( )

**8. ISDA.** Idaho State Department of Agriculture. ( )

**9. Large Commercial Wildlife Facility.** Commercial wildlife facility housing three or more species or encompassing display or exhibit areas larger than one (1) acre. ( )

Added private park and shooting preserve definitions for clarity.

100.02 Made rattlesnake limit consistent with native amphibian possession limit (4).

10. **NPIP.** National Poultry Improvement Program for state-federal cooperative testing and certification. ( )

11. **Private Park.** Facility where the owner or operator obtains, possesses, or propagates wildlife in captivity for personal pleasure and not for any commercial purpose. ( )

12. **Publicly Owned Zoo or Wildlife Exhibit.** Zoo, aquarium, or similar facility exhibiting wildlife owned by any municipal, county, state, or federal agency. ( )

13. **Shooting Preserve.** Privately owned or leased premises operated for hunting of captively propagated upland game birds. ( )

14. **Traveling Circus, Menagerie, or Trained Act of Wild Animals.** Mobile wildlife display or exhibit maintained for instructional, educational, entertainment, or other commercial purposes that is not located within Idaho more than two (2) months during any calendar year. ( )

11. -- 099. (RESERVED)

**100. POSSESSION OR SALE OF WILDLIFE KILLED LAWFULLY.**

In addition to the restrictions and permissions set forth in Sections 36-106, 36-501, 36-502, and 36-1107, Idaho Code: ( )

1. **Edible Flesh.** No person may sell, purchase, or barter the edible flesh of game animals or other wildlife protected by classification under IDAPA 13.01.06. ( )

2. **Rattlesnakes.** Skins or rattles of rattlesnakes lawfully killed in defense of people or property, or dying in lawful captivity, may be possessed, purchased, or sold, provided the person taking rattlesnake(s) from the wild or owning in captivity does not sell more than four (4) rattlesnakes per year. ( )

3. **Written Statement for Possession by Another.** A written statement showing the taker's name, address, license and tag/permit numbers, date and location of kill, the part(s) possessed, and signed by the taker, must accompany wildlife or its parts when possessed by another person. Any buyer of black bear or mountain lion head, hide or parts (except tanned hides finished into rugs or mounts) must send a copy of the sales statement, or a Department Form CE-50, to the Department within ten (10) days after such purchase. ( )

4. **Lawfully Taken under other Jurisdiction.** Wildlife or parts thereof that have been legally killed, collected, or salvaged under the laws of other states, Indian tribes, or countries may be possessed or sold in Idaho unless Idaho prohibits such possession or sale. ( )

101. – 119. (RESERVED)

**120. RECOVERY OF PROTECTED WILDLIFE.**

Protected species of wildlife that have died naturally (not human-caused) or by accidental or unlawful human causes, remain in public trust to be disposed of by the Department. However, a person may recover, possess, sell or purchase parts protected wildlife dying of natural causes or accidental vehicle collision as follows: ( )

1. **Bighorn Sheep.** ( )

a. Horns of bighorn sheep dead of natural causes may be recovered and possessed, provided such horns are presented to a Department office for marking by permanent metal pin within thirty (30) days of recovery. Pin insertion is not Department certification that the animal was legally taken. No person may sell, barter, purchase, or transfer to another person any horn from bighorn sheep that have died from natural causes without a Department permit. ( )

b. No person may alter, deface, or remove a pin placed in a bighorn sheep horn by the Department. No person may possess any horn of a bighorn sheep that bears an altered, defaced, or counterfeit Idaho pin or from which a state pin has been removed. ( )

2. **Big Game other than Bighorn Sheep.** Antlers, hides, bones, horns, or teeth of big game animals other than bighorn sheep that have died of natural causes may be recovered, possessed, purchased, bartered or sold, provided that reporting of bear and mountain lion parts is in accordance with reporting under Section 100.03 of these rules. ( )

3. **Wildlife Salvaged from Vehicle Collision.** Big game animals, upland game animals, upland game birds, or furbearing animals, which may be lawfully hunted or trapped in Idaho, or predatory or unprotected wildlife that have been killed or dispatched as a result of accidental vehicle collision and salvaged in compliance with Section 36-506, Idaho Code, may be recovered, possessed, provided that such taking is not in violation of state or federal law. Parts of said wildlife, excluding any meat and excluding any part of bighorn sheep, may also be purchased, bartered, or sold, where sale is not specifically prohibited by federal statute or regulation or state statute, provided a written statement as described in IDAPA 13.01.10.100.03 accompanies the wildlife part. ( )

121. – 139. (RESERVED)

140. **TAXIDERMISTRY AND FUR BUYER LICENSE RECORDS.**

Persons possessing a taxidermist or fur buyer license must keep a record of any wildlife received for mounting or preservation; and of any purchase of furbearers, or of raw skins or parts of black bear, mountain lion or wolves, with said record to be kept for two (2) years from the respective date of receipt or purchase. Records may be written or preserved by media complying with Section 9-328, Idaho Code; copies of completed Department Form CE-50 are also considered adequate records. ( )

141. – 149. (RESERVED)

150. **CWD MANAGEMENT RESTRICTIONS.**

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

2. **Prohibitions.** It is unlawful to: ( )

a. Import into Idaho the carcass or any part of deer, elk, or moose from another state, Canadian province, or country (other than Canada) with any documented CWD; ( )

b. Transport the carcass or any part of deer, elk, or moose out of any CWD Management Zone to any portion of the state that is not a designated CWD Management Zone; or ( )

c. Possess the carcass or any part of deer, elk, or moose that: has been imported from another state, Canadian province or country with a documented case of CWD; or transported out of any CWD Management Zone to or across any part of the state that is not a designated CWD Management Zone. ( )

03. **Exceptions.** This section does not apply to: ( )

a. Domestic cervids regulated under Chapter 37, Title 25, Idaho Code; ( )

b. Meat that is cut and wrapped; ( )

c. Quarters or deboned meat that does not include brain or spinal tissue; ( )

d. Edible organs, excluding brains; ( )

e. Hides without heads; ( )

f. Upper canine teeth (ivories); ( )

- g. Finished taxidermy; ( )
- h. Dried antlers; ( )
- i. Cleaned and dried skulls or skull caps; ( )
- j. Skull caps that do not include brain or spinal tissue; or ( )
- k. Head or tissue from a CWD Management Zone, provided it is presented to the Department for sampling purposes, with the Department to keep possession for appropriate tissue disposal. ( )

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

**151. – 199. (RESERVED)**

**200. LIVE WILDLIFE.**

**1. General.** No person may import into Idaho, export from Idaho, transport, possess or otherwise hold in captivity, propagate, sell or release into the wild any live wildlife, except those animals exempted by Idaho Code or these rules, without a corresponding import, export, transport, captive possession (individual animal license or multiple animal license at a private, commercial or rehabilitation facility), sale or release license/permit from the Department. Use of raptors in falconry is governed by IDAPA 13.01.14, Rules Governing Falconry. ( )

**2. Compliance with Other Agency Requirements.** No person may possess, hold in captivity, or propagate any wildlife without complying with relevant city or county ordinances, including any zoning and planning commission approval, and any ISDA or USDA requirements. ( )

**3. Restrictions on License Issuance.** The Department will not issue any license/permit for import, export, transport, captive possession, sale, or release of live wildlife or eggs thereof, if the wildlife or eggs would pose a threat to the state of Idaho, including public safety, threat of disease, genetic contamination or displacement or of competition with existing species. Because of CWD, the Department will not issue any permit for the import into Idaho of any live cervid not regulated as a domestic cervid by ISDA. ( )

**4. Marking Big Game.** All captive big game animals (excluding domestic cervids regulated by ISDA) must be uniquely marked via Department-approved method and numbering. ( )

**5. Inspections and Records.** As a condition to any facility or individual captive animal license, the Department will be able to access for inspection at any reasonable time all records, all wildlife, and the facilities where the wildlife are kept, with records maintained as specified in Section 36-709(c), Idaho Code. ( )

**6. Exemptions for Import, Export, Transport, Possession or Sale.** No permit is needed from the Department to import, export, transport, possess or sell the following animals, provided they are not intended for release into the wild (although another state or federal agency may regulate such activity): ( )

- a. Agricultural/domestic animals. ( )
- b. Conventional pets. ( )
- 7. Exemptions for Unprotected and Predatory Wildlife. ( )

a. Wildlife classified as Unprotected Wildlife or Predatory Wildlife that are lawfully taken by a person licensed or authorized to hunt or trap in accordance with Chapter 4, Title 36, Idaho Code, may be exported, transported, possessed, or sold without additional permit from the Department, provided such action is not otherwise in violation of federal, state, county, or city laws, rules, ordinances, or regulations. ISDA may restrict the possession,

Merged exemptions into 2 categories defined in 010



Clarified that allowed release applies only to wildlife native to Idaho.

Added restriction for native amphibian & reptile release to prevent disease spread.

sale, or import of fox, skunk, raccoon or other animals, such as restrictions under Section 25-236, Idaho Code. ( )

b. Native unprotected or predatory wildlife lawfully captured alive may be released on private lands in the county of origin without a Department permit in accordance with Section 36-502, Idaho Code and with written landowner consent in possession while such wildlife is in transit to the release site. ( )

**8. Exemptions for Native Reptiles and Amphibians.** A person licensed or authorized to hunt or trap in accordance with Chapter 4, Title 36, Idaho Code, may capture alive, or hold in captivity and possess, no more than four (4) individuals per species of Idaho native reptiles or amphibians at one time, provided such action is not otherwise in violation of federal, state, county, or city laws, rules, ordinances, or regulations. Because of disease concerns, native reptiles or amphibians held in captivity with another reptile or amphibian obtained from any other location may not be released back into the wild unless the Department provides advance authorization. ( )

**201. DISEASE OF CAPTIVE WILDLIFE.**

The Department and ISDA will mutually determine diseases and parasites of concern and mechanisms and procedures for control of diseases and parasites in captive wildlife. Such mechanisms and procedures include but are not limited to examination, testing, quarantine, and slaughter or destruction, at the owner's expense, of individual animals or herds that are infected with or affected by diseases or parasites that may have significant detrimental effect on native wildlife, other captive wildlife, livestock or the public health of the citizens of the state of Idaho. ISDA authorizes such disease and parasite control measures under Title 25, Chapter 2, Idaho Code. ( )

**202. LIVE WILDLIFE IMPORT OR TRANSPORT.**

**1. Application.** Application for a permit to import or transport wildlife will be on a form prescribed by the Department. The applicant must possess a valid commercial or private wildlife facility license or individual captive wildlife permit or make concurrent application for such facility or individual animal possession license. ( )

**2. Inspection and Examination.** Upon Department request, the applicant must provide a valid Certificate of Veterinary Inspection from the state of origin for each animal imported or transported. ( )

**3. Additional Requirements.** The Department may impose test and certification requirements related to genetic issues or diseases of concern for any animal to be imported or transported. ( )

**203. LIVE WILDLIFE IN TRANSIT.**

All required licenses and certificates must accompany live wildlife while in transit. ( )

**204. POSSESSION OF UNLAWFUL IMPORT.**

No person may possess any wildlife, progeny or eggs thereof, whose import into this state was unlawful. ( )

**205. – 249. (RESERVED)**

**250. CAPTIVE WILDLIFE POSSESSION.**

**1. Application.** Application for a license to possess captive wildlife on an individual basis will be on a form prescribed by the Department. ( )

**2. Inspection and Examination.** Upon Department request, the applicant or license holder must make animal(s) available to the Department for inspection during business hours or provide a valid Certificate of Veterinary Inspection for any captive wildlife possessed. ( )

**251. CAPTIVE WOLVES.**

**1. License and Tattoos.** No person may possess a live wolf or other canine exhibiting primary wolf characteristics without proper identification and a license on an annual calendar year basis from the Department, to be obtained by no later than three days of commencing possession of the animal. Proper identification is a microchip and

tattoo inside the flank or ear for any animal six (6) months of age or older. Application for license will be on a form prescribed by the Department, and the applicant will provide written and photographic confirmation of tattooing. ( )

**02. Primary Wolf Characteristics.** ( )

- a. Rounded ears smaller in proportion to those of the coyote; ( )
- b. Broad snout with nose pad wider than one (1) inch; ( )
- c. Long legs, approximately twenty-six (26) to thirty-two (32) inches at the shoulder in adult height; ( )
- d. Four and one-half (4.5) to six (6) feet long from tip of nose to tip of tail; ( )
- e. Adult male weight at least eighty (80) pounds; adult female weighs at least sixty (60) pounds adult; ( )
- f. Tail carried high or straight out when running; ( )
- g. Long, coarse fur, variable from white to black (generally grayish). ( )

**252. – 259. (RESERVED)**

**260. HUMANE TREATMENT OF CAPTIVE WILDLIFE.**

- 1. **Humane Treatment.** All captive wildlife must be handled in a humane manner and in a manner to prevent parasites, sickness, or disease, including but not limited to the following actions: ( )
  - a. Any captive wildlife afflicted with parasites or disease is immediately given attention by a licensed veterinarian or destroyed in a humane manner.
  - b. Any captive wildlife is fed on a regular schedule. Food is adequate and varied and so far as possible, consistent with food ordinarily eaten by such animals. Food is of good quality and stores of same are kept in suitable containers with tight fitting covers so as to render it inaccessible to rats, flies, or other vermin. ( )
  - c. Fresh or running water for drinking purposes is available in cages or enclosures at all times, and is kept clean and in a sanitary condition. ( )
  - d. Enclosures will be kept in a clean and sanitary condition consistent with good animal husbandry. ( )
  - e. Any animals with a propensity to fight or which are otherwise incompatible are kept segregated. ( )
  - f. Suitable shelter or shields will be provided for all captive animals for protection from the elements, shelter and privacy. ( )
  - g. Cages or enclosures will attempt to mimic the natural climate and habitat of the species being held, as nearly as possible. ( )

**261. PREVENTION OF ESCAPE OF CAPTIVE WILDLIFE.**

All wildlife held in captivity must be confined at all times in cages or enclosures of such structure or type of construction that it will be impossible for such animals to escape (including by flying, climbing, jumping, or digging), meeting the following minimum specifications. The Department may identify additional specifications for enclosures by considering standards or guidelines for the particular species of the Association of Zoos and Aquariums or other captive wildlife facility accreditation entities. ( )

Eliminated eye shine as wolf characteristic.  
Changed 260.1. to refer to licensed vet (current rule "medical professional")  
Because of variety of captive wildlife species, added reference in 261 to guidelines IDFG may consider for enclosure specs.

Replaced requirement for concrete flooring for bears, etc. to allow flexibility in adequately preventing escape.

1. For ursids (bears), canids, or felids, the enclosure will: ( )
  - a. Have a chain link fence at least eight (8) feet in height with permanently anchored stakes, a chain link enclosure top, and buried fencing or a concrete apron to preclude escape by digging; or ( )
  - b. Have any other Department-approved configuration that will preclude escape. ( )
2. For all animals, cages or enclosures will be of sufficient size to give the animal or bird confined ample space for exercise and to avoid being overcrowded. ( )
  - a. The length of the cage or enclosure will be a minimum of four (4) times the body length (tip of nose to base of tail) of the animal being kept, reptiles excepted. ( )
  - b. The width will be at least three-fourths (3/4) of the cage length. ( )
  - c. For the second animal housed in cage, floor space will be increased twenty-five percent (25%) and for each additional animal housed in the cage, floor space will be increased fifteen percent (15%). Cages with tops will be of reasonable height to accommodate the animals contained therein. No nails or other sharp protrusions that might injure or impair the animal will be allowed within the cages. ( )
  - d. For all animals, cages or enclosures will be constructed to prevent entrance by other animals and prevent harm to or by the general public. Cages, fencing, and guardrails will be kept in good repair at all times; and gates will be securely fastened and locked. ( )
  - e. For all venomous reptiles, enclosures will have safety glass and cages will have small enough mesh to prevent the animal's escape and double walls sufficient to prevent penetration of fangs to the outside; and all cages and enclosures will be kept locked. ( )

**262. RESPONSIBILITY OF POSSESSOR OF CAPTIVE WILDLIFE.**

Any person possessing live wildlife in captivity is responsible for the care of the wildlife in possession and the protection of the public, and liable for the expense of capture or destruction of any escaped wildlife, including any costs incurred by the Department. The Department makes no representation concerning public safety of any licensed captive wildlife or facility. ( )

**263. – 299. (RESERVED)**

**300. CAPTIVE WILDLIFE FACILITIES (PRIVATE, COMMERCIAL, REHABILITATION).**

1. **General.** No person may own or operate or maintain a private park, commercial wildlife, or rehabilitation facility without obtaining the appropriate license for each facility from the Department. ( )
2. **Applications.** Application to operate a private, commercial or rehabilitation wildlife facility wildlife will be on a form prescribed by the Department, with separate application to be made for each facility and for any animal(s) imported after a facility is licensed. The Department will only consider an application that includes: ( )
  - a. The name and address of the applicant and any owner(s) other than the applicant. ( )
  - b. Proof of compliance with city/county zoning ordinance or zoning permit application. ( )
  - c. The location of the proposed facility, including a legal description of the land, identification of property ownership, the approximate space devoted to the facility. ( )
  - d. The number and kinds of wildlife being or to be kept. ( )
  - e. The licensed veterinarian(s) attending the facility. ( )

Added 300.03 to simplify renewal applications.

Revised 300.04 to distinguish animal inventory from records available upon request and adjusted records retention to 5 years.

Revised 400 01-04 to focus on state regulation of captive wildlife not under USDA license, escape prevention, and veterinary care (potential disease transmission).

Revised 400.02 to make reports to Regional Office instead of Health Lab.

Revised 400 03 and 04 to exempt USDA-licensed Class C facilities from state regulation of public handling and feeding and care specifications.

- f. Specifications of pens and shelters furnished for each kind of animal. ( )
- g. Specifications of the guard fence or other security measures to prevent escape or protect the public from injury by the animals. ( )

h. For private and commercial facilities, the date upon which each animal was or is to be obtained. ( )

i. For private and commercial facilities, the source, including address and telephone number, from which each animal was, or is to be, obtained, and health certificate for all animals addressing diseases of concern. If already in possession, the type of license under which each animal is possessed. ( )

**03. Renewal Applications.** If the information is unchanged, renewal applications may incorporate by reference specifications in prior applications for enclosures, fences, or other security measures. ( )

**04. Records.** Persons operating a captive wildlife facility must provide the Department, at least once each license year, a list of wildlife by numbers of animals, and species, and keep a record of any wildlife received, born, dying, sold, exported or transported from the facility, with said record to be kept for five (5) years from the respective date of the action and available for Department inspection upon request. For private parks or commercial facilities, records must include documentation of legal possession of all wildlife kept at the facility including licenses, permits, receipts, invoices, bills of lading, or other satisfactory evidence of ownership. ( )

**301. – 399. (RESERVED)**

**400. COMMERCIAL WILDLIFE FACILITIES.**

In addition to the rules for captive wildlife facilities in Section 300, the following apply to commercial wildlife facilities. ( )

**1. USDA License.** No person may operate a commercial wildlife facility exhibiting warm-blooded animals to the public without a USDA Exhibitor license. ( )

**2. Veterinary Care and Reporting.** The facility must maintain adequate veterinary care, under a written care program with the attending licensed veterinarian(s). The licenseholder must maintain a complete record of veterinary examinations, illness, treatment and disposition for each permitted animal and make such record available to the Department upon request. Any warm-blooded animal death at the facility must be reported to the Department Regional Office where the facility is located within ten (10) days of the death, with veterinary inspection to occur for any such death unless it is reasonably expected based on care received under the veterinary care program. ( )

**03. Care Specifications.** Any commercial wildlife facility must comply with requirements of 9 CFR 3.125-142 for warm-blooded animals specified in those regulations. Possession of warm-blooded animals under a valid USDA Exhibitor license is regulated by USDA under 9 CFR and is exempt from this subsection 03. ( )

**4. Public Handling or Feeding.** Any commercial wildlife facility must comply with requirements of 9 CFR 2.131 for public handling or feeding of wildlife at commercial wildlife facilities not possessed under a valid USDA Exhibitor permit, including warm-blooded and non-warm-blooded wildlife. Public handling or feeding of warm-blood animals possessed under a valid USDA Exhibitor license is regulated by USDA under 9 CFR and is exempt from this subsection 04. ( )

**5. Sale of Animal Meat or Parts.** ( )

i. A commercial wildlife facility licensee may sell or otherwise dispose of the carcass, parts, or by-products of a properly identified big game animal taken from a commercial wildlife facility only upon preparing an invoice or bill of sale as specified by the Department and attaching a copy of it to the lot shipment, carcass, or container and keeping a copy for his records. Upon the attaching of the invoice or bill of sale to the carcass, parts, or by-products of the animal, the same may be transported to the transferee named on the invoice or bill of sale. ( )

Because of variety of captive wildlife species, added reference in 410 to guidelines IDFG may consider for animal display/security specs.

411: Deleted facility construction cost from bonding amount.

Added 450 to clarify requirements for wildlife rehabilitation facilities.

500.01: Clarified requirement for captive game birds imported into Idaho for release.

ii. The licensee may sell commercial wildlife facility animals for meat upon compliance with all applicable health laws, USDA, and ISDA regulations. ( )

401. – 409. (RESERVED)

**410. LARGE COMMERCIAL WILDLIFE FACILITIES.**

In addition to the rules for captive and commercial wildlife facilities in Section 300 and 400, the following apply to large commercial wildlife facilities: ( )

1. **Animal Display and Security.** Commercial wildlife facilities that are of a size large enough or with a large number of animals incompatible with the cage or enclosure requirements of Section 260 may, in the Director's discretion, be addressed with facility-specific license terms to prevent escape of the captive wildlife, or damage to native wildlife through habitat degradation, genetic contamination, competition, or disease. In identifying facility-specific license terms, the Department may consider standards or guidelines of captive wildlife facility accreditation entities for cage, open space, shelter, enclosure, and display in a natural-appearing environment and in such a way as to preserve animal dignity. Terms may include, but are not limited to, fence specifications, electric fence specifications, pits or moats, buried fencing, and display features to enhance appreciation for the species and its natural history.

**411. LARGE COMMERCIAL WILDLIFE FACILITY BOND.**

Any large commercial wildlife facility must provide a bond to the Department in the amount of fifty thousand dollars (\$50,000), or two thousand dollars (\$2,000) per animal, whichever is greater, executed by a qualified surety duly authorized to do business in the state of Idaho, to guarantee performance of license conditions and to reimburse the Department for any costs incurred for cleanup of abandoned or closed facilities, removal of animals from abandoned or closed facilities, capture or termination of escaped animals, or disease control. With prior approval, the applicant may instead submit a cash bond to the Department including, but not limited to, certificates of deposit, registered checks, certified funds, and money orders. ( )

412. – 449. (RESERVED)

**450. REHABILITATION FACILITIES.**

In addition to the rules for captive wildlife facilities in Section 300, the Director has discretion to limit the species or numbers of wildlife accepted at or released from a wildlife rehabilitation facility, and may identify other specific license conditions to address relatively unique needs of rehabilitation, release into the wild or transfer or non-releasable animals. In identifying facility-specific license terms, the Department may identify standards or guidelines, such as those specific by the International Wildlife Rehabilitation Council for providing humane care. ( )

451. – 499. (RESERVED)

**500. CAPTIVELY PROPAGATED GAME BIRDS.**

1. **Import.** No person may import captively propagated game birds into Idaho intended for release into the wild or on a shooting preserve in Idaho without a permit from the Department. ( )

2. **Permit for Field Release.** No person may use captively propagated game birds at a shooting preserve or in field training for dogs or falconry unless the owner of the shooting preserve, or owner of any dog or raptor being field trained at a location other than a shooting preserve: ( )

a. Has a valid shooting preserve or Bird-Dog/Falconry Training permit and makes it available to the Department in the field upon request. ( )

b. Has documentation of the commercial supplier's compliance with the NPPI and, if imported into Idaho, a certificate of veterinary inspection, and makes it available to the Department in the field upon request. ( )

501. – 549. (RESERVED)

Deleted shooting preserve requirement for habitat verification as unnecessary.

**550. SHOOTING PRESERVES.**

- 1. Shooting Preserves.** No person may operate a shooting preserve without a license from the Department and a vendorship contract with the Department under which the operator maintains a supply of shooting preserve hunting licenses for issuance to clients of the preserve. ( )
- 2. Applications.** Application for a shooting preserve license will be on a form prescribed by the Department. ( )
- 3. Species Permitted.** Only those species of upland game birds specified on the permit may be held or released on the shooting preserve. ( )
- 4. Holding Facilities.** The provisions of Sections 260 and 261 of these rules pertaining to bird enclosures apply to all rearing pens, holding pens, and other rearing or holding facilities. ( )
- 5. Inspection.** As a condition to any shooting preserve permit, the Department will have reasonable access to the premises of any authorized shooting preserve for the purpose of inspecting rearing, holding, and storage facilities, licenses, birds in hunters' possession, and records pertaining to the operation of said shooting preserve. ( )

**551. – 699. (RESERVED)**

**700. VIOLATION GROUNDS FOR LICENSING ACTION AND ANIMAL REMOVAL.**

The Department may revoke any existing license for possession of captive wildlife or operation of any captive wildlife facility, and may refuse to issue any future license based on failure to remove or eliminate violations of Title 36 or these rules. Prior to revocation, non-renewal or non-issuance on such basis, the Department will give written notice of such violation(s) to the license-holder or applicant, and specify a reasonable timeframe of not less than ten (10) days to correct such violation(s). The Department's revocation or refusal to issue a future license may be in addition to any criminal charges or civil action that may be filed. All animals held under license(s) so revoked or held without appropriate license are subject to removal at owner's expense, with disposition as determined by the Department. ( )

**701. – 999. (RESERVED)**

000 & 001  
edits per  
DFM ZBR  
format.

002  
Incorporation by  
reference  
required to  
get federal  
approval  
U.S. Fish &  
Wildlife  
Service) to  
delegate  
regulation  
under  
Migratory  
Bird Treaty  
Act.

References  
to Falconry  
meet  
permits  
deleted as  
unnecessary.

Reorganized  
chapter  
sections  
based on  
activity:  
Possession/  
import/  
sale/  
propagation.

Displaying differences between the current and pending rule chapters with strikethrough/underline would be difficult to read because of the number of edits to improve organization and clarity and to avoid unnecessary repetition. IDFG has added margin notes with explanations of changes.

**THE FOLLOWING IS THE TEXT OF ZBR DOCKET NO. 13-0114-2201**

**13.01.14 – RULES GOVERNING FALCONRY**

**000. LEGAL AUTHORITY.** ( )  
Sections 36-104 (b), 36-409, and 36-1102, Idaho Code.

**001. SCOPE.** ( )  
These rules establish a falconry program in the state of Idaho for federal certification.

**002. INCORPORATION BY REFERENCE.** ( )  
The code of federal regulations, title 50, part 21, sections 21.76, 21.82, and 21.85 (effective July 1, 2022) are incorporated by reference, and are available at: <https://ecfr.gov/current/title-50/chapter-1/subchapter-B/part-21>.

**003. – 009. (RESERVED)**

**010. DEFINITIONS.** ( )

1. **Captive-Bred.** Raised in captivity from eggs laid by captive raptors. ( )

2. **Falconry.** Capturing, possessing, caring for, transporting, training, or using raptors to take wild or artificially propagated animals as recreation. ( )

3. **Immature Raptor.** A raptor that is less than one (1) year old. ( )

4. **New U.S. Resident.** Any person who has moved legally into the United States or a recognized U.S. Territory to reside. ( )

5. **Non-Resident.** Any person who does not qualify as an Idaho resident under Section 36-202(s), Idaho Code. ( )

100. Added reference to applicability of federal regulations to get federal approval for U.S. Fish & Wildlife to delegate regulation under Migratory Bird Treaty Act.

101.02 Added language to better identify permit classes to ensure consistency.

- 6. **Raptor.** Any bird in the Order Falconiformes or Strigiformes. ( )
- 7. **Transfer.** To import, export, transport, convey, deliver, loan, gift, give, barter, or sell a raptor or raptor parts or any permit from one person, place, or situation to another. ( )
- 8. **Visitor.** Any person not residing in the United States or a recognized territory, and who is temporarily in the U.S. as a visitor. ( )
- 9. **Wild-Caught.** Bird originally captured from the wild, no matter how long held in captivity. ( )

11. – 099. (RESERVED)

100. **MIGRATORY BIRD TREATY ACT AND REGULATIONS.**

As provided by Section 36-1102, Idaho Code, no person may take or possess any migratory birds, including raptors, except as provided by the Migratory Bird Treaty Act and implementing regulations (including 50 CFR, Parts 21 and 22), and in accordance with related rules and proclamations promulgated by the Commission. Falconry must comply with 50 CFR 21.82 (Falconry Standards and Falconry Permitting), 50 CFR 21.85 (Raptor Propagation Permits), and 21.76 (Rehabilitation permits); these federal regulations apply to falconry, even when this chapter 13.01.14 does not address the activity or when this chapter is construed as less restrictive. ( )

101. **TAKING WILDLIFE BY FALCONRY.**

Idaho and federal laws regulating taking of wildlife, including possession of appropriate licenses, tags, permits, stamps, and validations; seasons and limits; and possession of wildlife apply to any species taken by falconry. ( )

102. **FALCONRY PERMIT.**

1. **Falconry Permit.** No person may possess, capture, or transfer, any raptor for the purpose of falconry, or use a raptor for taking other wildlife, unless that person has an Idaho Falconry Permit. Idaho Falconry Permits are not transferable to another person. ( )

2. **Permit Classification.** Three (3) classes of Idaho Falconry Permit are available: Apprentice, General, and Master. Only holders of Master Falconry permits are eligible to obtain Eagle Falconry or Peregrine Capture permits. Permits may be obtained by completing application on a form prescribed by the Department. Permit issuance is subject to the Department's verification the applicant meets federal age, experience, and other prerequisites for the respective permit class. Passage of the Idaho Falconry Examination administered by the Department by a score of at least eighty percent (80%) is a permit prerequisite for persons who have not held an Idaho falconry permit or equivalent authorization within the past five (5) years, or who are a new U.S. resident or visitor. The numbers and species authorized for possession by each class of Idaho Falconry Permit are subject to federal restrictions. ( )

3. **Exemption for Temporary Use.** Nonresident falconers who do not intend to become Idaho residents, who have valid authorization from a federal, tribal, or another state, territory, or country's agency equivalent to an Idaho Falconry or federal Raptor Propagation Permit, may temporarily import from another state, possess, or transport raptor(s) listed under such authorization: ( )

a. For not more than thirty (30) days in a calendar year, without purchasing an Idaho Falconry Permit. ( )

b. For more than thirty (30) days in a calendar year, provided they have passed the Idaho Falconry Examination administered by the Department within the past five (5) years with a score of at least eighty percent (80%) and obtain a Temporary Idaho Falconry Permit (which is valid for up to four (4) months, and may be renewed). ( )

4. **Falconers Moving to Idaho.** Any nonresident falconer moving into Idaho who intends to become an Idaho resident must: obtain an Idaho Falconry Permit within thirty (30) days of such move; provide signed verification of intent to become an Idaho resident; and surrender any equivalent permit issued by another state. The Department will determine the appropriate class of Idaho Falconry Permit equivalent to the non-Idaho authorization



held by the falconer, based on the documentation provided in the permit application. ( )

**103. INTERNATIONAL IMPORT.**

No person may import into Idaho a raptor originating from a foreign country without first obtaining an Idaho Wildlife Import Permit, and complying with federal laws for raptor importation or pet passports under the Conference on International Trade in Endangered Species. ( )

**104. – 149. (RESERVED)**

**150. CAPTURE OF WILD RAPTORS.**

**1. Capture Permits.** No person may capture a raptor from the wild unless that person has a valid Idaho Falconry Permit; or is a nonresident who has both: an equivalent falconry authorization from a federal, state, territorial, or tribal authority; and an Idaho Nonresident Falconry Capture Permit (valid on a calendar year basis). ( )

**2. Approved Species and Limitations.** The Commission, pursuant to Section 36-105 (3), Idaho Code, may establish seasons, geographic areas, and limits for capture of wild raptors by proclamation, including limitations on permits available to nonresidents. ( )

**a.** No person may capture or possess any wild-caught bald or golden eagle, any raptor classified under federal or state law as threatened or endangered, or any peregrine falcon without obtaining an individual species-specific capture/possession permit from the Department in addition to complying with federal permit regulations and limits. Bald eagles may not be used for falconry. ( )

**b.** Subject to federal restrictions for the holder's permit class, an Idaho Falconry Permit authorizes the holder to capture (with subsequent possession) not more than a total of two (2) wild raptors each calendar year, which may be adult American kestrels or great horned owls; or immature raptors of species that are not referenced in the preceding Subsection 02.a. or that are otherwise closed or limited by Commission proclamation. ( )

**c.** Non-resident falconers intending to capture any wild Idaho raptor using authorization from a non-Idaho Falconry Permit/Authorization are eligible to purchase only one (1) Nonresident Falconry Capture Permit for each calendar year and are authorized to only capture and possess the species of raptor specified on the permit. ( )

**d.** A nonresident who successfully captures a raptor for intended removal from Idaho must notify the Department Regional Office of the capture location before transporting the raptor out of Idaho, not later than ten (10) days after capture. ( )

**3. Approved Capture Dates.** ( )

**a.** Immature raptors open to capture may be captured year-round. ( )

**b.** American kestrels and great-horned owls that are one (1) year of age or older are only open to capture from August 1 through the last day of February. ( )

**151. – 159. (RESERVED)**

**160. CAPTIVE PROPAGATION PERMIT.**

No person may propagate raptors in captivity, or take, possess, or transfer any raptor, raptor egg, or raptor semen for propagation purposes without a valid federal Raptor Propagation Permit. Holders of a federal Raptor Propagation Permit may only sell, purchase and barter raptor eggs and semen produced and originating from raptor propagation or captive breeding programs under valid permit. ( )

**161. TRANSFER OR SALE.**

**1. Lawfully Obtained.** No person may sell, purchase, or barter any raptor or parts thereof, or possess raptors or parts unless the bird or parts have been lawfully obtained. ( )

2. **Captive-bred.** Only live captive-bred raptors banded or micro-chipped in compliance with Section 400 of this rule and 50 CFR 21.82 may be sold, purchased or bartered. Any party to the transaction must hold a valid state, federal, tribal, territory or another country's Falconry or Raptor Propagation Permit. ( )

3. **Transfers.** ( )

a. Resident falconers/captive breeders may not transfer any raptor wild-caught in Idaho to a nonresident unless they obtain an Idaho Wildlife Export Permit from the Department. ( )

b. With Department approval, wild-caught raptors, possessed less than two (2) years from date of capture, that have been injured and can no longer be flown for falconry purposes, as determined by a veterinarian or raptor rehabilitator, may be transferred to a federal Raptor Propagation Permit. ( )

4. **Temporary Care.** An authorized person may temporarily care for the raptor of another in compliance with federal regulations. ( )

162. – 199. (RESERVED)

#### 200. FACILITIES AND INSPECTIONS.

1. **Appropriate Holding Facilities.** No person may begin possession of any raptor(s) under authority of an Idaho Falconry Permit or Propagation Permit unless the Department has inspected holding facilities and equipment to verify compliance with federal (50 CFR 21.82) and Idaho standards. Appropriate facilities may be indoor, including a personal residence, outdoor falconry facilities, or a combination of both. Persons changing the location of raptor holding facilities to any physical address other than that recorded on the Falconry permit must notify the Department before or within five (5) business days of any such move. ( )

2. **Temporary Housing.** The Department has discretion to authorize temporary housing for not more than one hundred twenty (120) days. ( )

3. **Inspections.** All raptors, facilities, equipment, falconry, and captive propagation records are subject to reasonable inspection during business hours in the presence of the permit holder or facility owner, or as arranged with the permit holder. ( )

201. – 299. (RESERVED)

#### 300. RAPTOR HACKING AND REHABILITATION.

1. **Hacking.** Idaho Falconry Permits authorize the holder to conduct hacking, subject to federal laws and landowner permission. ( )

2. **Rehabilitation.** Persons with valid General or Master Falconry permits may assist the Department, or Department-licensed raptor rehabilitators, with rehabilitation activities, provided the taking of any raptor into possession for rehabilitative conditioning or training is pre-approved by the appropriate Department Regional Office. ( )

301. – 349. (RESERVED)

#### 350. EXEMPTION FROM RELEASE RESTRICTIONS.

Permanent release of wild-caught raptors of species native to Idaho by Idaho Falconry permit holders complying with 50 CFR are exempt from release restrictions of IDAPA 13.01.10.200, "Rules Governing Importation, Possession, Release, Sale, or Salvage of Wildlife." ( )

351. – 399. (RESERVED)

#### 400. RAPTOR BANDING AND RADIO-TRANSMITTERS.

Revised reporting allowance to 10 days (from current allowance of 5 days).

600: consolidated requirement for falconry use with general captive game bird reqs in 13.01.10.500

Falconers and captive breeders must use bands, microchips, or radio-transmitters, singly or in combination, that comply with federal regulations (50 CFR 21.82) for any raptor possessed. ( )

401.– 499. (RESERVED)

**500. REPORTING.**

A person owning or otherwise responsible for a raptor must complete and submit a Form 3-186A (federal Migratory Bird Acquisition and Disposition Form) into the United States Fish and Wildlife Service electronic records database not later than ten (10) days after any raptor is acquired, captured, re-captured, transferred, lost, escaped, stolen, released, banded, re-banded, micro-chipped, or deceased. ( )

501. – 599. (RESERVED)

**600. TRAINING WITH CAPTIVELY PROPAGATED GAME BIRDS.**

IDAPA 13.01.10.500, “Rules Governing Importation, Possession, Release, Sale, or Salvage of Wildlife,” applies to anyone who possesses, releases, or uses artificially propagated game birds for field training raptors. ( )

601. – 799. (RESERVED)

**800. REVOCATION.**

In addition to penalties set forth in Chapter 14, Title 36, conviction of a violation of these rules is grounds for revocation of an Idaho falconry permit or denial of any pending applications for an Idaho falconry permit, and corresponding seizure of raptor(s) identified in the permit. ( )

801. – 999. (RESERVED)

**ZBR DOCKET NO. 13-0118-2201: IDFG has added redline to show changes from current rule and explanatory notes in the margin (highlighted).**

**13.01.18 – RULES GOVERNING FEEDING OF WILD CERVIDS**

000 & 001  
edits per  
ZBR  
format.

**000. LEGAL AUTHORITY.**

Sections 36-104, 36-105 and 36-111, Idaho Code ~~authorize the Commission to adopt rules concerning feeding of pronghorn, elk, and deer.~~

**001. TITLE AND SCOPE.**

The title of this chapter is ~~“Rules Governing Feeding of Pronghorn, Elk, and Deer.”~~ These rules establish criteria for ~~determining a feeding emergency, govern feeding operations, and prohibit private feeding within a designated CWD Management Zone.~~ These rules govern Department and private feeding of wild cervids.

**002. -- 009. (RESERVED)**

Definition  
section added  
in  
consolidating  
IDFG &  
ISDA  
requirements  
from  
02.04.25  
(ISDA  
repealing  
concurrently)

**010. DEFINITIONS.**

01. CWD Management Zone. Chronic Wasting Disease Management Zone designated by the Commission under IDAPA 13.01.10.150.

02. DSA. Designated Surveillance Area for brucellosis designated by ISDA order or rule.

03. ISDA. Idaho State Department of Agriculture.

04. Supplemental Feed. Harvested hay, grain, or straw, or feed pellets.

05. Wild Cervids. Deer, elk or other members of the family Cervidae not owned by a person.

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

**1002. EMERGENCY FEEDING CRITERIA.**

**01. Declaration of Feeding Emergency.** ~~A feeding emergency.~~ ~~The Department may be declared a feeding emergency~~ if one (1) or more of the following criteria are met:

- a. Actual or imminent threat of depredation to private property.
- b. Threat to public safety, including traffic hazards.
- c. Excessive mortality that would affect herd recovery.
- d. Limited or unavailable winter forage caused by fire or weather.

**02. Additional Guidelines.** Regional Supervisors may develop additional emergency feeding guidelines ~~on emergency feeding~~ within the listed criteria, based on disease transmission ~~risk of disease transmission,~~ local conditions, and local public input.

**103. FEED STOCKPILES.**

The Department has identified locations for stockpiling emergency feed where it is impractical and cost-prohibitive to purchase and transport feed after snowfall. The Commission and Director declare stockpile maintenance constitutes a feeding emergency and authorize expenditure of funds for stockpile maintenance.

Consolidating  
IDFG and  
ISDA  
requirements  
(02.04.25) as  
they apply to  
"Wild  
cervids." Use  
"wild cervids"  
instead of "big  
game  
animals" or  
"deer and elk"  
to distinguish  
from  
domestic  
cervids  
regulated by  
ISDA under  
02.04.19.

102. -- 199. (RESERVED)

200. PRIVATE FEEDING OF ~~DEER AND ELK WITHIN DESIGNATED CWD MANAGEMENT ZONE~~ WILD CERVIDS.

01. ~~Prohibition~~ Private Feeding. ~~No person may. It is unlawful to~~ purposely or knowingly provide supplemental feed to wild cervids within any CWD Management Zone, within any county partially or entirely within any DSA, or within Clark, Madison, or Jefferson county east of Interstate 15, or in violation of any Commission, Department, or ISDA order, except supplemental feeding conducted or authorized by the Department.

02. Incidental Grazing. Incidental grazing by ~~big game animals~~ wild cervids on private rangeland forage, standing agricultural crops, or crop residue left on the ground following typical harvest practices ~~is~~ does not a violation ~~of~~ this section.

03. Incidental Feeding. Incidental feeding of ~~big game animals~~ wild cervids during the normal practice of providing feed to livestock ~~is~~ does not a violation of this section, provided the owner or operator of the premises feeding livestock cooperates with the Department to facilitate conducting wild cervid management activities to avoid feeding wild cervids.

Subsection 01  
incorporates  
geographic  
area of  
brucellosis  
restriction in  
current  
02.04.25.100.

201. – 999. (RESERVED)

Subsection 03  
integrates  
requirements  
from current  
02.04.25.120.