

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

This document presents in strikethrough/underline the IDFG staff recommendation for changes from the proposed rules published in the Administrative Bulletin. Based on comments received prior to the public meeting on this chapter, staff developed potential draft revisions to the proposed rules for discussion and comment at the meeting.

Public Comment on Proposed Rules 13.01.10 Published in the Administrative Bulletin:

IDFG received comments from 27 individuals, organizations, or business entities on this chapter. These comments solely concerned captive wildlife and commercial wildlife facilities.

Public comments included the following views:

- Prohibit “roadside zoos.”
- Prohibit public feeding and contact with captive wildlife, including concern that allowing public feeding of captive wildlife is inconsistent with “Bear Aware” and similar messages to not feed wildlife in the wild. Some comments referenced prohibiting some species as too dangerous for public feeding.
- Allow public feeding and handling of captive wildlife, with some comments referencing consistency with USDA regulations.
- Require annual veterinary examination for captive wildlife; require veterinary inspection for all captive wildlife animal deaths.
- Require veterinary care program with regularly scheduled visits rather than requiring veterinary inspection of every single animal death.
- Reduce/eliminate duplication between USDA and IDFG requirements for captive wildlife, including exemption from state regulation for captive wildlife possession, transport etc., for facilities with USDA Class C Exhibition licenses.
- Change requirements for escape prevention so they allow alternatives to concrete flooring and do not require barb wire.
- Require veterinarians for captive wildlife facilities to establish training or experience in management of species handled.
- Eliminate provisions for Department discretion regarding captive wildlife facility regulation that are overly vague; improve rule clarity so captive wildlife facilities and IDFG staff understand requirements.
- Contention that captive wildlife are outside scope of Commission regulation.
- Contention that it is IDFG’s statutory duty to regulate captive wildlife.
- Allow transport of captive wildlife for outreach events.
- Include reference to Global Federation of Animal Sanctuary Standards.

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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. ()

Commented [idfg1]: Idaho Code 36-104(b)(6) authorizes, but does not require, the Commission to adopt rules regarding the import, export, release, sale, possession or transport of live native or exotic wildlife.

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 (available at <https://www.ecf.gov/current/title-9/chapter-1/subchapter-A/>).

Commented [idfg2]: To promote consistency between IDFG & USDA requirements for captive wildlife handling, care, treatment and transportation for warm-blood animals, this change incorporates USDA regulations by reference.

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. ()

01. **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. ()

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

03. **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. ()

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

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

06. **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. ()

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

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

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

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. ()

011. -- 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: ()

01. **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. ()

02. **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. ()

03. **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. ()

04. **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: ()

01. **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. ()

02. **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. ()

03. **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. **TAXIDERMY 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.**

01. **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. ()

02. **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.**

01. **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. ()



Commented [IDFG3]: Staff recommend keeping the state permit requirement for import and transport, including USDA-licensed Class C facilities.

02. **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. ()

03. **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. ()

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

05. **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. ()

06. **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. ()

07. **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, 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. ()

08. **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.

01. **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. ()

02. **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. ()

03. **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.

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

02. **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.

01. **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.**

01. **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 professional medical attention by a licensed veterinarian or destroyed in a humane manner. ~~Any infected or injured animal infected is removed from public display.~~ ()
- 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. ()

Commented [id4]: Change made in response to comment to clarify that parasites or disease in captive wildlife must receive licensed veterinary care. Deletion of second sentence; public exhibition of animals is a commercial wildlife facility activity and is covered in Section 400 and incorporation of USDA requirements (9 CFR 2.131)

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 ~~approve alternative~~ identify additional specifications for enclosures, by considering standards or guidelines for the particular species, such as of those specified by the Association of Zoos and Aquariums or other captive wildlife facility accreditation entities. ()

Because of the variety of captive wildlife species, staff recommend a change to recognize IDFG may consider standards from various accreditation entities to identify additional enclosure specifications.

- 01. For ursids (bears), canids, or felids, ~~animals~~, the enclosure will: ()
 - a. ~~Have a floor made of cement or concrete at least three (3) inches thick into which metal fence stakes are permanently placed or a floor that consists of chain link or other material that will preclude the animal digging through the floor to escape. ()~~
 - b. ~~Have a chain link fence of 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 with barbed wire overhang, or~~
 - ~~c. Have a chain link cage top; ()~~
 - d. Have any other Department-approved configuration that will preclude escape. ()
- 02. 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. ()

Commented [idfg5]: These edits made in response to comments to not require concrete flooring for ursids, canids, or felids, and to provide flexibility for measures to prevent escape, including reference to standards and guidelines for the particular species developed by captive wildlife facility accreditation entities.

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).

- 01. **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. ()
- 02. **Applications.** Application to operate a private, commercial or rehabilitation wildlife facility 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) expected to serve attending the facility.~~ ()
- 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. On()
- 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. ()

~~04. ~~Specific Requirements. The Director has discretion to identify specific license conditions to address relatively unique features of individual captive wildlife facilities or species, and violation of any such condition is a violation of these rules.~~~~ ()

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. ()

01. ~~Dead Wildlife. Record of inspection by a licensed veterinarian must be kept for all wildlife which die on the premises, and a copy forwarded to the IDFG Regional Office where the commercial wildlife facility is located within ten (10) days of the death of the animal. USDA License. No person may operate a commercial wildlife facility exhibiting warm-blooded animals to the public without a USDA Exhibitor license.~~ ()

Commented [idfg6]: This edit does not include language proposed in a comment to require a statement regarding veterinary training or experience in the care and management of species being attended.

Laws and rules regarding the Idaho Board of Veterinary Medicine regulate veterinary practice in Idaho.

Commented [idfg7]: Staff recommend the addition of this section to simplify renewal applications.

Commented [idfg8]: One commenter identified this section as unnecessary and overly broad in light of other sections regarding the Department's discretion on specific issues. Staff recommend deletion is appropriate.

Commented [idfg9]: Staff considered comments asking to exempt captive wildlife from Commission regulation, or to exempt from IDFG regulation facilities with USDA-Class C (Exhibitor) licenses or otherwise subject to USDA regulation. Staff also considered comments on potential draft language to exempt certain activities for facilities with a USDA Class C exhibitor license. Comments requested IDFG to retain the current prohibition on public handling and feeding for all facilities, annual veterinary inspections, and veterinary examinations for deaths.

Staff have revised this section to exempt certain activities of USDA-licensed Class C facilities from state regulation, but not to exempt facilities from state regulation entirely. Staff edits provide an exemption from state regulation for animal or public welfare activities within the USDA-licensed facility, such as certain animal care specifications and public handling and feeding of captive warm-blooded wildlife. USDA has veterinary and inspection resources for regulation of these activities, whereas IDFG resources are prioritized for matters concerning wildlife in the wild.

Concerning comments regarding the inconsistency of commercial activities involving public feeding of captive bears with IDFG's "Bear Aware" messages—Class C facilities would remain subject to USDA regulations regarding public handling and feeding of captive wildlife, including bears, and IDFG would continue "Bear Aware" efforts regarding bears in the wild.

The revisions to Section 400 focus on state regulation of captive wildlife not under USDA license, prevention of escape of captive wildlife, and veterinary care regarding potential disease transmission. Staff revised requirements for veterinary care and post-mortem examination to provide clarity on veterinary care, in combination with the treatment requirement for all captive wildlife in Section 260 above.

~~02. Veterinary examination care and reporting. The facility must maintain adequate veterinary care, under a written care program with the attending licensed veterinarian(s). At least once a year and otherwise at the Department's request, each captive wildlife at a commercial wildlife facility must receive an examination from a licensed veterinarian. The permittee-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.~~ ()

Commented [id10]: See discussion on prior page.

~~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.~~

~~04. Feeding by Public Handling or Feeding. No Any commercial wildlife facility may allow the public to feed captive wildlife. Commercial wildlife facilities must post signage conspicuously on cages or enclosures advising the public to refrain from feeding wildlife. 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.~~ ()

~~04. Restraints. No wildlife on public display or exhibition may be chained or otherwise tethered to any stake, post, tree, building, or other anchorage, except for raptors as provided by IDAPA 13.01.14, "Rules Governing Falconry."~~ ()

~~05. License Display. A commercial wildlife license is to be displayed at the licensed facility in plain view at all times.~~ ()

~~06. 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. ()

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: ()

01. 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. ~~Any cage or enclosure must be of such structure or type of construction~~ 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, such as those specified by the Association of Zoos and Aquariums, 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. ()

Because of the variety of captive wildlife species, staff recommend a change to recognize IDFG may consider standards from various accreditation entities regarding animal display and security.

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. ()

Commented [idfg12]: Staff recommend keeping the requirement for financial assurance for all Large Commercial Wildlife Facilities, regardless of USDA Class C licensure, to fund any needed state response measures in the event of escapes or facility abandonment, as happened when IDFG and other agencies responded to escapes from the Liger-town facility near Lava Hot Springs in 1995.

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.

01. 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. ()

02. 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 NPIP 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)

550. SHOOTING PRESERVES.

01. 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. ()

02. Applications. Application for a shooting preserve license will be on a form prescribed by the Department. ()

03. Species Permitted. Only those species of upland game birds specified on the permit may be held or released on the shooting preserve. ()

04. 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. ()

05. 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)