

Dear Senators Burtenshaw, Hart, Taylor, and
Representatives Mendive, Shepherd, Galaviz:

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

IDAPA 13.01.09 - Rules Governing Taking of Game Birds and Upland Game Animals-Proposed
Rule (Docket No. 13-0109-2601).

Pursuant to Section 67-454, Idaho Code, a meeting on the enclosed rules may be called by the
cochairmen or by two (2) or more members of the subcommittee giving oral or written notice to Research
and Legislation no later than fourteen (14) days after receipt of the rules' analysis from Legislative
Services. The final date to call a meeting on the enclosed rules is no later than 11/09/2026. If a meeting is
called, the subcommittee must hold the meeting within forty-two (42) days of receipt of the rules' analysis
from Legislative Services. The final date to hold a meeting on the enclosed rules is 12/07/2026.

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

To notify Research and Legislation, call 334-4854, or send a written request to the address on the
memorandum attached below.



Terri Kondeff
Director

Legislative Services Office

Idaho State Legislature

Serving Idaho's Citizen Legislature

MEMORANDUM

TO: Rules Review Subcommittee of the Senate Resources & Environment Committee and the House Resources & Conservation Committee
FROM: Legislative Drafting Attorney - Alli Olson
DATE: October 23, 2026
SUBJECT: Department of Fish and Game

IDAPA 13.01.09 - Rules Governing Taking of Game Birds and Upland Game Animals-Proposed Rule
(Docket No. 13-0109-2601)

Summary and Stated Reasons for the Rule

The Idaho Department of Fish and Game submits notice of proposed rulemaking for the rules governing taking of game birds and upland game animals, IDAPA 13.01.09. IDFG states that the purpose of the rule-making is to explore the opportunity for expanding electronic tagging options for certain game birds thereby modernizing processes and eliminating the need for a paper tag in the field for those interested.

Negotiated Rulemaking / Fiscal Impact

IDFG states that negotiated rulemaking was conducted and notice was published in the April 1, 2026, Idaho Administrative Bulletin, Vol. 26-4, page 11. The Department states that there will not be an impact to state funds.

Statutory Authority

The Department appears to have the authority to promulgate this rule pursuant to sections 36-103, 36-104, and 36-409, Idaho Code.

cc: Department of Fish and Game
Amber Worthington

***** PLEASE NOTE *****

Per the Idaho Constitution, all administrative rules may be reviewed by the Legislature during the next legislative session. The Legislature has 3 options with this rulemaking docket: **1)** Approve the docket in its entirety; **2)** Reject the docket in its entirety; or **3)** Reject the docket in part.

Paul Headlee, Deputy Director Legislative Services Office	Matt Drake, Manager Research & Legislation	Keith Bybee, Manager Budget & Policy Analysis	April Renfro, Manager Legislative Audits	Norma Clark, Manager Information Technology
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Statehouse, P.O. Box 83720
Boise, Idaho 83720-0054

Tel: 208-334-2475
legislature.idaho.gov

IDAPA 13 – IDAHO DEPARTMENT OF FISH AND GAME

13.01.09 – RULES GOVERNING TAKING OF GAME BIRDS AND UPLAND GAME ANIMALS

DOCKET NO. 13-0109-2601

NOTICE OF RULEMAKING – PROPOSED RULE

AUTHORITY: In compliance with Section [67-5221](#)(1), Idaho Code, notice is hereby given that this agency has initiated proposed rulemaking procedures. The action is authorized pursuant to Sections [36-103](#), [36-104](#), and [36-409](#), Idaho Code.

PUBLIC HEARING SCHEDULE: Public hearing(s) concerning this rulemaking will be scheduled if requested in writing by twenty-five (25) persons, a political subdivision, or an agency, not later than October 21, 2026.

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

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

The purpose of this rulemaking is to explore the opportunity for expanding electronic tagging (e-tagging) options to certain game birds. By allowing e-tagging validation, the Department is attempting to modernize processes and eliminate the need for a paper tag in the field, for those who are interested. This will help mitigate the trouble of faded, washed out, or lost paper tags, if a hunter chooses the e-tagging option.

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

There will be no fiscal impact on state funds.

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

There will be no fees impacted as a result of this rulemaking.

NEGOTIATED RULEMAKING: Pursuant to Section [67-5220](#)(1), Idaho Code, negotiated rulemaking was conducted. The Notice of Intent to Promulgate Rules - Negotiated Rulemaking was published in the April 1, 2026 Idaho Administrative Bulletin, [Vol. 26-4, page 11](#).

ASSISTANCE ON TECHNICAL QUESTIONS, SUBMISSION OF WRITTEN COMMENTS: For assistance on technical questions concerning the proposed rule, contact Amber Worthington at 208-334-3771.

Anyone may submit written comments regarding this proposed rulemaking. All written comments must be directed to the undersigned and must be delivered on or before October 28, 2026.

DATED this 20th day of August, 2026.

Amber Worthington
Deputy Director
Idaho Department of Fish and Game
600 S. Walnut St.
P.O. Box 25
Boise, ID 83707
208-334-3771
[Comment here](#).

THE FOLLOWING IS THE PROPOSED TEXT OF DOCKET NO. 13-0109-2601
(Only Those Sections With Amendments Are Shown.)

13.01.09 – RULES GOVERNING TAKING OF GAME BIRDS AND UPLAND GAME ANIMALS

100. GAME BIRD TAGS.

01. **Game Tags.** No person may hunt game birds anywhere within the state, except licensed shooting preserves, without having in possession the appropriate game tag as required by Section 36-409, Idaho Code. (3-31-22)

02. **General and Controlled Hunt Tags.** The Commission may authorize general or controlled hunts by proclamation. (3-31-22)

a. A general hunt game tag is valid in any general hunt for the calendar year. (3-31-22)

b. A controlled hunt tag is valid only for the controlled hunt for which the tag was drawn. For turkey only, a controlled hunt tag is also valid in any general hunt for the calendar year. (3-31-22)

03. **Game Bird Tag Validation and Attachment.** Any person who kills a game bird for which a game tag is required under Section 36-409(c), Idaho Code, must immediately validate the appropriate tag ~~and securely attach the validated tag to the carcass.~~ Tags may be paper or electronic, as determined by the hunter at time of purchase. Electronic tag validation requires submission via the Department's official mobile app. Paper tag validation means completely removing the two (2) triangles on the tag corresponding to the day and month of the kill date. The validated tag must remain attached to the carcass during transit to the place of final storage or final consumption. (3-31-22)()

(BREAK IN CONTINUITY OF SECTIONS)

152. UPLAND GAME BIRD PERMIT (DEPARTMENT-STOCKED BIRDS).

01. **Upland Game Bird Permit.** Any person eighteen (18) years of age or older hunting for or having a pheasant in his or her possession on Fort Boise, C.J. Strike, Montour, Payette River, Sterling, Market Lake, Mud Lake, Cartier, or Niagara Springs Wildlife Management Areas, or at other locations where the Department stocks pheasants, as identified by Commission proclamation, must have a valid paper or electronic Upland Game Bird Permit in possession. (3-31-22)()

02. **Permit Limit.** Each Upland Game Bird Permit has a limit of six (6) roosters (cocks). Multiple permits may be purchased. (3-31-22)

03. **Permit Validation.** Any person harvesting a pheasant where an Upland Game Bird Permit is required must immediately validate their Permit upon reducing a pheasant to possession. Tags may be paper or electronic, as determined by the hunter at time of purchase. Electronic tag validation requires submission via the use of the Department's official mobile app. Paper tags must be validated by entering the harvest date and location in Non-Erasable permanent ink, and removing a notch from the permit for each pheasant taken. (3-31-22)()