

Dear Senators BAIR, Siddoway, Stennett, and  
Representatives GIBBS, Gestrin, Erpelding:

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

IDAPA 13.01.02 - Rules Governing Mandatory Education and Mentored Hunting - Proposed Rule  
(Docket No. 13-0102-1801);

IDAPA 13.01.09 - Rules Governing the Taking of Game Birds in the State of Idaho - Temporary and  
Proposed Rule (Docket No. 13-0109-1803);

IDAPA 13.01.16 - The Trapping of Predatory and Unprotected Wildlife and the Taking of Furbearing  
Animals - Temporary and Proposed Rule (Docket No. 13-0116-1803).

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 07/31/2018. 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 08/28/2018.

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 334-4834, or send a written request to the address on the  
memorandum attached below.



Eric Milstead  
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:** Deputy Division Manager - Katharine Gerrity

**DATE:** July 12, 2018

**SUBJECT:** Department of Fish and Game

IDAPA 13.01.02 - Rules Governing Mandatory Education and Mentored Hunting - Proposed Rule (Docket No. 13-0102-1801)

IDAPA 13.01.09 - Rules Governing the Taking of Game Birds in the State of Idaho - Temporary and Proposed Rule (Docket No. 13-0109-1803)

IDAPA 13.01.16 - The Trapping of Predatory and Unprotected Wildlife and the Taking of Furbearing Animals - Temporary and Proposed Rule (Docket No. 13-0116-1803)

#### **1. IDAPA 13.01.02 - Rules Governing Mandatory Education and Mentored Hunting - Proposed Rule**

##### **Summary and Stated Reasons for the Rule**

The Department of Fish and Game submits notice of proposed rule at IDAPA 13.01.02 - Rules Governing Mandatory Education and Mentored Hunting. According to the department, the proposed rule would allow youth who are eight years old but younger than ten years old to possess consecutive annual Hunting Passports until reaching the age of ten. The department states that a technical correction in terms of a code citation is also proposed.

##### **Negotiated Rulemaking / Fiscal Impact**

The department states that negotiated rulemaking was not conducted due to the simple nature of the rule. The department also notes that there is no fiscal impact on the general fund.

##### **Statutory Authority**

The rulemaking appears authorized pursuant to sections 36-401 and 36-1508, Idaho Code.

Kristin Ford, Manager  
Research & Legislation

Paul Headlee, Manager  
Budget & Policy Analysis

April Renfro, Manager  
Legislative Audits

Glenn Harris, Manager  
Information Technology

## **2. IDAPA 13.01.09 - Rules Governing the Taking of Game Birds in the State of Idaho - Temporary and Proposed Rule**

### **Summary and Stated Reasons for the Rule**

The Department of Fish and Game submits notice of temporary and proposed rule at IDAPA 13.01.09 - Rules Governing the Taking of Game Birds in the State of Idaho. According to the department, the rule clarifies use of turkey tags in conjunction with a turkey controlled hunt permit including validation and revises the controlled hunt application period to be consistent with the turkey season proclamation. The department states that the Governor found that temporary adoption of the rule confers a benefit to hunters for the upcoming 2018 fall turkey season by clarifying use of turkey tags in conjunction with a turkey controlled hunt permit. The temporary rule became effective May 10, 2018.

### **Negotiated Rulemaking / Fiscal Impact**

The department notes that negotiated rulemaking was not conducted due to the simple nature of the rule. The department states that there is no negative impact on the general fund.

### **Statutory Authority**

The rulemaking appears to be authorized pursuant to sections 36-104 and 36-1101, Idaho Code.

## **3. IDAPA 13.01.16 - The Trapping of Predatory and Unprotected Wildlife and the Taking of Furbearing Animals - Temporary and Proposed Rule**

### **Summary and Stated Reasons for the Rule**

The Department of Fish and Game submits notice of temporary and proposed rule at IDAPA 13.01.16 - The Trapping of Predatory and Unprotected Wildlife and the Taking of Furbearing Animals. According to the department, the rule removes the restriction that red fox may only be taken by trapping in Valley County and portions of Adams County in the Little Salmon River drainage to align with the adoption by the Fish and Game Commission of the 2018 Furbearer Season allowing hunting red fox as a method of take in these counties. The department states that the Governor found that temporary adoption of the rule is appropriate to provide compliance with a deadline in amendment to governing law so that the rule aligns with the method of take for red fox adopted during season setting by the Fish and Game Commission.

### **Negotiated Rulemaking / Fiscal Impact**

The department notes that negotiated rulemaking was not conducted due to the simple nature of the rule. The department states that there is no negative impact on the general fund.

### **Statutory Authority**

The rulemaking appears to be authorized pursuant to sections 36-104 and 36-1101, Idaho Code.

cc: Department of Fish and Game  
Sharon Kiefer

**\*\*\* PLEASE NOTE \*\*\***

Per the Idaho Constitution, all administrative rules must 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.

## IDAPA 13 – IDAHO DEPARTMENT OF FISH AND GAME

### 13.01.02 – RULES GOVERNING MANDATORY EDUCATION AND MENTORED HUNTING

DOCKET NO. 13-0102-1801

#### 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 36-401 and 36-1508, 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 July 18, 2018.

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:

It is being proposed that IDAPA 13.01.02.101 be changed to allow a youth who is age eight (8) but younger than age ten (10) to possess consecutive annual Hunting Passports until reaching age ten (10) and to make a technical correction to statutory authorization for the rulemaking.

**FEE SUMMARY:** The following is a specific description of the fee or charge imposed or increased: This proposed rule change has no associated fee.

**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 is no effect to the state general fund.

**NEGOTIATED RULEMAKING:** Pursuant to Section 67-5220(2), Idaho Code, negotiated rulemaking was not conducted because the rule is simple in nature.

**INCORPORATION BY REFERENCE:** Pursuant to Section 67-5229(2)(a), Idaho Code, the following is a brief synopsis of why the materials cited are being incorporated by reference into this rule: This proposed rule does not include an incorporation by reference.

**ASSISTANCE ON TECHNICAL QUESTIONS, SUBMISSION OF WRITTEN COMMENTS:** For assistance on technical questions concerning the proposed rule, contact Sharon W. Kiefer, (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 July 25, 2018.

DATED this 24th day of May, 2018.

Sharon W. Kiefer, Deputy Director  
Idaho Department of Fish and Game  
600 S. Walnut St.  
P.O. Box 25  
Boise, ID 83707  
Phone: (208) 334-3771  
Fax: (208) 334-4885

**THE FOLLOWING IS THE PROPOSED TEXT OF DOCKET NO. 13-0102-1801**  
**(Only Those Sections With Amendments Are Shown.)**

**000. LEGAL AUTHORITY.**

The Idaho Fish and Game Commission is authorized under Sections 36-103, 36-104(b) and 36-412, Idaho Code, to adopt rules concerning education programs in hunting, trapping, and archery. The Idaho Fish and Game Commission is authorized to adopt rules concerning a mentored hunting program under Idaho Code Sections 36-401(a)8 and 36-1508(b). ~~(3-24-17)~~( )

**(BREAK IN CONTINUITY OF SECTIONS)**

**101. MENTORED HUNTING PROGRAM.**

Nothing in this section shall be construed as altering the requirements of Section 36-411, Idaho Code, to obtain a valid hunting license, or any other statutory or rule requirements for the take of wildlife. (4-4-13)

**01. Hunting Passport.** A Hunting Passport is a special authorization for any person to take wildlife when they are accompanied by a mentor and participating in the Mentored Hunting Program. (4-4-13)

**a.** Any person must obtain a Hunting Passport from the Department or a licensed vendor to participate as a mentee in the Mentored Hunting Program. (4-4-13)

**b.** Hunter education certification is not required for any person to possess a hunting passport. (4-4-13)

**c.** A Hunting Passport shall expire December 31 of the year for which it is valid. (4-4-13)

**d.** Any person who has possessed a Hunting Passport may not apply for a Hunting Passport in any subsequent year, except for any person who is eight (8) years of age who has possessed a Hunting Passport, may possess an additional Hunting Passport ~~at nine~~ each year until reaching ten (910) years of age. ~~(3-25-16)~~( )

**02. Eligibility of Mentee.** (4-4-13)

**a.** Any person who has not previously possessed a hunting license or equivalent license in any other state may possess a Hunting Passport to participate in the Mentored Hunting Program as a mentee. (4-4-13)

**b.** Any mentee possessing a Hunting Passport is eligible to possess general big game, turkey, and sandhill crane tags if the mentee is qualified to participate in the hunt. (4-4-13)

**c.** Any mentee possessing a Hunting Passport is not eligible to possess a control hunt tag but may be designated for a Landowner controlled hunt tag if the mentee is qualified to participate in the hunt. (4-4-13)

**d.** Any mentee with a Hunting Passport shall be ten (10) years of age to hunt big game. (4-11-15)

**e.** Any mentee with a Hunting Passport must be accompanied by a mentor as provided in Subsection 101.03.a. (4-4-13)

**f.** Any person shall be eight (8) years or older to possess a Hunting Passport. (4-4-13)

**g.** Any mentee must possess on his person a hunting passport while hunting and produce the same for inspection upon request of a conservation officer or any other person authorized to enforce fish and game laws. (4-4-13)

**03. Eligibility of Mentor.** (4-4-13)

- a.** Any person who possesses a valid Idaho hunting license and who is eighteen (18) years or older may participate in the Mentored Hunting Program as a mentor. (4-4-13)
- b.** A mentor may not accompany more than two (2) mentees at one (1) time that are participating in the Mentored Hunting Program. (4-4-13)
- c.** A mentor may hunt while participating in the Mentored Hunting Program if the mentor is qualified to participate in the hunt. (4-4-13)

## IDAPA 13 – IDAHO DEPARTMENT OF FISH AND GAME

### 13.01.09 – RULES GOVERNING THE TAKING OF GAME BIRDS IN THE STATE OF IDAHO

DOCKET NO. 13-0109-1803

#### NOTICE OF RULEMAKING – TEMPORARY AND PROPOSED RULE

**EFFECTIVE DATE:** The effective date of the temporary rule is May 10, 2018.

**AUTHORITY:** In compliance with Sections 67-5221(1) and 67-5226, Idaho Code, notice is hereby given that this agency has adopted a temporary rule, and proposed rulemaking procedures have been initiated. The action is authorized pursuant to Sections 36-104 and 36-1101, Idaho Code.

**PUBLIC HEARING SCHEDULE:** Public hearing(s) concerning this rulemaking will be scheduled if requested in writing by twenty-five (25) persons, a political subdivision, or an agency, not later than July 18, 2018.

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

**DESCRIPTIVE SUMMARY:** The following is the required finding and concise statement of its supporting reasons for adopting a temporary rule and a nontechnical explanation of the substance and purpose of the proposed rulemaking: This rule clarifies use of turkey tags in conjunction with a turkey controlled hunt permit including validation, and revises the controlled hunt application period to be consistent with the turkey season proclamation.

**TEMPORARY RULE JUSTIFICATION:** Pursuant to Section 67-5226(1)(c), Idaho Code, the Governor has found that temporary adoption of the rule confers a benefit to hunters for the upcoming 2018 fall turkey season by clarifying use of turkey tags in conjunction with a turkey controlled hunt permit. Fall controlled hunts begin September 15, 2018.

**FEE SUMMARY:** The following is a specific description of the fee or charge imposed or increased: This rule change has no associated fee.

**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: There will not be a negative fiscal impact greater than \$10,000 as a result of this change in rule.

**NEGOTIATED RULEMAKING:** Pursuant to Section 67-5220(2), Idaho Code, negotiated rulemaking was not conducted because the rule is simple in nature.

**INCORPORATION BY REFERENCE:** Pursuant to Section 67-5229(2)(a), Idaho Code, the following is a brief synopsis of why the materials cited are being incorporated by reference into this rule: This rule does not include incorporation by reference.

**ASSISTANCE ON TECHNICAL QUESTIONS, SUBMISSION OF WRITTEN COMMENTS:** For assistance on technical questions concerning the temporary and proposed rule, contact Sharon W. Kiefer, (208) 334-3771.

Anyone may submit written comments regarding the proposed rulemaking. All written comments must be directed to the undersigned and must be delivered on or before July 25, 2018.

DATED this 29th day of May, 2018.

Sharon W. Kiefer  
Deputy Director  
Idaho Department of Fish and Game  
600 S. Walnut St.  
P.O. Box 25, Boise, ID 83707  
Phone: (208) 334-3771  
Fax: (208) 334-4885



**THE FOLLOWING IS THE TEMPORARY RULE AND THE PROPOSED TEXT  
OF DOCKET NO. 13-0109-1803  
(Only Those Sections With Amendments Are Shown.)**

**100. TAGS, STAMPS, PERMITS, AND VALIDATIONS.**

**01. Sage Grouse or Sharp-Tailed Grouse.** No person shall hunt sage or sharp-tailed grouse anywhere within the state, except licensed shooting preserves, without having in his or her possession the appropriate hunting license that has been validated for sage grouse and sharp-tailed grouse. The validation shall be valid from January 1 through December 31 of each year. (5-8-09)

**02. Migratory Game Birds.** No person shall hunt ducks, geese, brant, coots, Wilson's snipe, sandhill cranes, or mourning doves anywhere within the state, without having in his or her possession the appropriate hunting license that has been validated for the Federal Migratory Game Bird Harvest Information Program. The validation shall be valid from January 1 through December 31 of each year. (3-29-12)

**a.** Tag validation and attachment: Immediately after any sandhill crane is killed, the sandhill crane tag must be validated and securely attached to the sandhill crane. (4-4-13)

**b.** To validate the tag, the hunter must cut out and completely remove two (2) triangles on the border of the tag, one (1) for the month and one (1) for the day of the kill. (4-4-13)

**c.** The tag must remain attached so long as the sandhill crane is in transit or storage. (4-4-13)

**03. Wild Turkey.** No person shall hunt wild turkey without having in his or her possession the appropriate hunting license, tag, and controlled hunt permit. Persons obtaining and using tags, stamps, and permits must comply with the following requirements: (7-1-98)

**a.** There are three (3) types of turkey tags available each calendar year. These are the general tag, extra tag, and special unit tag. ~~Only three (3) turkey tags of the following may be purchased each year: one (1) general and two (2) extra. In addition to the previously mentioned three (3) turkey tags, three (3) special unit tags may also be purchased. A hunter may use the general tag to hunt in any spring general season or use the general tag with a controlled hunt permit to hunt in a controlled hunt.~~ A hunter may purchase one (1) general tag, two (2) extra tags, and three (3) special unit tags. The general tag and one (1) extra tag may be used during the spring general season; however, if one (1) or both go unused, the unused tag(s) may be used during the general fall season. A second extra tag may also be used during the general fall season. A general tag or an extra tag may be used with a controlled hunt permit in the spring and fall seasons. Special unit tags may be used in designated units during any season set by the Commission. (3-29-12)(5-10-18)T

**b.** Permits for Controlled Hunts: Any person who receives a controlled hunt permit for wild turkey is prohibited from using that permit to hunt in any other wild turkey controlled hunt. (3-29-12)

**c.** Nonresident permit limitations: On controlled hunts with ten (10) or fewer permits, not more than one (1) permit will be issued to nonresidents. On controlled hunts with more than ten (10) permits, not more than ten percent (10%) of the permits may be issued to nonresidents. (7-1-98)

**d.** Eligibility: The holders of valid hunting licenses are eligible to apply for controlled hunts subject to the following restrictions: (7-1-93)

**i.** Holders of a Type 208 Nongame Hunting License may not apply for any controlled hunt. (7-1-93)

**ii.** In the event a permit is issued based on erroneous information, the permit will be invalidated and the person will remain on the drawn list. (7-1-93)

- e. Applications: Applications for spring and fall controlled hunts shall be made on a form prescribed by the Department and must be received at the Headquarters Office of the Idaho Department of Fish and Game or postmarked not later than ~~February 15~~ March 1 for spring hunts and ~~July 15~~ June 5 for fall hunts, annually. Applications must comply with the following requirements: ~~(5-8-09)~~(5-10-18)T
- i. Holders of a Duplicate License (Type 501) must use their original license number to apply for a controlled hunt. Duplicate license numbers will not be accepted. (7-1-93)
- ii. Only one (1) application card per person or group will be accepted. Additional application cards will result in all applicants being declared ineligible. (7-1-93)
- iii. Fees: All applicants for controlled hunts must submit a non-refundable application fee with their application; one dollar (\$1) of this fee may be donated to the Citizens Against Poaching Program. (5-8-09)
- iv. A single payment (either cashier's check, money order, certified check, or personal check) may be submitted to cover fees for all applications in the same envelope. If a check or money order is insufficient to cover the fees, all applications will be voided and returned. (2-7-95)
- v. A "group application" is defined as two (2) hunters applying for the same controlled hunt on the same application. (2-7-95)
- vi. Hunting license and tag fees will NOT be refunded to unsuccessful applicants. (7-1-93)
- vii. All spring wild turkey hunters may apply for a Fall turkey controlled hunt permit during the same calendar year. (3-30-01)
- f. Drawing information: Single or group applications which are not drawn for the first choice hunt will automatically be entered into a second choice drawing provided the second choice hunt applied for has not been filled. (7-1-93)
- g. Tag and permit validation and attachment: Immediately after any wild turkey is killed, the turkey tag and permit, if a controlled hunt, must be validated and securely attached to the wild turkey. ~~(7-1-93)~~(5-10-18)T
- h. To validate the tag and permit, the hunter must cut out and completely remove two (2) triangles on the border of the tag and permit, one (1) for the month and one (1) for the day of the kill. ~~(7-1-93)~~(5-10-18)T
- i. The tag and permit must remain attached so long as the turkey is in transit or storage. ~~(7-1-93)~~(5-10-18)T
- j. The Commission establishes youth-only general and controlled hunts by proclamation. Youth-only general hunts are limited to participation by hunters who are ten (10) to seventeen (17) years of age with a valid license. Only hunters nine (9) to seventeen (17) years of age with a valid license may apply for youth-only controlled hunts, provided they are ten (10) to seventeen (17) years of age during the hunt for which they are applying, EXCEPT hunters sixty-five (65) years of age or older or hunters with a senior combination hunting license or a disabled combination hunting license may apply for first-come, first-served leftover youth-only controlled hunt permits. Hunters nine (9) years of age with a valid license may apply for regular controlled hunts provided they are ten (10) years of age during the hunt for which they are applying. (3-29-17)
- k. Any resident adult person who possesses a controlled hunt permit may designate the controlled hunt permit to his or her resident minor child or grandchild who is qualified to participate in the hunt. The designated child or grandchild shall possess the appropriate tag for the hunt. (3-20-14)
- i. Designation of the controlled hunt permit shall be made on a form prescribed by the Department and may be submitted either in person to any Idaho Department of Fish and Game Office or by mail to the License Supervisor at P.O. Box 25, Boise, ID 83707. (4-4-13)

ii. Any resident child or grandchild cannot be designated more than one (1) control hunt permit per calendar year. (4-4-13)

iii. Designation of a controlled hunt permit shall be completed before the first opening hunt date for the permit. (4-4-13)

**I.** Any nonresident adult person who possesses a controlled hunt permit may designate the controlled hunt permit to his or her nonresident minor child or grandchild who is qualified to participate in the hunt. The designated child or grandchild shall possess the appropriate tag for the hunt. (3-20-14)

i. Designation of the controlled hunt ~~tag permit~~ shall be made on a form prescribed by the Department and may be submitted either in person to any Idaho Department of Fish and Game Office or by mail to the License Supervisor at P.O. Box 25, Boise, ID 83707. ~~(4-4-13)~~(5-10-18)T

ii. Any nonresident child or grandchild cannot be designated more than one (1) control hunt permit per calendar year. (3-29-17)

iii. Designation of a controlled hunt permit shall be completed before the first opening hunt date for the permit. (4-4-13)

**04. Early September Canada Goose Hunts.** Pursuant to Section 36-105(3), Idaho Code, the Commission now sets the seasons, bag limits, and possession limits by proclamation. The proclamation is published in a brochure available at Department offices and license vendors. (3-29-12)

**IDAPA 13 – IDAHO DEPARTMENT OF FISH AND GAME**  
**13.01.16 – THE TRAPPING OF PREDATORY AND UNPROTECTED WILDLIFE**  
**AND THE TAKING OF FURBEARING ANIMALS**

**DOCKET NO. 13-0116-1803**

**NOTICE OF RULEMAKING – TEMPORARY AND PROPOSED RULE**

**EFFECTIVE DATE:** The effective date of the temporary rule is May 10, 2018.

**AUTHORITY:** In compliance with Sections 67-5221(1) and 67-5226, Idaho Code, notice is hereby given that this agency has adopted a temporary rule, and proposed rulemaking procedures have been initiated. The action is authorized pursuant to Sections 36-104 and 36-1101, Idaho Code.

**PUBLIC HEARING SCHEDULE:** Public hearing(s) concerning this rulemaking will be scheduled if requested in writing by twenty-five (25) persons, a political subdivision, or an agency, not later than July 18 2018.

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

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

The rule removes the restriction that red fox may only be taken by trapping in Valley County and portions of Adams County in the Little Salmon River drainage to align with the Fish and Game Commission adoption of the 2018 Furbearer Season allowing hunting red fox as a method of take in these counties.

**TEMPORARY RULE JUSTIFICATION:** Pursuant to Section 67-5226(1)(b), Idaho Code, the Governor has found that temporary adoption of the rule is appropriate to provide compliance with a deadline in amendment to governing law so that the rule aligns with the method of take for red fox adopted during setting-setting by the Fish and Game Commission in January, 2018.

**FEE SUMMARY:** The following is a specific description of the fee or charge imposed or increased: This rule change has no associated fee.

**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:

There will not be a negative fiscal impact greater than \$10,000 as a result of this change in rule.

**NEGOTIATED RULEMAKING:** Pursuant to Section 67-5220(2), Idaho Code, negotiated rulemaking was not conducted because the rule is simple in nature.

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

This rule does not include incorporation by reference.

**ASSISTANCE ON TECHNICAL QUESTIONS, SUBMISSION OF WRITTEN COMMENTS:** For assistance on technical questions concerning the temporary and proposed rule, contact Sharon W. Kiefer, (208) 334-3771.

Anyone may submit written comments regarding the proposed rulemaking. All written comments must be directed to the undersigned and must be delivered on or before July 25, 2018.

DATED this 24th day of May, 2018.

Sharon W. Kiefer  
Deputy Director  
Idaho Department of Fish and Game  
600 S. Walnut St.  
P.O. Box 25  
Boise, ID 83707  
Phone: (208) 334-3771  
Fax: (208) 334-4885

**THE FOLLOWING IS THE TEMPORARY RULE AND THE PROPOSED TEXT  
OF DOCKET NO. 13-0116-1803  
(Only Those Sections With Amendments Are Shown.)**

**400. METHODS OF TAKE.**

**01. Furbearing Animals.** No person shall take beaver, muskrat, mink, marten, or otter by any method other than trapping. ~~In Valley County and portions of Adams County in the Little Salmon River drainage, red fox may be taken only by trapping.~~ ~~(5-3-03)~~**(5-10-18)T**

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

**g.** Place any ground set incorporating snare, trap, or attached materials within three hundred (300) feet of any designated public campground, trailhead, or picnic area. Cage or box live traps are permitted within three hundred (300) feet of designated public campgrounds, trailheads, or picnic areas as allowed by city, county, state, and federal law. (3-29-12)

**h.** Place or set any ground set snare without a break-away device or cable stop incorporated within the loop of the snare. (3-29-12)

**i.** Place any ground set incorporating a foothold trap with an inside jaw spread greater than nine (9) inches. (3-29-12)