



## IDAHO FISH AND GAME GOLDSHEET

*Date: November 7, 2024*

*Agenda Item No. 5A*

*Agenda Item: Administrative Rules -  
Adoption of Pending Rules (Action)*

*Bureau Chief Approval: JF*

*Prepared by: Amber Worthington*

*Position/Title: Deputy Director*

### **Background:**

The Commission previously approved temporary/proposed and proposed rules this year. The rules shown below are now up for review to adopt as pending:

**13.01.02** – Rules Governing Mandatory Education, Mentored Hunting, and Shooting Ranges, addition of Section 221: Bear Identification. The temporary/proposed rulemaking addresses a United States Fish and Wildlife Service recommendation to adopt a bear identification test. The temporary rule goes into effect, January 1, 2025.

**13.01.07** – Rules Governing Taking of Wildlife, modification to Section 250: Game Management Zone Descriptions, and addition of Section 900: Federally Protected Wildlife. First, the proposed rulemaking modifies four game management zones to align with changes in elk zones in the Department’s Idaho Elk Management Plan. Second, the rulemaking adds language clarifying that the Department and Commission regulatory actions do not authorize violation of federal laws related to federally protected wildlife when there is not a valid federal take authorization under federal law, regulation, or permit.

**13.01.11** – Rules Governing Fish, modification to Section 011: Definitions – Conduct of Fishing and Section 200: Fishing Methods and Gear. The proposed rulemaking includes modifications to the definitions section to include a definition for “spearfishing” and to the fishing methods and gear section which reflects an expansion of opportunities for spearfishing to include take of certain gamefish species authorized by the Commission.

### **Statutory Authority and/or Policy Issues:**

Idaho Code 36-104 grants authority to the Commission to set seasons and promulgate IDAPA rules. Additionally, these actions are authorized pursuant to Sections 36-103, 36-104, 36-105, 36-111, 36-401, 36-408, 36-409, 36-409, 36-412, 36-418, 36-701, 36-703, 36-704, 36-706, 36-708, 36-712, 36-1102, 36-1101(a), 36-1508, 36-2201, and 36-2205. Idaho Code 67, Chapter 52 (Idaho Administrative Procedure Act) governs the process for considering, adopting, and implementing IDAPA rules. Idaho Code 67-5224 provides for adoption of pending rules for additional public notice and comment.



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### **Public Involvement Process:**

Public involvement for rulemaking occurs through Commission meetings, negotiated rulemaking, Department-led open houses, and the publication of temporary/proposed rules in the Administrative Bulletin.

### **Justification:**

Idaho Code (Idaho Administrative Procedure Act) governs the process for considering, adopting, and implementing IDAPA rules.

### **Staff Recommendation:**

Staff recommendation for pending rule language is presented by chapter in the following pages. These include pending rules for:

**13.01.02** – Rules Governing Mandatory Education, Mentored Hunting, and Shooting Ranges (individual rule section)

**13.01.07** – Rules Governing Taking of Wildlife (individual rule sections)

**13.01.11** – Rules Governing Fish (individual rule sections)

### **Suggested Motion:**

I move the Commission adopt the pending rules as presented, with the authority for the Department to make non-substantive edits in the proofreading process that do not alter the sense, meaning, or effect of the rules.



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## 13.01.02 – RULES GOVERNING MANDATORY EDUCATION, MENTORED HUNTING, AND SHOOTING RANGES

### 221. BEAR IDENTIFICATION.

No person may hunt black bear unless they have completed an online bear identification test (as between grizzly bear and black bear) administered by the Department of other state wildlife management agency with a passing score, as proven by printed certification. One may take a test repeatedly to pass. (1-1-25)I

~~224~~2. – 249. (RESERVED)

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## 13.01.07 – RULES GOVERNING TAKING OF WILDLIFE

### 250. GAME MANAGEMENT ZONE DESCRIPTIONS.

- 01. **Panhandle Zone.** All of Units 1, 2, 3, 4, 4A, 5, 6, 7, and 9. (3-31-22)
- 02. **Palouse Zone.** All of Units 8, 8A, and 11A. (3-31-22)
- 03. **Dworshak Zone.** All of Unit 10A. (3-31-22)
- 04. **Hells Canyon Zone.** All of Units 11, 13, and 18. (3-31-22)
- 05. **Lolo Zone.** All of Units 10 and 12. (3-31-22)
- 06. **Elk City Zone.** All of Units 14, 15, and 16. (3-31-22)
- 07. **Selway Zone.** All of Units 16A, 17, 19, and 20. (3-31-22)
- 08. **Middle Fork Zone.** All of Units 20A, 26, and 27. (3-31-22)
- 09. **Salmon Zone.** All of Units 21, 21A, 28, and 36B. (3-31-22)
- 10. **Weiser River Zone.** All of Units 22, 32, and 32A. (3-31-22)
- 11. **McCall Zone.** All of Units 19A, 23, 24, and 25. (3-31-22)
- 12. **Lemhi Zone.** All of Units 29, 37, 37A, and 51. (3-31-22)
- 13. **Beaverhead Zone.** All of Units 30, 30A, 58, 59, and 59A. (3-31-22)
- 14. **Brownlee Zone.** All of Unit 31. (3-31-22)
- 15. **Sawtooth Zone.** All of Units 33, 34, 35, and 36. (3-31-22)
- 16. **Pioneer Zone.** All of Units 36A, 49, and 50. (3-31-22)
- 17. **Owyhee Zone.** All of Units ~~38~~, 40, 41, and 42. (~~3-31-22~~) ( )



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- 18. **South Hills Zone.** All of Units 46, 47, 54, 55, 56, and 57. (3-31-22)
- 19. **Boise River Zone.** All of Units ~~38 and~~ 39. (~~3-31-22~~)( )
- 20. **Smoky - Bennett Zone.** All of Units 43, 44, 45, 48, and 52. (3-31-22)
- 21. **Big Desert Zone.** All of Units 52A, ~~53, 68,~~ and 68A. (~~3-31-22~~)( )
- 22. **Island Park Zone.** All of Units 60, 60A, 61, 62, and 62A. (3-31-22)
- 23. **Palisades Zone.** All of Units 64, 65, and 67. (3-31-22)
- 24. **Tex Creek Zone.** All of Units 66 and 69. (3-31-22)
- 25. **Bannock Zone.** All of Units 70, 71, 72, 73, 73A, and 74. (3-31-22)
- 26. **Bear River Zone.** All of Units 75, 77, and 78. (3-31-22)
- 27. **Diamond Creek Zone.** All of Units 66A and 76. (3-31-22)
- 28. **Snake River Zone.** All of Units ~~53, 63, and~~ 63A, ~~and~~ 68A. (~~3-31-22~~)( )

**(BREAK IN CONTINUITY OF SECTIONS)**

**501. – ~~98~~99. (RESERVED)**

**900. FEDERALLY PROTECTED WILDLIFE.**

No authorization of an activity by the Commission or Department should be interpreted as state authorization to take federally protected wildlife in the absence of a federal take authorization, or as an exemption from prosecution for unauthorized take under federal or state law. In any instance where federal law prohibits taking of wildlife without federal authorization, authorization by the Commission or Department of an activity taking such federally protected wildlife is contingent upon that person also having valid federal take authorization. "Federal take authorization" includes authorization under federal law, regulation, permit, incidental take statement, or other valid federal authorization. "Authorization by the Commission or Department" includes authorization under Idaho law, administrative rule, proclamation, order, issuance of any license, or other state authorization. ( )

**901. – 999. (RESERVED)**



## 13.01.11 – RULES GOVERNING FISH

### 011. DEFINITIONS – CONDUCT OF FISHING.

- 01. Catch-and-Release.** Effort to catch fish, provided that any fish so caught is released immediately back to the water after landing and not reduced to possession. (7-1-24)
- 02. Commercial Fishing.** Fishing or transporting fish or crayfish for the purpose of selling. (7-1-24)
- 03. Fly Fishing.** Fishing with a fly rod, fly line, and artificial fly. (7-1-24)
- 04. Harvest.** Reduce a fish to possession. (7-1-24)
- 05. Ice Fishing.** Fishing through an opening broken or cut through the ice. (7-1-24)
- 06. Length.** The length between the tip of the nose or jaw and the tip of the tail fin. (7-1-24)
- 07. Snagging.** Taking fish by use of a hook or lure in any manner or method other than enticing or attracting a fish to strike with, and become hooked in, its mouth or jaw. (7-1-24)
- 08. Spearfishing.** Taking of fish by a person while underwater, with the aid of a manually or mechanically propelled single- or multiple-pronged spear. ( )
- 089. Trolling.** Taking a fish from a moving watercraft by dragging or pushing any fly, lure, bait, or hook using a motor, oars, or other forms of propulsion. (7-1-24)
- 0910. Unattended Line.** Line not under the immediate surveillance by the angler. (7-1-24)

### (BREAK IN CONTINUITY OF SECTIONS)

### 200. FISHING METHODS AND GEAR.

- 01. General Restrictions.** Unless modified by rule (such as exceptions in the following subsections), order, or proclamation, it is unlawful to: (7-1-24)
- a.** Fish in any waters of Idaho with more than one (1) handline or pole with a line attached, unless in possession of a valid two-pole permit. (7-1-24)
  - b.** Leave an unattended line. (7-1-24)
  - c.** Have more than five (5) hooks attached per line. (7-1-24)
  - d.** Use more than five (5) lines while ice fishing. (7-1-24)
  - e.** Fish by archery, spearfishing, snagging, hands, trapping, seining, or netting. (7-1-24)
  - f.** Use live fish, leeches, frogs, salamanders, waterdogs, or shrimp as bait. (7-1-24)



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- g. Land any fish with a gaff hook. (7-1-24)
- h. Molest any fish by shooting at it with a firearm or pellet gun, striking at it with a club, hands, rocks, or other objects, building obstructions for catching fish, or chasing fish up or downstream in any manner. (7-1-24)
- i. Fish from a watercraft with a motor attached in waters listed in proclamation as "no motors." (7-1-24)
- j. Use gas (internal combustion) motors on fishing waters listed in proclamation as "electric motors only," although it may be attached to the boat. (7-1-24)
02. Snagging, Archery, and Spear-Fishing Exceptions. ( )
- a. ~~The Unprotected fish may be taken by~~ use of snagging, bow and arrow, crossbow, spear or mechanical device, excluding firearms, ~~is permitted for the taking of unprotected fish,~~ provided there is an open season for game fish. (7-1-24)( )
- b. Game fish may be taken by spearfishing as authorized by Commission proclamation. ( )