

# Idaho Fish and Game Commission Quarterly Meeting - July 22-23, 2009

The Hunt Lodge, Holiday Inn Express, 210 N. 3rd St., McCall, Idaho

**Note:** Times on the agenda are approximate and subject to change.

## JULY 22

- 8:00 am Commission Field Trip** — The Commission will tour the Cascade Outdoor Aquarium and conduct fisheries work on Cascade reservoir.
- 3:30 pm Executive Session I.C. 67-2345(1) (f) (c)**
- 7:00 pm Public Hearing** — The Hunt Lodge, Holiday Inn Express, 210 N. 3rd St., McCall, Idaho

## JULY 23

- 8:00 am 1.** Opening Comments — Wayne Wright, Commission Chairman
- 8:05 am 2.** Agenda Changes — Wayne Wright, Commission Chairman
- 8:10 am 3.** Review of Public Comment — Wayne Wright, Commission Chairman
- 8:20 am 4.** Director's Report — Cal Groen, Director
- 8:40 am 5.** Commission Reports — Commissioners
- 9:35 am 6.** Consent Calendar (Action Requested by Department)
- a. Minutes
  - b. [Financial Report](#)
  - c. [Budget Modification, Wildlife](#)
- 9:40 am 7.** [Idaho Fish and Wildlife Foundation Report](#) — Sharon Kiefer, Assistant Director - Policy
- 9:50 am 8.** [Review and Approve 2010 Legislative Proposals](#) (Action Requested by Department) — Sharon Kiefer, Assistant Director - Policy

## 10:10 AM — BREAK

- 10:30 am 9.** [Temporary Rule Review \(nonbiological\) and Adopt: Disabled Veterans Special Big Game Tag](#) (Action Requested by Department) — Sharon Kiefer, Assistant Director - Policy

[IDAPA 13.01.04 - Rules Governing Licensing](#)

**10:45 am 10.** [Rules: Nonbiological for all Game Animals](#) (Action Requested by Department) — Brad Compton, Assistant Chief, Bureau of Wildlife

[Proposed Rules: 13.01.04 Nonresident Tag Quota - 13.01.08 Gray Wolf](#) — W. Dallas Burkhalter, Deputy Attorney General

**11:15 am 11.** [Rules: Nonresident Deer and Elk Tag Quotas](#) (Action Requested by Department) — Brad Compton, Assistant Chief, Bureau of Wildlife

**11:20 am 12.** [Rules: Nonresident Deer and Elk Tag Outfitter Set-Asides](#) (Action Requested by Department) — Brad Compton, Assistant Chief, Bureau of Wildlife

**11:25 am 13.** [Rules for Public Use of Department Lands and Access](#) (Action Requested by Department) — Jeff Gould, Chief, Bureau of Wildlife

**11:40 am 14.** [2009/2010 Waterfowl Season and Bag Limit Recommendations - 2009 Sage Grouse Bag Limit and Recommendation](#) — Jeff Gould, Chief, Bureau of Wildlife

**12:00 — LUNCH**

**1:15 pm 15.** [Direction on Expenditure of Animal Damage Control Board Fund](#) (Action Requested by Department) — Jeff Gould, Chief, Wildlife

**1:25 pm 16.** [Release of Bighorn Sheep Tags for Auction and Lottery](#) (Action Requested by Department) — Jeff Gould, Chief, Wildlife

**1:40 pm 17.** [Rules: Nonbiological for 2011-2012 Fishing Seasons](#) (Action Requested by Department) — Ed Schriever, Chief, Bureau of Fisheries

[2009 Nonbiological Rule Proposals](#)

**1:55 pm 18.** [Chinook Salmon Update](#) — Ed Schriever, Chief, Bureau of Fisheries

**2:05 pm 19.** [Wolf Subcommittee Report](#) — Jim Unsworth, Deputy Director

**2:25 pm 20.** [Senate Bill 1232a Fish and Game Bighorn Sheep Relocation Update](#) — Brad Compton, Assistant Chief, Bureau of Wildlife

**2:45 pm 21.** [Active Outdoors Update](#) — Jim Lau, Chief, Bureau of Administration & Richard Levin, General Manager of Hunting and Fishing

**3:05 PM — BREAK**

**3:25 pm 22.** [Outfitters and Guides Licensing Board Update](#) — Virgil Moore, Deputy Director, IDFG — Jake Howard, Executive Director, IOGLB — Wayne Hunsucker, Board Chairman, IOGLB — Alex Irby, Commission Liaison

[Outfitters and Guides Policy](#)

- 3:45 pm** 23. [Shields Land Acquisition](#) (Action Requested by Department)  
— Gregg Servheen, Wildlife Program Coordinator
- 3:55 pm** 24. [Results of Nonresident Survey](#) — Mike Keckler, Chief, Bureau  
of Communications
- 4:15 pm** 25. Executive Session I.C. 67-2345(1) (f) (c)

**ADJOURN**

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Individuals with disabilities may request meeting accommodations by contacting the Idaho Department of Fish and Game Director's office at (208) 334-5159 or through the Idaho Relay Service at 1-800-377-2529 (TDD).

**Meeting Date:** July 23, 2009

**Agenda Item No.** 6b

**Agenda Item:** Financial Report

**Bureau Chief Approval:** \_\_\_\_\_

**Prepared by:** Jim Lau, Chief, Bureau of Administration

**Background:**

Update the Commission on the Financial Status of the Department as of May 31, 2009

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

None

**Public Involvement Process:**

None

**Staff Recommendation:**

None

**Justification:**

None

**Meeting Date:** July 23, 2009

**Agenda Item No. 6c**

**Agenda Item:** Budget Adjustment, Wildlife

**Approved by:** \_\_\_\_\_

**Prepared by:** Brad Compton

**Background:**

The Rocky Mountain Elk Foundation has committed \$12,500 to the Department for use in the elk/wolf research project during FY2010. Currently, the Department does not have spending authority to use these funds.

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

Commission action is required to provide spending authority to use donated funds.

**Public Involvement Process:**

None.

**Staff Recommendation:**

Approve budget adjustment request.

**Justification:**

Spending authority required to use donated funds.

Meeting Date: July 22-24, 2009

Agenda Item No. 7

Agenda Item: Idaho Fish & Wildlife Foundation

Bureau Chief Approval: \_\_\_\_\_

Prepared by: Gayle Valentine

**Background:** Commission has requested updates about the Idaho Fish and Wildlife Foundation activities.

**Statutory Authority and/or Policy issues:** None

**Public Involvement Process:** None

**Staff Recommendation:** Present update as follows.

**Justification:** Requested by the Commission

1. The Foundation's Land Consultant is currently conducting baseline inventories of conservation easements throughout Idaho.
2. Foundation board members completed newly-initiated annual IDFG office building inspections.
3. New Foundation officers were elected and began taking office at the April meeting.
4. Next board meeting is scheduled at Harriman State Park on August 28 & 29, 2009.

**Meeting Date:** July 23

**Agenda Item No. 8**

**Agenda Item:** Review and Approval of Legislative  
Proposals for 2010 Session

**Bureau Chief Approval:** \_\_\_\_\_

**Prepared by:** Sharon W. Kiefer

**Background:**

Staff will inform the Commission and seek policy guidance regarding the Department package of legislation ideas for submission to the Executive Agencies Legislation System (EALS) for Governor Office approval. This is the first step of the executive agency legislative process. Agency ideas must be electronically submitted to EALS by August 3. Approved ideas must be drafted as legislative proposals and submitted to EALS by September 18.

The Commission has already directed the Department to not seek legislation increasing resident license fees in 2010.

**Statutory Authority and/or Policy issues:**

Commission has responsibility to provide policy direction for Department-sponsored legislation.

**Public Involvement Process:**

No targeted public involvement for policy review; there may be future public involvement strategies for specific legislative ideas.

**Staff Recommendation:**

Provide policy approval or direction for legislation sponsored by the Department.

**Justification:**

Review is necessary to ensure consistency between legislation ideas and Department policies and procedures.

**Meeting Date:** July 23

**Agenda Item No. 9**

**Agenda Item:** Temporary Rule Review (Non biological) and Adopt

**Bureau Chief Approval:** \_\_\_\_\_

**Prepared by:** Sharon W. Kiefer

**Background:** Per Commission direction and approval, the Department sponsored Senate Bill 1008, which created license exemption and authority for the Commission to issue free tags to create special hunting opportunity for disabled veterans sponsored by a qualified organization, similar to existing law (36-401(a)6.) and Commission rules in 13.01.04.900 – Children with Special Needs Big Game Permit/Tag. Senate Bill 1008 passed the 2009 Legislature and was signed into law by the Governor, effective July 1. The Commission had provided prior guidance that the current pool of tags defined in 13.01.04.900 would be allocated between both children with special needs and disabled veterans, requiring amendment to 13.01.04.900 to accommodate both programs.

In addition, Senate Bill 1141, as amended, removed control hunt permits from 36-416 except for turkey control hunts so scrubbing IDAPA Chapter 13 is required to remove obsolete reference to control hunt permits.

This rule proposal has three components: 1) Amend 13.01.04.900 to reallocate a portion of the tags applied to the children with special needs hunting opportunity to accommodate the new disabled veterans hunting opportunity, 2) remove obsolete control hunt permit references in 13.01.04.900, and 3) Create a new rule as 13.01.04.901, Disabled Veterans Special Big Game Tag, to implement Senate Bill 1008.

**Statutory Authority and/or Policy issues:**

The Commission has rulemaking authority to amend IDAPA 13.01.04. This would be a temporary rule to comport with new law.

**Public Involvement Process:** Senate Bill 2008 had public hearings in both the Senate Resources and Environment Committee and the House Resources and Conservation Committee. Proposal A was shared with key constituent groups for input. There will be additional public involvement opportunity for this action item at the public meeting on July 22.

**Staff Recommendation:** Adopt rules to implement Senate Bill 1008 and to clean up obsolete reference to control hunt permit caused by passage of Senate Bill 1141, as amended.

**Justification:** Commission has responsibility and authority to implement these rules to implement statute.

**IDAPA 13  
TITLE 01  
CHAPTER 04**

**13.01.04 - RULES GOVERNING LICENSING**

**801. -- 899. (RESERVED).**

**900. CHILDREN WITH SPECIAL NEEDS BIG GAME PERMIT/TAG.**

**01. Availability.** The Department shall make available ~~no more than ten (10)~~ up to five (5) big game ~~permit~~/tags available for children with life threatening medical conditions each year. ( )

a. Any of the five (5) big game tags described in Section 901 that have not been issued by July 15 each year may also be available for children with life threatening medical conditions. ( )

**02. Issuance.** The Commission delegates discretionary authority to issue a special needs ~~permit~~/tag to the Director. ( )

**03. Eligibility.** In order to receive a special needs big game ~~permit~~/tag, a resident or nonresident minor (seventeen (17) years of age or younger) must have a life threatening medical condition as certified by a qualified and licensed physician. ( )

**a.** A qualified applicant must be sponsored by a nonprofit organization that is qualified under section 501(c) (3) of the Internal Revenue code. (3-8-07)

**b.** The primary mission of the sponsoring organization must be to offer opportunities and experiences to minor children with life threatening medical conditions. (3-8-07)

**c.** Minimum age requirements and hunter education requirements are waived for individuals applying for or receiving a special needs big game ~~permit~~/tag. ( )

**04. Validity of ~~Permit~~/Tag.** The special needs ~~permit~~/tag shall be valid for one (1) deer, one (1) elk, one (1) pronghorn, one (1) moose, one (1) black bear, or one (1) mountain lion as allowed by Commission regulation. ( )

**a.** A license is not required to apply for or receive a special needs big game ~~permit~~/tag. ( )

**b.** The special needs ~~permit~~/tag is valid in any open hunt, controlled or general, as provided by Commission regulation. ( )

**c.** Applicants may only receive 1 special needs ~~permit~~/tag in a lifetime. ( )

**d.** In exercising hunting privileges, the holder of a special needs ~~permit~~/tag must be accompanied by an adult in possession of a valid Idaho big game hunting license. ( )

**05. Application.** Applications shall be on a form as prescribed by the Director. (3-8-07)

**a.** Applications shall be submitted on behalf of applicants by an eligible nonprofit organization. (3-8-07)

**b.** A copy of the nonprofit organization's IRS determination letter must accompany the application.

~~e. The application shall include the signature of a qualified and licensed physician stating the applicant has a life threatening medical condition. ( )~~

**06. Fees.** All fees associated with applying for and receiving a special needs permit/tag shall be waived. ( )

**07. Hunters with Disabilities Permit Fees.** All fees associated with applying for or receiving a ~~Handicapped~~ Disabled Persons Motor Vehicle Hunting Permit or a ~~Handicapped~~ Disabled Archery Permit by the recipient of a special needs permit/tag are waived. ( )

**08. Application of Big Game Rules.** All rules governing the taking of Big Game Animals, IDAPA 13.01.08, "Rules Governing the Taking of Big Game Animals in the State of Idaho," shall apply to holders of a special needs big game tag. ( ????? )

**901. DISABLED VETERANS SPECIAL BIG GAME TAG**

**01. Availability.** The Department shall make available up to five (5) big game tags available for disabled veterans. ( )

a. Any of the five (5) big game tags described in Section 900 that have not been issued by July 15 each year may also be available for disabled veterans. ( )

**02. Issuance.** The Commission delegates discretionary authority to issue a disabled veterans special big game tag to the Director. ( )

**03. Eligibility.** In order to receive a disabled veterans special big game tag, a resident or nonresident must be a disabled veteran, as certified by the Department of Veterans Affairs. ( )

a. A qualified applicant must be sponsored by a nonprofit organization that is qualified under section 501(c) (3) of the Internal Revenue code or sponsored by a governmental agency. ( )

b. A mission of the sponsoring organization or governmental agency must be to afford opportunities, experiences, and assistance to disabled veterans. ( )

c. Hunter education requirements are waived for individuals applying for or receiving a disabled veterans special big game tag. ( )

**04. Validity of Tag.** The disabled veterans special big game tag shall be valid for one (1) deer, one (1) elk, one (1) pronghorn, one (1) moose, one (1) black bear, or one (1) mountain lion as allowed by Commission regulation. ( )

a. A license is not required to apply for or receive a disabled veterans special big game tag. ( )

b. The disabled veterans special big game tag is valid in any open hunt, controlled or general, as provided by Commission regulation. ( )

c. Applicants may only receive 1 disabled veterans special big game tag in a lifetime. ( )

**05. Application.** Applications shall be on a form as prescribed by the Director. ( )

a. Applications shall be submitted on behalf of applicants by an eligible nonprofit organization or governmental agency. ( )

b. A copy of the nonprofit organization's IRS determination letter must accompany the application.  
( )

06. Fees. All fees associated with applying for and receiving disabled veterans special big game tag shall be waived. ( )

07. Hunters with Disabilities Permit Fees. All fees associated with applying for or receiving a Disabled Persons Motor Vehicle Hunting Permit or a Disabled Archery Permit by the recipient of a disabled veterans special big game tag are waived. ( )

08. Application of Big Game Rules. All rules governing the taking of Big Game Animals, IDAPA 13.01.08, "Rules Governing the Taking of Big Game Animals in the State of Idaho," shall apply to holders of a disabled veterans special big game tag. ( )

902. -- 999. (RESERVED). ( )

**Meeting Date:** July 23, 2009

**Agenda Item No. 10**

**Agenda Item: Rules: Nonbiological for all Game Animals (Action)**

**Approved by:** \_\_\_\_\_

**Prepared by:** Brad Compton

**Background:**

Annually or biennially, the Idaho Fish and Game Commission considers proposed changes for 2 types of hunting regulations, seasons (biological) and rules (nonbiological). Hunting season regulations are published annually (i.e. Big Game, Waterfowl) or biennially (e.g. Moose, Bighorn Sheep, and Mountain Goat; Upland Game) and include seasons, limits, size, sex, and harvestable species. Hunting rules include all other rules adopted by the Commission. Examples of hunting rules include methods of take, tagging requirements, evidence-of-sex requirements, and controlled hunt eligibility requirements. Hunting rules are officially published in the Idaho Administrative Code (<http://adm.idaho.gov/adminrules/agyindex.htm>) and included in hunting season brochures.

Hunting rules adopted by the Commission undergo legislative review and approval prior to implementation, unless the Governor's office grants temporary rule making authority for emergency purposes.

**Rule: IDAPA 13.01.06.100 - Classification and Protection of Wildlife; Threatened or Endangered Species**

**Issue:** The U.S. Fish and Wildlife Service has delisted the peregrine falcon (1999), bald eagle (2007), and grizzly bears in the Yellowstone ecosystem (2007). Current IDAPA rules classify all 3 species as threatened in Idaho.

**Rule: IDAPA 13.01.08.260 - Rules Governing the Taking of Big Game Animals in the State of Idaho; Permits for Controlled Hunts**

**Issue #1:** Currently, controlled hunt permits leftover after the first controlled hunt drawing (May 1 - Jun 5) are made available through a second drawing (Aug 5 - Aug 15). Successful applicants in the second drawing are notified by August 25. Some big game controlled hunts end during August, creating inadequate opportunity for hunters obtaining permits through the second drawing to participate.

**Issue #2:** IDAPA currently lists Nampa, McCall, and headquarter offices as the only locations to apply for landowner permission hunts, which does not accurately reflect where such hunts can be applied for.

**Rule: IDAPA 13.01.08.270 - Mandatory School**

**Issue:** Mistaken identification by black bear hunters can be an important mortality source for grizzly bears. As grizzly bears continue to expand in Idaho, the potential for mortality due to mistaken identity also increases. Sportsmen have requested that black bear hunters be required to pass an on-line bear ID course; similar to that of Montana's (<http://fwp.mt.gov/bearid/default.html>). Wyoming currently offers a voluntary web-based training aid. The Department's website offers links to both state courses.

**Rule: IDAPA 13.01.08.410 - Rules Governing the Taking of Big Game Animals in the State of Idaho; Unlawful Methods of Take**

**Issue #1:** Bowhunters have requested that lighted nocks be allowed for big game hunting in Idaho to assist in determining arrow placement, finding arrows, and recovering animals. Lighted nocks do not affect performance or harvest efficiency of archery equipment.

**Issue #2:** Hunters have requested that handguns be allowed in big game short-range weapon hunts. Short-range weapon hunts are used in areas where the ballistics and range

capabilities of high-powered rifles are a safety concern. Several handgun cartridges are capable of taking big game, yet have limited ballistics and would not pose a significant concern in short-range weapon hunts. Handguns shooting centerfire cartridges are currently allowed in any-weapon hunts.

- Rule:** **IDAPA 13.01.08.412 - Motorized Vehicle Use Restriction Units**
- Issue #1:** Use of ATVs by hunters has increased substantially over the past 10 years, creating conflict between nonmotorized and motorized hunters and creating buck and bull escapement challenges in some areas of Idaho. The Commission has adopted motor vehicle use hunting restrictions in some units to reduce conflicts between users and help buck and bull survival. Hunters in southeastern Idaho have requested the Motorized Vehicle Rule be applied in Units 66A and 76 during the fall hunting season to improve hunt quality. Neither mule deer nor elk populations are meeting management objectives in these 2 units.
- Issue #2:** Current IDAPA rule does not list the Unit 39 early muzzleloader elk hunt as having the Motorized Vehicle Rule, thus is not consistent with Commission action. The Unit 39 muzzleloader elk hunt was one of the original hunts to have the Motorized Vehicle Rule in effect. Ever since adoption, the annual big game rules brochure has listed the Unit 39 muzzleloader deer and elk hunts as having the Motorized Vehicle Rule in effect.
- Rule:** **IDAPA 13.01.08.420 - Mandatory Check and Report Requirements**
- Issue #1:** Current IDAPA rule has not been updated recently to reflect previous Commission action. Reference to a mandatory check requirement for Panhandle elk is one example.
- Issue #2:** Current IDAPA rule requires anyone having in possession a raw black bear or mountain lion pelt to have the pelt marked with an official state export tag. Official state export tags, including Idaho's, are designed to provide some assurance the animal was lawfully taken and to allow possession of raw pelts in states that prohibit the taking of certain animals. However, the state of Washington does not require export tags, but does allow the sale of certain pelts. This creates problems for Idahoans, including furbuyers and taxidermists, wishing to possess lawfully obtained raw pelts from Washington.
- Rule:** **IDAPA 13.01.09.260 - Rules Governing the Taking of Game Birds in the State of Idaho; Tags, Stamps, Permits, and Validations**
- Issue:** Senior hunters have requested that leftover first-come, first-served youth-only controlled turkey hunt permits be made available to senior hunters. In 2008, the Commission adopted rules allowing for senior and disabled hunters to apply for leftover first-come, first-served youth-only controlled deer and elk hunts.
- Rule:** **IDAPA 13.01.10.300 - Rules Governing the Importation, Possession, Release, Sale, or Salvage of Wildlife; Recovery, Possession and Sale of Wildlife Parts**
- Issue #1:** IDAPA rules on possession of deer and elk antlers have not been updated to reflect past Commission action. The current rule establishes season dates for possession of deer and elk antlers in the field in eastern Idaho. Commission action eliminated this rule several years ago.
- Issue #2:** IDAPA rules allow antlers, horns (with the exception of bighorn sheep), parts of mountain lions and bears, and elk teeth from animals that have died of natural causes or been lawfully harvested to be legally recovered, possessed, purchased, bartered or sold. However, current rules are silent on lawful possession or sale of bones from lawfully harvested or naturally dying wildlife; creating confusion.

**Rule:** IDAPA 13.01.14 - Rules Governing Falconry  
**Issue:** In 2008, the U.S. Fish & Wildlife Service implemented major revisions to federal falconry rules designed to eliminate federal permitting requirements and increase state management authority/responsibility for regulating falconry. The State of Idaho has until 2014 to promulgate rules consistent with new federal regulations.

**Rule:** IDAPA 13.01.15.100 - Rules Governing the Use of Dogs; Use of Hunting Dogs  
**Issue:** Hunters have requested the use of blood-trailing dogs be allowed for tracking and recovering wounded big game animals. Current IDAPA rules prohibit the use of dogs while big game hunting, except for black bear and mountain lion. Other states have developed regulations allowing for the use of blood-trailing dogs.

**Rule:** IDAPA 13.01.15.200 - Rules Governing the Use of Dogs; Hound Hunter Permit  
**Issue:** Current IDAPA rules have not been updated to reflect Commission action eliminating separate quotas for nonresident hound hunter permits in the Lolo Zone.

**Rule:** IDAPA 13.01.16. - Trapping of Predatory & Unprotected Wildlife & Taking of Furbearing Animals  
**Issue:** Current IDAPA rule requires anyone having in possession a raw bobcat pelt to have the pelt marked with an official state export tag. Official state export tags, including Idaho's, are designed to provide some assurance the animal was lawfully taken and to allow possession of raw pelts in states that prohibit the taking of certain animals. However, some states or countries, while allowing possession and sale, do not require export tags on bobcats. This creates problems for some Idahoans, including furbuyers and taxidermists, wishing to possess lawfully obtained raw pelts from jurisdictions not requiring export tags.

**Rule:** IDAPA 13.01.17.100 - Rules Governing the Use of Bait for Taking Big Game Animals; Use of Bait  
**Issue:** Department staff have observed numerous instances where salt is being used as bait for black bears during fall hunting seasons; creating concerns for enforcing the prohibition against baiting deer and elk.

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

Idaho Code 36-104 grants authority to the Commission to promulgate hunting rules. Idaho Code 67-52 (Idaho Administrative Procedure Act) governs the process for considering, adopting, and implementing nonbiological rules.

**Public Involvement Process:**

Proposed rules are being scoped with the public through the Department web site. A summary of public input received will be provided to the Commission during presentation of this agenda item.

**Staff Recommendation:**

Public involvement activities are ongoing. The Department will review public comment and formulate final recommendations to be presented during the Commission meeting.

**Justification:**

Commission action required to adopt proposed rule changes.

## **DRAFT RULES IN LEGISLATIVE FORMAT**

### **IDAPA 13.01.06 Rules Governing Classification and Protection of Wildlife**

#### **100. CLASSIFICATION OF WILDLIFE.**

[Unchanged portions of rules omitted.]

- 01. Big Game Animals. (7-1-93)
  - a. Black bear -- *Ursus americanus*. (7-1-93)
  - b. California bighorn sheep -- *Ovis canadensis californiana*. (7-1-93)
  - c. Elk -- *Cervus elaphus*. (7-1-93)
  - d. Gray wolf -- *Canis lupus* (4-6-05)
  - e. Grizzly bear -- *Ursus arctos horribilis*. ( )
  - e f. Moose -- *Alces alces*. (7-1-93)
  - f g. Mountain goat -- *Oreamnos americanus*. (7-1-93)
  - g h. Mountain lion -- *Puma concolor*. (4-6-05)
  - h i. Mule deer -- *Odocoileus hemionus*. (7-1-93)
  - i j. Pronghorn antelope -- *Antilocapra americana*. (7-1-93)
  - j k. Rocky Mountain bighorn sheep -- *Ovis canadensis canadensis*. (7-1-93)
  - k l. White-tailed deer -- *Odocoileus virginianus*. (7-1-93)
  
- 150. THREATENED OR ENDANGERED SPECIES.
  - 01. Definitions. (7-1-93)
    - a. Endangered: Any native species in danger of extinction throughout all or a significant portion of its Idaho range. (4-6-05)
    - b. Threatened Species: Any native species likely to be classified as Endangered within the foreseeable future throughout all or a significant portion of its Idaho range. (4-6-05)
  - 02. Endangered Species. (7-1-93)
    - a. Burbot, Ling -- *Lota lota*. (4-6-05)
    - b. Pacific lamprey -- *Lampetra tridentata*. (7-1-93)
    - c. Sockeye salmon -- *Oncorhynchus nerka*. (7-1-93)
    - d. White sturgeon (Kootenai River population) -- *Acipenser transmontanus*. (7-1-93)
    - e. Woodland caribou -- *Rangifer tarandus caribou*. (4-6-05)
  - 03. Threatened Species. (7-1-93)
    - a. ~~Bald eagle -- *Haliaeetus leucocephalus*.~~ (4-6-05)
    - b. Bull trout -- *Salvelinus confluentus*. (7-1-93)
    - c. Canada lynx -- *Lynx canadensis*. (4-6-05)
    - d. Chinook salmon, spring, summer, and fall -- *Oncorhynchus tshawytscha*. (4-6-05)
    - e. ~~Grizzly bear -- *Ursus arctos horribilis*.~~ (4-6-05)
    - f. Northern Idaho ground squirrel -- *Spermophilus brunneus brunneus*. (4-6-05)
    - g. ~~Peregrine falcon -- *Falco peregrinus*.~~ (4-6-05)
    - h. Steelhead trout (Snake River) -- *Oncorhynchus mykiss gairdneri*. (4-6-05)
  
- 200. PROTECTED NONGAME SPECIES.
  - 01. Mammals. (7-1-93)
    - a. American pika -- *Ochotona princeps*. (4-6-05)
    - b. Bats -- all species (4-6-05)
    - c. Chipmunks -- *Neotamias spp.* (4-6-05)
    - d. Columbia Plateau (Merriam's) ground squirrel -- *Spermophilus canus vigilis*. (4-6-05)
    - e. Golden-mantled ground squirrel -- *Spermophilus lateralis*. (7-1-93)
    - f. Great Basin (piute) ground squirrel -- *Spermophilus canus vigilis*. (4-6-05)
    - g. Kit fox -- *Vulpes macrotis*. (7-1-93)
    - h. North American wolverine -- *Gulo gulo luscus*. (4-6-05)
    - i. Northern flying squirrel -- *Glaucomys sabrinus*. (7-1-93)
    - j. Red squirrel -- *Tamiasciurus hudsonicus*. (7-1-93)
    - k. Rock squirrel -- *Spermophilus variegatus*. (4-6-05)
    - l. Southern Idaho ground squirrel -- *Spermophilus brunneus endemicus*. (4-6-05)
    - m. Wyoming ground squirrel -- *Spermophilus elegans nevadensis*. (4-6-05)
  - 02. Birds. ~~All native species. Except:~~ (4-6-05)

- a. Bald eagle -- *Haliaeetus leucocephalus*. ( )
- b. Peregrine falcon -- *Falco peregrinus*. ( )
- a c. All native species, except Game birds and threatened or endangered wildlife. (7-1-93)
- b. Threatened or endangered wildlife. (7-1-93)

**IDAPA 13.01.08 Rules Governing the Taking of Big Game Animals in the State of Idaho**

[Unchanged portions of rules omitted.]

260. PERMITS FOR CONTROLLED HUNTS.

- 05. Applicant Requirements. Applicants must comply with the following requirements: (7-1-93)
  - i. Landowner permission hunt permits will be sold first-come, first-served basis at the ~~Nampa, McCall and Headquarters~~ regional offices of the Idaho Department of Fish and Game after July 15. (7-1-98)
- 09. Second Drawing Exclusion. The Director may designate certain leftover controlled hunt permits to become immediately available on a first-come, first-served over-the-counter basis due to the dates of the hunt. ( )

270. MANDATORY SCHOOL.

- b. Mandatory/Voluntary Class for Black Bear Hunters in Areas Where Grizzly Bears Are Known or Expected to Occur. [Two options: 1) voluntary web based identification course, or 2) required on-line bear identification course.] ( )

410. UNLAWFUL METHODS OF TAKE.

- 02. Bows, Crossbows, Arrows, Bolts, Chemicals or Explosives. (3-20-97)
  - f. With any electronic or tritium-powered device attached to, or incorporated into, an arrow, bolt, crossbow, or bow (except nonmagnifying scopes containing battery powered or tritium lighted reticles may be used by disabled archery permit holders, and lighted nocks are allowed). (5-8-09) ( )
- 04. Short-Range Weapon. During Short-Range Weapon ONLY seasons ONLY the following weapons may be used: (7-1-99)
  - d. With any handgun using straight wall centerfire cartridges. ( )

412. MOTORIZED VEHICLE USE RESTRICTION UNITS.

The motorized vehicle use restriction applies to areas and hunts in units 29, 30, 30A, 32, 32A, 36A, 37, 37A, 39, 45, 47, 48, 49, 50, 51, 52, 53, 56, 57, 58, 59, 59A, 66, 66A, 69, 70, 72 (late season), 73, 75, 76, 77, and 78. The specific hunts and areas with a motorized vehicle use restriction are identified in the Commission's Big Game Season Proclamation, which is published in a brochure available at department offices and license vendors. (4-2-08)

420. MANDATORY CHECK AND REPORT REQUIREMENTS.

Any hunter killing black bear, ~~Panhandle elk~~, moose, bighorn sheep or mountain goat, or mountain lion in a unit with no female lion quota must, WITHIN TEN (10) DAYS OF THE DATE OF KILL, or any hunter killing mountain lion in a unit with a female quota must, WITHIN FIVE (5) DAYS OF THE DATE OF KILL, and any hunter killing a wolf must report the harvest the harvest within 24 hours by calling the Wolf Reporting Number, a toll-free telephone number published in the gray wolf season brochure available at Department offices and license vendors. Additionally, any hunter killing a wolf must, WITHIN FIVE (5) DAYS OF THE DATE OF KILL comply with the mandatory check and report requirements by: (4-5-00)

a. Bear: Skull and hide to be presented to a conservation officer, regional office or official check point for removal and retention of premolar tooth and to have the hide marked. No person, who does not possess a fur buyer or taxidermist license and/or appropriate import documentation, shall have in possession, except during the open season and for ten (10) days after the close of the season, any raw black bear pelt which does not have an official state export tag attached (either Idaho's or another state's official export tag). (7-1-93)

b. Mountain Lion: Skull and hide to be presented to a conservation officer or regional office to have the hide marked. No person, who does not possess a fur buyer or taxidermist license and/or appropriate import documentation, shall have in possession, except during the open season and for five (5) days after the close of the season, any raw mountain lion pelt which does not have an official state export tag attached (either Idaho's or another state's official export tag). (7-1-93)

### **IDAPA 13.01.09 Rules Governing the Taking of Game Birds in the State of Idaho**

*[Unchanged portions of rules omitted.]*

j. The Commission establishes youth only controlled hunts by proclamation. Only hunters twelve (12) to seventeen (17) years of age with a valid license may apply for youth only controlled hunts, 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. ( )

### **IDAPA 13.01.10 Rules Governing the Importation, Possession, Release, Sale, or Salvage of Wildlife.**

*[Unchanged portions of rules omitted.]*

#### **300. RECOVERY, POSSESSION AND SALE OF WILDLIFE PARTS.**

02. Animals Found Dead. Protected species of wildlife that have died naturally or accidentally remain in public trust to be disposed of by the Department of Fish and Game. However, a person may recover, possess, sell or purchase the wildlife parts as specified below, but ONLY under the conditions specified and ONLY if the wildlife has NOT been unlawfully killed. Natural causes shall not include any man-caused mortality. (7-1-98)

b. Antlers, bones and horns of deer, elk, moose, pronghorn ~~antelope~~ and mountain goat, and parts of bear and mountain lion and elk teeth of animals that have died of natural causes may be recovered, possessed, purchased, bartered or sold. (3-23-94) ( )

e- ~~Antlers of deer, elk and moose that have been naturally shed in Idaho may be recovered, possessed, purchased or sold year around, EXCEPT in units 60, 60A, 66, 66A, 67, 68, 68A, 69, 70, 71, 72, 73, 73A, 74, 75, 76, 77 and 78 antlers may be picked up in the field only from May 1 through December 31.~~ (7-1-99)

### **IDAPA 13.01.14 Rules Governing Falconry in the State of Idaho**

*[Repeal all previous rules]*

#### 000. LEGAL AUTHORITY.

The Idaho Fish and Game Commission is authorized under Sections 36-104 (b) and 36-1102 (c), Idaho Code, to adopt rules concerning falconry in the state of Idaho.

#### 001. TITLE AND SCOPE.

01. Title. These rules shall be cited in full as IDAPA 13.01.14.000, et seq., Idaho Fish and Game Commission Rules IDAPA 13.01.14, "Rules Governing Falconry."

02. Scope. These rules establish a falconry program in the state of Idaho.

#### 002. WRITTEN INTERPRETATIONS.

In accordance with Section 67-5201(19)(b)(iv), Idaho Code, any written statements which pertain to the interpretation of the rules of this chapter or to the documentation of compliance with the rules of this chapter are available for public inspection and copying at cost at the headquarters office at 600 South Walnut, Boise, Idaho.

003. ADMINISTRATIVE APPEALS.

All contested cases shall be governed by the provisions of IDAPA 13.01.01, "Rules of Practice and Procedure of the Idaho Fish and Game Commission."

004. INCORPORATION BY REFERENCE.

Federal Regulations. All regulations pertaining to raptors as adopted by the U.S. Secretary of the Interior pursuant to the Migratory Bird Treaty Act (50 CFR, Parts 21 & 22) are incorporated herein by reference and shall have full force and effect as state rules, with additional state restrictions and applicability to raptors not listed in 50 CFR Part 10.13 as herein set forth.

005. OFFICE—OFFICE HOURS—MAILING ADDRESS AND STREET ADDRESS.

The principal place of business of the Department of Fish and Game is in Boise, Idaho. The office is located at 600 South Walnut, Boise, Idaho and is open from 8 a.m. to 5 p.m., except Saturday, Sunday and legal holidays. The mailing address is: P.O. Box 25, Boise, Idaho 83707

010. DEFINITIONS.

01. Calendar Year. January 1, through December 31, as defined by the state of Idaho to address any reference to the use of the terms 12-month period, annual or year within this rule and federal regulations.
02. Captive-bred. Any raptor raised in captivity from eggs laid by captive raptors.
03. Commission. Idaho Department of Fish and Game Commissioners appointed by the governor to administer state fish and game rules and policy.
04. Department. Idaho Department of Fish and Game, its employees, and designated volunteers.
05. Director. Administrative head of the Idaho Department of Fish and Game, and any person authorized to act in his name.
06. Falconry. Capturing, possessing, caring for, transporting, training, and using raptors to hunt wild or artificially propagated birds and animals as a recreational sport, not to include any propagation, breeding or commercial use.
07. Federal. United States Code of Federal Regulations -- CFR Title 50 Parts 21 & 22 -- administered by the United States Department of Interior and U.S. Fish and Wildlife Service.
08. Form 3-186A. A Migratory Bird Acquisition and Disposition Report required by the United States Fish and Wildlife Service and the Department to track and record possession and status of raptors.
09. New U.S. Resident. Any person who has legally moved into the United States or a recognized U.S. Territory to reside and who may or may not have obtained U.S. citizenship.
10. Non-resident. Any person who has not met the criteria to become an Idaho resident as stated in 36-202 (s), Idaho Code, and possesses resident status and privileges from another U.S. state, territory or tribe.
11. Raptor. Any bird of prey classified under the Families Falconidae, Strigidae, Accipitridae, and hybrids thereof.
12. Resident. Any person meeting the residency requirements set forth in 36-202 (s), Idaho Code.
13. Territory. Recognized territories of the United States.
14. Tribe. Any United States recognized Native American or territorial tribe, its members and federal lands designated as reservations administered under a sovereign tribal government.
15. Transfer. To convey, deliver, loan, gift, give, barter, sell or move a raptor, raptor parts or any permit from one person, place or situation to another.

16. Visitor. Any person not legally residing in the United States or a recognized territory, and who is temporarily in the U.S. as a visitor.
17. Wild-caught. Any raptor captured, removed or originating from the wild. Wild-caught raptors shall maintain wild-caught status throughout their life span in regard to capture, possession and transfer restrictions.

100. PERMITS REQUIRED, POSSESSION, IMPORTATION, AND SALE.

01. Permits, Importation, Validity, Temporary Possession, Expiration, Transfer, and Renewal.
- a. Falconry Permit Required. Except as otherwise provided by this rule, an Idaho Falconry Permit (at a fee set forth under 36-416, Idaho Code) is required before any person may possess, capture, transport, import, export or purchase any raptor for the purpose of falconry.
- b. Raptor Captive Breeding Permit Required. Except as otherwise provided by this rule, an Idaho Raptor Captive Breeding Permit (at a fee set forth under 36-416, Idaho Code) and a Federal Raptor Propagation Permit is required before any person may take, possess, transport, import, export, purchase, barter, sell or offer to sell, purchase, or barter any raptor, raptor egg, or raptor semen for propagation purposes.
- c. Non-Residents, New U.S. Residents Permit Purchase. Non-Residents and New U.S. Residents may be issued Idaho Apprentice, General, Master Falconer, or Raptor Captive Breeding Permits without a waiting period upon permanently moving into the state of Idaho.
- i. Non-Resident and New U.S. Resident applicants shall surrender any permit(s) issued by another state or country to the Department, and must provide a written and signed statement verifying intent to become an Idaho resident.
- ii. Non-Resident applicants will be issued an equivalent Idaho class permit(s) to the permit(s) surrendered from the applicant's past resident state, territory or tribe.
- iii. New Residents to the U.S. will be required to pass the Department Apprentice Falconry Examination and provide documentation to support the class of permit applied for. The Department, based on applicant experience, shall determine and assign the appropriate class of permit.
- d. Non-Resident, New U.S. Resident Permit Purchase within Thirty (30) Days. Non-Resident and New U.S. Resident falconers taking permanent residency in Idaho, shall, within thirty (30) consecutive days, purchase an Idaho Falconry Permit and a Raptor Captive Breeding Permit as required by section 100.01 a. and b. of this rule.
- e. Expiration of Permits. Idaho Falconry Permits and Raptor Captive Breeding Permits shall be valid three (3) years from date of issuance or renewal.
- f. Permit Renewal. Permit issuance or renewal shall be initiated with the completion and submission of a Department Falconry Application Form to the appropriate Department Regional Office accompanied by the appropriate fee(s) as set forth under 36-416, Idaho Code.
- g. Transfer of Permits. Idaho Falconry and Raptor Captive Breeding Permits are not transferable to another person, but may be updated to a new in-state location.
- h. Permit-Class Upgrades. Falconry Permit- class upgrades (e.g., moving from Apprentice to General status) shall be made at no cost to the applicant. Permit-class change requests shall be submitted to the appropriate Department Regional Office on a Department Falconry Permit Application Form with required documentation to verify that prerequisites for the permit-class upgrade have been satisfied.

- i. Permit Exemption for Temporary Possession. Except as otherwise provided, *Non-Residents, Visitors and New U.S. Residents* possessing a valid federal, territory, tribe, another state or country's equivalent Falconry or Raptor Captive Breeding/Propagation Permit, and not utilizing or possessing any Idaho resident privilege, may temporarily import, possess and transport raptors listed under their Falconry or Captive Breeding/Propagation Permits for up to thirty (30) consecutive days without purchasing an Idaho Falconry or Raptor Captive Breeding Permit.
  - i. *Visitors and New U.S. Residents* shall comply with federal raptor importation and registration laws and shall obtain a Department Wildlife Importation Permit before importing any raptor.
  - ii. *Visitors and New U.S. Residents* entering Idaho with a raptor(s) under an Idaho Wildlife Import Permit shall contact the nearest Department Regional Office to take the Idaho Falconry Examination. Only applicant's correctly answering at least 80% of the test questions will be issued a Temporary Idaho Falconry Permit. Wildlife Import and Temporary Falconry Permits shall be carried at all times when possessing raptors.
  - iii. Exceptions to extend the thirty (30) day exemption period shall be at the Department's discretion and any temporary possession in excess of one hundred and twenty (120) days shall require raptor housing in a falconry facility that has been approved by the Department under an existing Falconry or Captive Breeding Permit.
  - iv. *Non-Residents, New U.S. Residents and Visitors* in addition to possessing a valid Falconry or Captive Breeding/Propagation Permit from their home state, territory, tribe or country shall comply with all other Idaho and federal rules regulating hunting and the possession of wildlife to include possession of appropriate non-resident licenses, tags, permits, stamps and validations.

02. Unlawful Sale and Possession of Raptors. Except as otherwise provided by this rule, no person shall sell, purchase or barter any raptor or parts thereof, or possess raptors or parts that have been unlawfully obtained, sold, purchased or bartered.

- a. Only live captive-bred raptors banded or micro-chipped in compliance with section 400.01 of this rule may be sold, purchased or bartered between holders of valid state, federal, tribal, territory or another country's Falconry and Raptor Captive Breeding or Propagation Permit.
- b. Holders of valid Idaho Raptor Captive Breeding Permits and federal Raptor Propagation Permits may only sell, purchase and barter raptor eggs and semen produced and originating from raptor propagation or captive breeding programs under valid permit.

## 200. INSPECTION OF RAPTORS, FACILITIES, POSSESSION AND RECORDS.

01. Facilities Covered by Permits. All raptors, facilities, equipment and falconry records required in accordance with federal and Idaho rules shall be subject to reasonable business-hour inspection, any day of the week, in the presence of the applicant or permit holder. All raptors, equipment, and related records required by law shall be produced for inspection upon Department request.
02. Inspection Prior to Possession of Raptors. Except as otherwise provided by section 100.01 of this rule, no person shall possess any raptor(s) under the issuance of an Idaho Falconry or Raptor Captive Breeding Permit, until holding facilities and equipment have been inspected and approved by the Department to verify that facilities and equipment meet federal and Idaho standards.
  - a. Facility inspections shall be required any time a permit holder moves his holding facilities to any physical address location that is not recorded on his current Falconry or Raptor Captive Breeding Permits. Facility location changes shall be reported to the Department within five (5) days.

03. Facilities Accepted. Either indoor (to include a personal residence) or outdoor falconry facilities, or a combination of both meeting federal standards of care, shall be authorized.

300. APPROVED SPECIES, WILD CAPTURE, LIMITS, PERMITS, HACKING, AND REHABILITATION.

01. Approved Raptor Species. Except as otherwise provided by this rule, any species of raptor defined under section 010. 11 of this rule shall be authorized for use in falconry or captive breeding.

02. Capture Permits Required. Raptors may only be captured from the wild by persons possessing a valid Idaho Falconry Permit, or a Non-resident federal, state, territory or tribal Falconry Permit. Non-residents must also possess an Idaho Bird of Prey Capture Permit.

03. Capture of Wild Raptors, Approved Species and Limitations.

a. Resident Falconers. Except as otherwise provided by this rule, residents possessing a valid Idaho Falconry Permit shall be authorized to capture no more than two (2) wild raptors, as their permit class authorizes, each calendar year.

i. Not more than one (1) Golden Eagle shall be captured in any calendar year.

ii. Capture and possession of any raptor classified under federal or state law as threatened or endangered is unlawful without Department approval and a special permit.

iii. The issuance of an Idaho Eagle Falconry Permit is required to capture or possess golden eagles.

iv. Capture and possession of Bald Eagles is unlawful.

v. Capture and possession of wild Peregrines, as listing status allows, shall be restricted to a limited number of resident Peregrine Capture Permits.

vi. The Commission, pursuant to Section 36-105 (3), Idaho Code, may establish capture quotas, and a capture permit allocation system by proclamation.

b. Non-Resident Falconers. Non-resident falconers intending to capture any wild Idaho raptor shall comply with the following:

i. Apply to the Department Licensing Bureau in Boise for a Non-Resident Bird of Prey Capture Permit at a fee set forth under 36-416, Idaho Code. Permits shall be issued on a calendar year basis.

ii. The Commission, pursuant to Section 36-105 (3), Idaho Code, will designate raptor species approved for capture, capture quotas, and a capture permit allocation system by proclamation.

iii. Non-residents shall be limited to the purchase of only one (1) Bird of Prey Capture Permit per calendar year.

iv. Non-residents receiving a Bird of Prey Capture Permit shall be authorized to only capture and possess the species of raptor specified on their permit.

v. Non-resident Capture Permit holders, successful with the capture of a raptor shall, within seventy two (72) hours of capture, have their Capture Permit validated by the Department at any Regional Office prior to transporting any captured raptor out of Idaho.

04. Approved Capture Dates – Resident and Non-Resident Falconers.

a. Immature raptors (birds less than one (1) year of age) shall be open to capture all year with no restrictions in regard to days of the week or times of capture.

b. Kestrels and Great-horned Owls may be captured as immature or adult birds (birds that are one (1) year of age or older.) The take of adult birds shall be prohibited from March 1<sup>st</sup> through July 31<sup>st</sup>.

05. Capture Area Restrictions.

a. No person shall capture or attempt to capture any raptor when such activity is unlawful under federal, state, tribal, county or city law or ordinance.

b. Raptors taken in violation of any federal, state, tribal, county or city law shall be unlawful to possess.

400. RAPTOR BANDING, RADIO TRANSMITTERS REQUIRED, TRANSFERS, REPORTING, AND RELEASE.

01. Raptor Banding. Except as otherwise provided for temporary possession and housing under federal rule and section 100.01 of this rule, falconers and captive breeders possessing raptors shall comply with all federal banding and micro-chipping regulations.
02. Radio Transmitters Required. At least two (2) functioning radio transmitters shall be attached to any raptor hybrid, or any raptor not listed under CFR 50, Part 10.13, when being free flown.
03. Raptor Transfers.
  - a. Resident falconers/captive breeders shall not transfer any species of wild – caught raptor to a non-resident until the transfer is approved under an Idaho Wildlife Export Permit.
    - i. Idaho Wildlife Export Permits may be purchased at a fee set forth under 36-416, Idaho Code, by submitting an application to the Department Wildlife Health Lab.
  - 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 Captive Breeding or Propagation Permit.
04. Release of Birds. No raptor shall be permanently released into the wild without prior Department approval.

500. FALCONRY HUNTING SEASONS, BAG AND POSSESSION LIMITS.

01. Upland Game Birds, Upland Game Animals, Migratory Game Birds, Unprotected and Predatory Wildlife.
  - a. Pursuant to Section 36-105(3), Idaho Code, the Commission now sets the seasons, bag limits, possession limits and restrictions for take by proclamation. The proclamations are published in brochures available at Department offices and license vendors.

600. TRAINING RAPTORS USING ARTIFICIALLY PROPAGATED GAME BIRDS.

01. Permit Required. A valid Idaho Falconry Training Permit is required before any person is authorized to possess, release or use artificially propagated game birds for purposes of training raptors in the field. Permits shall be issued at a fee set forth under 36-416, Idaho Code, currently a free permit
  - a. Training permits are available to residents, non-residents and visitors, and all hunting license requirements apply.
02. Permits Valid. Permits shall be valid two (2) years from date of issuance.
03. Establishing Limitations and Guidelines. In addition to the rules set forth, the Director is authorized to establish limitations and guidelines as to dates, locations, and conditions whereupon permits may be issued allowing the party or parties listed thereon to use, release and kill game birds obtained from a private domestic source for the purpose of field training raptors.
04. Raptor Field Training, Conditions of Use. Raptor field training with a valid Idaho Falconry Training Permit and the use of artificially propagated game birds is lawful when the following conditions are met:
  - a. The owner of the raptor(s) being trained possesses a valid Idaho, or another state, country, territory or federal Falconry Permit.
  - b. An Idaho Falconry Training Permit and required falconry permit(s) are carried in the field and available for Department inspection at the training site.

- c. Artificially propagated game birds used for training purposes are certified disease free under the standards set forth by the National Poultry Improvement Program (NPIP).
- d. Proof of lawful game bird origin is available for inspection.
- e. Permit holder complies with all additional stipulations outlined on the permit at time of issuance.

700. FALCONRY MEETS, PERMIT REQUIRED, NON-RESIDENTS, NEW U.S. RESIDENTS, AND VISITORS.

- 01. Idaho Falconry Meet Permits. Non-residents, New U.S. Residents and Visitors shall purchase and possess an Idaho Falconry Meet Permit (at a fee set forth under 36-416, Idaho Code) or an appropriate Non-Resident hunting license to fly or hunt any raptor as a participant in any sponsored falconry meet or contest.

800. PENALTIES.

- 01. Federal Regulations. All regulations pertaining to raptors as adopted by the U.S. Secretary of the Interior pursuant to the Migratory Bird Treaty Act (50 CFR, Parts 21 & 22) are incorporated herein by reference and shall have full force and effect as state rules, with additional state restrictions and applicability to raptors not listed in 50 CFR Part 10.13, as herein set forth.
- 02. Conviction of Violation. Conviction of a violation of these rules or federal regulations pertaining to falconry may be grounds for revocation of an Idaho falconry permit or denial of any pending applications for an Idaho falconry permit. The revocation of any permit may be appealed within thirty (30) days of such revocation. Said appeal shall be made in writing to the Director of the Idaho Department of Fish and Game.

**IDAPA 13.01.15 Rules Governing the Use of Dogs**

*[Unchanged portions of rules omitted.]*

100. USE OF HUNTING DOGS.

Dogs may be used to hunt or pursue ONLY the following wildlife, ONLY under the conditions listed, and ONLY if not prohibited by current rules: (7-1-93)

- 05. Blood Trailing Dogs. The use of one (1) blood-trailing dog controlled by leash during lawful hunting hours and within seventy-two (72) hours of hitting a big game animal is allowed to track wounded animals and aid in recovery. A Hound Hunter Permit is not required. ( )

200. HOUND HUNTER PERMIT.

*[Unchanged portions of rules omitted.]*

- 02. Limitation on Hound Hunter Permits for Nonresidents. No more than seventy (70) nonresident hound hunter permits will be issued to nonresident hunters who are not licensed outfitters pursuant to the authority vested in the Outfitters and Guides Board, Sections 36-2101, et seq., Idaho Code. A licensed outfitter, who is a nonresident, is exempt from the limitation. Nonresident licensed outfitters and guides who have obtained a hound hunter permit under this exemption shall not use this for personal hunting. Sales of nonresident Hound Hunter Permits to the following persons shall not be counted in the quota for nonresidents: (3-30-01)
  - d. Lolo Zone. Persons who hound hunt solely in the Lolo Zone (Units 10 and 12) shall not be counted in the quota for nonresidents. Six (6) permits will be issued for each of the following four (4) hunt areas: (3-30-01)

- i. ~~Hunt Area 10-1 is that portion of Unit 10 on the north side of the North Fork of the Clearwater River drainage downstream from its junction with Kelly Creek.~~  
(3-30-01)
- ii. ~~Hunt Area 10-2 is that portion of Unit 10 within the North Fork of the Clearwater River drainage upstream from its junction with Kelly Creek, and the Kelly Creek drainage excluding the Cayuse Creek drainage upstream from its junction with Forest Service Road 581.~~ (3-30-01)
- iii. ~~Hunt Area 12-1 is that portion of Unit 12 north of U.S. Highway 12, and west of Doe Creek Road (Forest Service Road 566).~~ (3-30-01)
- iv. ~~Hunt Area 12-2 is that portion of Unit 12 south of U.S. Highway 12 and west of Elk Summit Road (Forest Service Road 360).~~ (3-30-01)

**IDAPA 13.01.16 The Trapping of Predatory and Unprotected Wildlife and the Taking of Furbearing Animals**

*[Unchanged portions of rules omitted.]*

500. MANDATORY CHECK AND REPORT - PELT TAG REQUIREMENTS.

02. Pelt Tags. A fee of two dollars (\$2) will be charged for each pelt tag. An additional ~~one dollar and fifty cent (\$1.50)~~ vendor fee as set forth in 35-306 will be charged to each license holder when pelts are brought in for tagging. ( )

a. No person, who does not possess a furbearer or taxidermist license and/or appropriate import documentation, shall have in possession, except during the open season and for ten (10) days after the close of the season, any raw bobcat pelt which does not have an official state export tag attached (either Idaho's or another state's official export tag. ~~(7-1-98)~~) ( )

b. No person, who does not possess a furbearer or taxidermist license and/or appropriate import documentation, shall sell, offer for sale, purchase, or offer to purchase any raw bobcat or otter pelt harvested in Idaho which does not have an official state export tag attached). (5-3-03)( )

**IDAPA 13.01.17 Rules Governing the Use of Bait For Taking Big Game Animals**

*[Unchanged portions of rules omitted.]*

100. USE OF BAIT.

Bait is defined as any substance placed to attract big game animals, except liquid scent for deer and elk. Bait may be used to hunt ONLY black bear and ONLY under the following conditions. (7-9-93)

03. Types.

c. No person shall use salt in any form (liquid or solid) for bait. ( )

**Meeting Date: July 22-23, 2009**

**Agenda Item: 10**

**Bureau Chief Approval: \_\_\_\_\_**

**Prepared by:** W. Dallas Burkhalter  
Deputy Attorney General

**Background:** As part of the rulemaking process under the Idaho Administrative Procedures Act (IDAPA), the Commission needs to adopt as **Proposed Rules** the Temporary Rules previously promulgated in January.

The Temporary Rules were promulgated after discussions with the Legislative Rules Review Committees, and errors were found in the previous rules. IDAPA 13.01.04 sets the nonresident deer and elk tag quotas, and nonresident outfitter set-aside quotas. IDAPA 13.01.08 amends the Big Game rules to include wolf in preparation for season-setting. The Commission's approval is needed for the rules to proceed through the rulemaking process and be reviewed by the 2010 Legislature.

**Statutory Authority and/or Policy issues:** The IDAPA provision for adopting Proposed Rules is Idaho Code Section 67-5221. There are no policy issues. This is a step in the rulemaking process.

**Public Involvement Process:** The public involvement process has already occurred during previous Commission meetings, and will continue to occur as the Proposed Rules are published.

**Staff Recommendation:** I recommend that the Commission adopt as **Proposed Rules** the following Rules:

- 1) IDAPA 13.01.04 Rules Governing Licensing (Nonresident deer and elk tag quotas and nonresident outfitter set-aside quotas)
- 2) IDAPA 13.01.08 Rules Governing the Taking of Big Game Animals (Addition of wolf to the Big Game rules)

**Justification:** This is a required step in the IDAPA rulemaking process.

**Meeting Date:** July 23, 2009

**Agenda Item No. 11**

**Agenda Item: Nonresident Deer & Elk Tag Quotas (Action)**

**Approved by:** \_\_\_\_\_

**Prepared by:** Brad Compton

**Background:**

Annually, the Commission establishes quotas for nonresident deer and elk tags for the following years' hunting seasons. The table below provides a review of nonresident deer and elk tag quotas since 1990.

Year	Elk	Regular Deer*	Southeast Deer	White-tailed Deer	Total Deer Tags
1990	12,815	15,500			15,500
1991	12,815	15,500			15,500
1992	12,815	15,500			15,500
1993	12,815	15,500			15,500
1994	12,815	15,500			15,500
1995	12,815	14,700	800		15,500
1996	12,815	14,500	1,000		15,500
1997	12,815	12,800	1,200		14,000
1998	12,815	12,800	1,200		14,000
1999	12,815	12,800	1,200		14,000
2000	12,815	12,800	1,200		14,000
2001	12,815	12,800	1,200		14,000
2002	12,815	12,800	1,200		14,000
2003	12,815	12,800	1,200		14,000
2004	12,815	12,800	1,200		14,000
2005	12,815	12,800	1,200		14,000
2006	12,815	12,800	1,200		14,000
2007	12,815	12,800	1,200		14,000
2008	12,815	14,000		1,500	15,500
2009	12,815	14,000		1,500	15,500

\* Regular tags include Regular, Clearwater (1998-2004) & White-tailed deer (2005-present) tags.

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

**Idaho Code**

36-408. COMMISSION'S AUTHORITY -- TAGS -- PERMITS -- NONRESIDENTS LIMITED -- OUTFITTERS SET-ASIDE.

(2) Limit -- Licenses, Tags or Permits -- Controlled Hunts. The commission is hereby authorized to establish a limit annually as to the number of each kind and class of licenses, tags, or permits to be sold or issued and is further authorized to limit the number or prohibit entirely, the participation by nonresidents in controlled hunts.

**IDAPA 13.01.04.600. NONRESIDENT DEER AND ELK TAG QUOTAS.**

01. Tag Quotas. The following number of deer tags and elk tags shall be set aside annually and reserved for sale to nonresidents:

- a. Fourteen thousand (14,000) regular or white-tailed deer tags;
- b. Twelve thousand eight hundred fifteen (12,815) A or B elk tags for all zones;
- c. One thousand five hundred (1,500) white-tailed deer tags;

**Public Involvement Process:**

The Idaho Outfitters & Guides Licensing Board and the Idaho Outfitters & Guides Association have been consulted with.

**Staff Recommendation:**

Proposed 2010 nonresident deer and elk tag quotas:  
14,000 deer tags (regular or white-tailed deer)  
1,500 white-tailed deer tags  
12,815 elk tags

**Justification:**

Commission action requested to establish nonresident deer and elk tag quotas for 2010.

**Meeting Date:** July 23, 2009

**Agenda Item No. 12**

**Agenda Item: Nonresident Deer & Elk Tag Outfitter Set-Asides (Action)**      **Approved by:** \_\_\_\_\_

**Prepared by:** Brad Compton

**Background:**

Annually, the Commission establishes a quota on general nonresident deer and elk tags for use by hunters using the services of a licensed Idaho outfitter. Outfitter set-aside quotas are a subset of total nonresident deer and elk tag quotas, and are not in addition to. Any outfitter set-aside tags not claimed by outfitted clients by July 1 revert back to the Department for sale to nonresident hunters.

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

**Idaho Code**

36-408. COMMISSION'S AUTHORITY -- TAGS -- PERMITS -- NONRESIDENTS LIMITED -- OUTFITTERS SET-ASIDE.

(3) Outfitters Set-aside. When the commission establishes a limit as to the number of nonresident deer tags and nonresident elk tags, it shall set aside annually a maximum of twenty-five percent (25%) of the nonresident deer tag and nonresident elk tag limit. The set-aside tags shall be sold pursuant to commission rule, only to persons that have entered into an agreement for that year to utilize the services of an outfitter licensed pursuant to chapter 21, title 36, Idaho Code.

In order for a person to purchase any set-aside nonresident deer tag or nonresident elk tag, that person's outfitter must submit an application with the proper fees as required by the director. If any nonresident deer tags or nonresident elk tags set aside pursuant to this subsection are unsold by July 1 of the year in which they were set aside, they may be sold by the department to the general public who are nonresidents. The commission may promulgate all necessary rules to implement the provisions of this subsection.

**IDAPA 13.01.04.500. NONRESIDENT DEER AND ELK TAG OUTFITTER SET-ASIDE.**

01. Tags. The following number of nonresident deer tags and nonresident elk tags shall annually be set aside and reserved for sale to persons who have entered into an agreement to utilize the services of an outfitter who is licensed under Chapter 21, Title 36, Idaho Code. For the each hunting season:

- a. One thousand nine hundred eighty five (1,985) deer tags (regular or white-tailed);
- b. Two thousand four hundred (2,400) elk tags (A or B tags for all zones);

**Public Involvement Process:**

The Idaho Outfitters & Guides Licensing Board and the Idaho Outfitters & Guides Association have been consulted with.

**Staff Recommendation:**

Proposed nonresident deer and elk tag outfitter set-aside quotas:  
1,985 deer tags (regular or white-tailed)  
2,400 elk tags (A or B tags for all zones)

**Justification:**

Commission action requested to establish nonresident deer and elk tag outfitter set-aside quotas.

**Meeting Date:** July 23, 2009

**Agenda Item No. 13**

**Agenda Item:** Rules for public Use of Department Managed Lands

**Approved by:** \_\_\_\_\_

**Prepared by:** Jeff Gould

**Background:**

- These rules help keep public use of Department lands consistent with wildlife habitat needs, public safety, and other management constraints.
- The last major update of these rules was in 1993.

**Policy issues:**

- Proposed changes include:
  1. Allowing the Director to delegate more authority to regional staff;
  2. Clarifying several rules and definitions to make them more concise and easier to understand;
  3. Defining designated roads and trails where motorized travel is allowed;
  4. Defining commercial use;
  5. Without a permit, prohibiting landing or launching aircraft, discharging paintball guns, placing of geocaches, group events of over 15 people, and use of non-certified weed-seed-free forage.
  6. Prohibits leaving portable hunting blinds and tree stands unattended for more than ½ hour. This is consistent with the rule on use of decoys.

**Public Involvement Process:**

- Public input including a statewide press release and web-based input on the IDFG website is occurring. Summary will be provided during the Commission meeting.

**Justification:**

- These rules help keep public use of Department lands consistent with wildlife habitat needs, public safety, and other management constraints.

**Action Requested:**

- Adoption of revised rules.

**Staff Recommendations:**

- Adopt as proposed.

# ***DRAFT RULES IN LEGISLATIVE FORMAT***

## **13.01.03 - PUBLIC USE OF THE LANDS OWNED OR CONTROLLED BY THE IDAHO DEPARTMENT OF FISH AND GAME**

### **000. LEGAL AUTHORITY.**

The Idaho Fish and Game Commission is authorized under Sections 36-104(b) and 36-104(7), Idaho Code, to adopt rules concerning the public use of lands owned or controlled by the Department of Fish and Game. (5-3-03)

### **001. TITLE AND SCOPE.**

**01. Title.** These rules shall be cited in full as IDAPA 13.01.03.000, et seq., Idaho Fish and Game Commission Rules IDAPA 13.01.03, “Public Use of Lands Owned or Controlled by the Department of Fish and Game.” (5-3-03)

**02. Scope.** These rules establish the public use of lands that are owned or controlled by the Department of Fish and Game. (5-3-03)

### **002. WRITTEN INTERPRETATIONS.**

In accordance with Section 67-5201(19)(b)(iv), Idaho Code, any written statements which pertain to the interpretation of the rules of this chapter, or to the documentation of compliance with the rules of this chapter are available for public inspection and copying at cost at the headquarters office at 600 South Walnut, Boise, Idaho. (5-3-03)

### **003. ADMINISTRATIVE APPEALS.**

All contested cases shall be governed by the provisions of IDAPA 13.01.01, “Rules of Practice and Procedure of the Idaho Fish and Game Commission.” (5-3-03)

### **004. INCORPORATION BY REFERENCE.**

There are no documents that have been incorporated by reference into this rule. (5-3-03)

### **005. OFFICE -- OFFICE HOURS -- MAILING ADDRESS AND STREET ADDRESS.**

The principal place of business of the Department of Fish and Game is in Boise, Idaho. The office is located at 600 South Walnut, Boise, Idaho and is open from 8 a.m. to 5 p.m., except Saturday, Sunday and legal holidays. The mailing address is: P.O. Box 25, Boise, Idaho 83707. (5-3-03)

### **006. -- 009. (RESERVED).**

### **010. DEFINITIONS.**

~~**01. Access Area.** Real property which is owned or controlled by the Idaho Department of Fish and Game to provide the public access to public lands and waters. (7-1-10)~~

**012. Department Lands and Access Areas.** Real property, which is owned or controlled by the Idaho Department of Fish and Game, which is managed for public

recreation and for the protection, maintenance, and enhancement of fish and wildlife. (7-1-93)

**023. Floating Device Watercraft.** ~~Every description of watercraft, including a seaplane used on water or~~ Any vessel capable of being used as a means of transportation on or in the water. (7-1-10)

**034. Motorized Vehicle.** Any ~~water, land, or air~~ vehicle that is self-propelled except those moved solely by human by means of steam, petroleum products, electricity, or any other mechanical power. (7-1-93)

**05. Sanctuary Area.** ~~Refers to any portion of a Wildlife Management Area which is posted as closed to fishing, hunting or trapping, or entry by the public for any other purpose.~~ (7-1-93)

**046. Snow Machine.** Any self-propelled vehicle designed primarily for travel on snow ~~or ice or over natural terrain,~~ which ~~may be~~ is steered by tracks, skis, or runners and propelled by tracks. (7-1-10)

**057. Unattended.** As it pertains to decoys and portable manufactured blinds shall mean to be over one hundred (100) yards ~~from the decoys~~ away for a period of more than one-half (1/2) hour. As it pertains to campfires shall mean not within twenty (20) yards.

**06. Designated Roads and Trails.** All roads and trails posted as open and/or included on travel plan maps provided by the Department. Roads and trails not posted as open and/or included on travel plan maps are closed to motorized vehicles.

**07. Safety Zone.** A posted area established for the safety and protection of persons, equipment, structures, or livestock, where no shooting is permitted into, across, or within.

**08. Commercial use.** Any use or activity which is related to a business venture or for which a fee is charged, or where the primary purpose is the sale or barter of goods or services, regardless of whether the use or activity is intended to produce a profit.

**09. Aircraft.** Any device that is capable of being used as a means of transportation in the air.

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

**100. PUBLIC USE RESTRICTIONS.**

**01. Activities Prohibited Without Director Authorization.** Except as specifically authorized by the Commission or under lease, permit, contract, or agreement ~~issued~~ approved by the Director, Regional Supervisor, or other authorized agent, ~~as an exception or for administrative purposes,~~ the following activities are PROHIBITED ~~on all lands, waters, and roads under control or administration of the Department:~~ (7-1-10)

- a. To enter, use, or occupy lands or water when said lands are posted against such entry, use, or occupancy. (7-1-93)
- b. To camp, park a vehicle and/or a trailer in any area posted against such use or to leave unattended a camp, vehicle, and/or trailer for more than forty-eight (48) hours or to camp or park a vehicle and/or trailer for more than ten (10) consecutive days in any thirty (30) day period in any designated area; ~~except shorter periods may be set and posted for specific areas by the appropriate regional supervisor.~~ (7-1-10)
- c. To operate any motorized vehicles, including snow machines, except on ~~established~~ designated roads and trails. Designated roads and trails are posted as open and/or included on travel plan maps provided by the Department. ~~Operation of vehicles on established roads is prohibited when posted against such use.~~ (7-1-10)
- d. To use watercraft floating devices, ~~with or without motors~~, on any waters which are posted against such use. (7-1-10)
- e. To start a fire without taking necessary measures to prevent its spreading or to leave a fire unattended. All fires are prohibited in areas posted against their use. (7-1-93)
- f. To use any form of fireworks or explosives at any time. (7-1-93)
- g. To permit dogs or other domestic animals to run at large when the owner or guardian is not present to control or care for them or to permit dogs to be off-leash or conduct dog training when prohibited by posted notice. (7-1-10)
- h. To conduct ~~bird~~-dog field trials of any type during the period October 1 through July 31. All ~~bird~~-dog field trials and ~~bird~~-dog training with the use of artificially propagated game birds between August 1 and September 30 will be under department permit as authorized by the director under the rules set forth in IDAPA 13.01.15, "Rules Governing the Use of Dogs," Section 300. (7-1-10)
- i. To construct blinds, pits, platforms, or tree stands where the soil is disturbed, trees are cut or altered, and artificial fasteners, such as wire, rope, or nails are used. All blinds shall be available to the public on a "first-come - first-served" basis. Portable manufactured blinds and tree stands are allowed but may not be left unattended. (7-1-10)
- j. To release or abandon any domestic or exotic fish, birds, mammals, amphibians, or reptiles. (7-1-93)
- k. To adjust, open, close, tamper with, or manipulate in any manner, any diversion structure, headgate, flume, recorded or flow dock or any device for water control. This shall not be construed as limiting the powers of other agencies or irrigation districts as provided by statutory law or rule. (7-1-93)
- l. To discard dead fish, birds, animals, or parts or remains thereof, ~~human excrement~~, waste water, metallic cans, bottles, plastic or paper cartons, shotgun shell casings, yard and agricultural wastes, garbage, machines, appliances, or other litter on or in any lands or waters. (7-1-10)

**m.** To remove, destroy, mutilate, modify, or deface any building or other structure, water control device, fence, gate, poster, notice, sign, survey or section marker, or any object of archaeological, geological, or historical value or interest. (7-1-93)

**n.** To discharge any firearm within, across, or into posted safety zones. (7-1-93)

**o.** To leave decoys unattended. Decoys cannot be put in place any earlier than two (2) hours prior to official shooting hours for waterfowl and all decoys must be picked up and removed from the hunting site no later than two (2) hours after official shooting hours for waterfowl that particular day. (7-1-93)

**p.** To discharge any paintball guns. (7-1-10)

~~**02. Activities Prohibited Without Other Authorization.** Unless specifically authorized by the Commission or under lease, permit, contract, or agreement, issued by the Director, Regional Supervisor, or authorized agent, the following activities are PROHIBITED: (7-1-93)~~

**qa.** To disturb or remove any soils, gravel, or minerals. (7-1-93)

**rb.** To turn domestic livestock into, or allow said animals to graze or trail on or across Department lands, except riding and pack animals may be used in association with hunting and for recreational uses ~~or as posted.~~ (7-1-10)

**se.** To cut, dig, or remove any crops, trees, shrubs, grasses, forbs, logs, or fuel wood. (7-1-93)

**td.** To place, maintain, or store any beehives or bee boards. (7-1-93)

**ue.** To use lands for any commercial purpose. (7-1-93)

~~**f.** To exercise or train any dogs in posted areas or during periods closed to such uses. In conjunction with authorized field trials, participants may train dogs in the designated area one (1) day prior to and one (1) day following the trial. (7-1-93)~~

~~**g.** To prospect or drill for oil and gas on any state owned Wildlife Management Area or other property under the supervision of the Fish and Game Department. (7-1-93)~~

**v.** To place a geocache.

**w.** To use for group events of over 15 people.

**x.** To land or launch aircraft except on designated airstrips.

**y.** To use or transport any forage, straw or mulch that is not weed-seed-free certified.

**Meeting Date:** July 23, 2008

**Agenda Item No. 14**

**Agenda Item:** 2009 Waterfowl and Sage-grouse Update  
and Hunting Seasons

**Bureau Chief Approval:** \_\_\_\_\_

**Prepared by:** Jeffrey M. Knetter

**Background:**

The Commission sets seasons for ducks, geese, and sage-grouse in August. This presentation will review the 2009 status of Idaho's duck, goose, and sage-grouse populations as well as Department proposals for 2009 seasons. The 2009 waterfowl season frameworks will be finalized by the U.S. Fish and Wildlife Service on July 24, 2009 and the Commission will take final action during a conference call in August.

**Statutory Authority and/or Policy issues:**

Informational item.

**Public Involvement Process:**

None needed.

**Staff Recommendation:**

Informational item.

**Justification:**

This agenda item is for informational purposes only.

**Meeting Date:** July 23, 2009

**Agenda Item No. 15**

**Agenda Item:** Direction on Expenditure of Animal  
Damage Control Board Funds (Action)

**Approved by:** \_\_\_\_\_

**Prepared by:** Jeff Gould

**Background:**

Idaho statute annually appropriates \$100,000 of Department funds to the State Animal Damage Control Board for control of predatory animals and birds. Additionally, the Department annually transfers surplus funds from the expendable deprecation account to the State Animal Damage Control Board. Idaho statute authorizes the Commission to direct how these funds are to be used.

Since 2005, the Commission has directed \$50,000 or more to be used for intensive coyote removal in conjunction with the Mule Deer Initiative in eastern Idaho. Additional funds, approximately \$50,000, have been directed by the Commission to support Wildlife Services activities identified in the MOU between the Department and the Animal Damage Control Board.

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

36-112. ANIMAL DAMAGE CONTROL FUND. The animal damage control fund is hereby established in the state treasury. Moneys in the fund are subject to appropriation to the state animal damage control board established by section 25-2612A, Idaho Code, for the control of predatory animals and birds. In addition to moneys transferred into the fund pursuant to section 36-115(c), Idaho Code, the state controller shall annually, by August 1 of each year, transfer the sum of one hundred thousand dollars (\$100,000) from the fish and game fund to the animal damage control fund. The state animal damage control board in using these moneys shall follow fish and game commission direction on actions regarding predatory animals or birds forwarded by the department by the same date.

**Public Involvement Process:**

None.

**Staff Recommendation:**

Department staff will provide a recommendation for directing expenditure of funds allocated to the Animal Damage Control Board.

**Justification:**

Commission direction on expenditure of Department funds is required.

**Meeting Date:** July 23, 2009

**Agenda Item No. 16**

**Agenda Item:** Release of Bighorn Sheep Tags for Auction/Lottery (Action)

**Bureau Chief Approval:** \_\_\_\_\_

**Prepared by:** Jeff Gould

**Background:**

The Idaho Fish & Game Commission is authorized to release a bighorn sheep tag for auction and a bighorn sheep tag for lottery. Department proceeds from the auction tag are used to fund bighorn sheep research and management. Proceeds from the lottery tag help fund Department activities for resolving problems between wild and domestic animals.

The Commission is authorized to select a nonprofit conservation organization to market the auction and lottery tags. No more than 5% of the auction tag proceeds, and no more than 25% of the lottery tag proceeds, may be retained by the nonprofit organization. The Wild Sheep Foundation (formally known as the Foundation for North American Wild Sheep) has been the conservation organization historically selected for marketing the tags.

These tags have provided more than \$2 million in revenue since 1988.

**Statutory Authority and/or Policy issues:**

Idaho Code 36-408(5) provides statutory authority for the Commission to release 1 bighorn sheep tag for lottery and 1 bighorn sheep tag for auction.

Commission rules (IDAPA 13.01.04.700 and 13.01.04.800) generally restrict auction tag winners from hunting in Unit 11 during even numbered years, and lottery tag winners from hunting in Unit 11 during odd numbered years.

**Public Involvement Process:**

None. The Wild Sheep Foundation supports the requested action.

**Staff Recommendation:**

Approve the release of auction and lottery bighorn sheep tags for 2010 to be marketed by the Wild Sheep Foundation.

**Justification:**

Commission action is required to release the tags.

**IDAHO DEPARTMENT OF FISH AND GAME  
WILD SHEEP FOUNDATION  
IDAHO SPECIAL BIGHORN SHEEP PERMIT/TAG  
LOTTERY AND AUCTION REVENUE HISTORY**

<b>Year</b>	<b>Auction Price</b>	<b>Year</b>	<b>Lottery Price</b>
1988	\$68,000	N/A	
1989	\$36,000	N/A	
1990	\$30,000	N/A	
1991	\$30,000	N/A	
1992	\$51,000	1992	\$14,446
1993	\$31,000	1993	\$8,836
1994	\$50,000	1994	\$12,112
1995	\$70,000	1995	\$20,798
1996	\$101,000	1996	\$38,784
1997	\$33,000	1997	\$31,262
1998	\$55,000	1998	\$36,855
1999	\$36,500	1999	\$41,466
2000	\$46,000	2000	\$36,978
2001	\$80,000	2001	\$29,177
2002	\$47,500	2002	\$65,987
2003	\$90,000	2003	\$59,448
2004	\$46,000	2004	\$81,635
2005	\$180,000	2005	\$68,243
2006	\$55,000	2006	\$86,246
2007	\$95,000	2007	\$44,621
2008	\$65,000	2008	
2009		2009	
<b>TOTAL</b>	<b>\$1,296,000</b>	<b>TOTAL</b>	<b>\$676,894</b>

**Meeting Date:** July 23, 2009

**Agenda Item No. 17**

**Agenda Item:** Rules: Nonbiological for 2011-2012  
Fishing Seasons

**Bureau Chief Approval:** \_\_\_\_\_

**Prepared by:** Ed Schriever, Fisheries Bureau Chief

**Background:**

This is the background information for the formal recommendation for rule changes for the 2011-2012 Fishing Rules. It culminates the public and department processes for development of these rules over the last three months. Nonbiological rules will go into effect after Commission passage and after approval by the Legislature in 2010. So we ask that the rules be effective on January 1, 2011.

**Statutory Authority and/or Policy issues:**

Authority vested in the Fish and Game Commission in Title 36.

**Public Involvement Process:**

The Fish and Game Commission authorized the Department to take proposed rule changes to the public at their May 14, 2009 meeting in Pocatello.

**Staff Recommendation:**

Accept rules as proposed in the following attachments.

**Justification:**

Necessary for management of fisheries resources for the citizens of Idaho.

**State of Idaho  
Department of Fish and Game  
Fishery Bureau**

**MEMO**

**July 1, 2009**

**From: Director Groen**

**To: Fish and Game Commission**

**Subject: 2009 Nonbiological Rule Proposals for the July Commission meeting**

Recommendations for fish rule changes for 2011-2012.

**Proposal – Eliminate the definition of “no bait” from IDAPA rules.**

Recommended as proposed to the Commission in May.

**Proposal - Require the use of barbless “circle hooks” and sliding sinker arrangement while fishing for sturgeon.**

The Fisheries Bureau recommends a more measured approach to this rule change. We know that sturgeon is the longest living fish in North America, and that fishing pressure has been increasing in Idaho. Hard” tying sinkers can create a problem when sinkers are snagged in a river or reservoir substrate. If a small sturgeon picks-up a hook with bait, it could be tethered to the substrate. Potentially, this could result in mortality if the line cannot be broken. A sliding sinker will allow the sinker and the baited hook to separate if an angler breaks off the terminal gear. A new definition for sliding sinker will be needed with this rule change.

We recommend “Sliding sinker: a method of attaching a sinker to a device that slides freely on the main line. The line used to attach the sinker to the sliding device must be of lower breaking strength than the main line.”

There is enough uncertainty (and lack of scientific data) about the mortality differences between J-hooks and circle hooks that we propose some directed study over the next couple of years to answer some of these questions. Although fisheries managers believe moving to circle hooks won't move us backwards in the conservation of sturgeon, or the preservation of sturgeon angling in Idaho, we think a more measured approach to study hooking location and hook retention will benefit to us and the angling public if we transition to circle hooks. In addition, of the 21 responses we received from the public, 16 opposed requiring a circle hook while fishing for sturgeon.

We recommend studying this proposal and bringing it back to the Commission in two years.

**Proposal – Correct wording in IDAPA 13.01.11.04 regarding the definition of fishing gear and two pole permit.**

Recommended as proposed to the Commission in May.

**Another proposal; but this was not offered to the Commission in May.**

The Panhandle Region recommends a change to allowing the use of unlimited rods/lines while fishing from a boat on Lake Pend Oreille. This recommendation comes from the Lake Pend Oreille Task Force as a means to increase the harvest of lake trout and rainbow trout on the lake. Currently anglers are allowed to fish with four rods on the lake if they have purchased a 2-pole permit. Advice from legal counsel is that we have inappropriately applied a four rod limit with a 2-pole permit. This was a Commission change to Code that we should not have asked you to do for the 2008-2009 Fishing Rules.

The Bureau recommends the proposal to allow unlimited rods/lines while fishing from a boat on Lake Pend Oreille. This needs to be done in concert with removing the 4 rod limit allowed with a 2-pole permit when the proclamations are addressed in 2010

**Proposal – Clean up wording in IDAPA 13.01.11.201.09 regarding trapping or seining of minnows or crayfish.**

Recommended as proposed to the Commission in May, except one minor change offered by staff. We had suggested that nets and seines must have 1/4 inch square or smaller mesh but upon further review it was determined that cast nets with mesh that small may not sink fast enough to capture bait fish. We therefore recommend the maximum mesh size be 3/8 inch for nets or seines.

**Proposal - Clean up language in IDAPA 13.01.11.201.11 regarding catching crayfish and bull frogs by hand.**

Recommended as proposed to the Commission in May.

**Proposal – Remove statewide bag and possession limits and insert regional bag and possession limits in IDAPA rules.**

Recommended as proposed to the Commission in May.

**Proposal - Delete the Family Fishing Waters definition from IDAPA rules.**

Recommended as proposed to the Commission in May.

**Proposal - Statewide, allow for a maximum of 5/8” hook gap (point to shank). Eliminate reference to “Payette River” from IDAPA 13.01.11.405.01.**

Recommended as proposed to the Commission in May.

**Proposal - Change wording in IDAPA steelhead rules to make it consistent with Chinook rules in regards to when steelhead need to be recorded on an anglers permit.**

Recommended as proposed to the Commission in May.

**Proposal - Change wording in IDAPA rules in regards to steelhead season setting.**

Recommended as proposed to the Commission in May.

**Proposal - Eliminate the definition of a “jack” salmon from IDAPA rules.**

Recommended as proposed to the Commission in May.

**Proposal – Correct wording in IDAPA 13.01.11.503. regarding Chinook permit validation.**

Recommended as proposed to the Commission in May.

**Meeting Date:** July 23, 2009

**Agenda Item No. 18**

**Agenda Item:** Update on Chinook Salmon Fisheries

**Bureau Chief Approval:** \_\_\_\_\_

**Prepared by:** Ed Schriever, Fisheries Bureau Chief

**Background:**

This is an explanation, to inform the Commission, of results of spring and summer Chinook salmon recreational fisheries in Idaho this spring. Fisheries staff will be reporting fisheries data to date by fishery including season lengths, angler hours, numbers of salmon harvested. An update of hatchery rack returns to date and brood stock objectives will also be provided.

**Statutory Authority and/or Policy issues:**

None

**Public Involvement Process:**

None

**Staff Recommendation:**

None

**Justification:**

Keeps Commission informed of Chinook salmon fishing seasons and hatchery returns.

**Meeting Date:** July 23, 2009

**Agenda Item No. 19**

**Agenda Item: Wolf Update - Wolf Subcommittee Report**

**Approved by:** \_\_\_\_\_

**Prepared by:** Jim Unsworth

**Background:**

On April 2, 2009 the U.S. Fish & Wildlife Service published a final rule delineating the Northern Rocky Mountain wolf distinct population segment (DPS) and delisting the Northern Rocky Mountain DPS. The final rule took effect in May resulting in wolves in Idaho being returned to state management authority.

In June 2009, several entities filed suit in federal court contesting the delisting decision. As of July 1, 2009, there have been no filings for preliminary injunction as was done in 2008 over the initial delisting rule.

In March the Idaho Fish and Game Commission established wolf hunting season dates in anticipation of regulated harvest being implemented in 2009. Three different hunting seasons were established: 1) Oct 1 - Dec 31 in 8 wolf management DAUs, 2) Sep 15 - Dec 31 in 2 backcountry DAUs, and 3) Sep 1 - Mar 31 in 2 DAUs where wolf caused mortality is a primary cause of elk populations not meeting state management objectives. In August, the Department will propose 2009 harvest quotas based on population status, reproduction, mortality, and approved management plan objectives.

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

Gray wolves are currently delisted and managed under Fish and Game Commission authority. Management is guided by the 2002 Idaho Wolf Conservation and Management, and the 2008 Idaho Wolf Population Management Plan. Both state plans have been approved by the U.S. Fish & Wildlife Service.

**Public Involvement Process:**

None.

**Staff Recommendation:**

None. This agenda item is to provide an update to the Commission on state management of gray wolves.

**Justification:**

Information only.

**Meeting Date:** July 23, 2009

**Agenda Item No. 20**

**Agenda Item: Senate Bill 1232a Update  
(Informational)**

**Approved by:** \_\_\_\_\_

**Prepared by:** Brad Compton

**Background:**

During the 2009 session, the Idaho legislature passed, and the Governor signed, Senate Bill 1232a. The new law primarily affects 3 areas of state management of bighorn sheep:

- 1) The legislation confirms Idaho's implied policy of acknowledging existing sheep/livestock operations in the area of any bighorn sheep transplant or relocation and accepts all risk associated with potential disease transmission.
- 2) The legislation requires the Department to develop a state management plan to maintain a viable, self-sustaining population of bighorn sheep in the state. The plan must consider federal/state domestic sheep grazing allotments that bighorn sheep occur on or in proximity to.
- 3) The legislation requires the Department to collaboratively develop best management practices with public land domestic sheep grazing permittees within 90 days (August 6<sup>th</sup> deadline). The Director shall certify that the risk of disease transmission, if any, is acceptable for the viability of bighorn sheep upon commencement and continued implementation of best management practices.

Additionally, the legislation eliminated the jointly funded wildlife veterinarian position shared between the Department and Idaho State Department of Agriculture.

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

The legislation does not direct changes to, nor is it inconsistent with, the Commission policy on maintaining separation between bighorn and domestic sheep.

**Public Involvement Process:**

The Governor's Collaborative has been delayed until completion of the Department/Permittee certification agreements. However, the Nez Perce Tribe, Idaho Conservation League, and Wild Sheep Foundation have withdrawn from the collaborative process.

**Staff Recommendation:**

None. This agenda item is designed to provide an update to the Commission on progress toward Department obligations arising from new legislation.

**Justification:**

Informational only.

**Meeting Date:** July 23, 2009

**Agenda Item No. 21**

**Agenda Item:** Active Outdoors Update

**Bureau Chief Approval:** \_\_\_\_\_

**Prepared by:** Jim Lau, Chief, Bureau of Administration

**Background:**

Address the Commission about the new ownership of Active Outdoors and how it effects the department's licensing systems. The new Active Outdoors General Manager of Hunting and Fishing, Richard Levin, will be in attendance to speak to the Commission and answer questions.

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

None

**Public Involvement Process:**

None

**Staff Recommendation:**

None

**Justification:**

None

**Meeting Date:**

**Agenda Item No. 22**

**Agenda Item:** Outfitters and Guides Licensing Board Update

**Bureau Chief Approval:** \_\_\_\_\_

**Prepared by:** Virgil Moore, Deputy Director, IDFG

**Background:** The Department signed an MOU with the IOGLB in January, 2008 calling both entities to work together to resolve several issues of importance.

Alex Irby, IOGLB Commission Representative; Wayne Hunsucker, IOGLB Board Chairman; Jake Howard, Executive Director, IOGLB and Virgil Moore, Deputy Director, IDFG will report on the recent activities to develop policies dealing with a request for licensing outfitter for waterfowl, turkey and upland game birds and the recent actions of the IOGLB in approval of a temporary Moratorium on Outfitted Waterfowl, Upland Game and Turkey Hunting. Draft policies for Needs/Capacity Assessment and Outfitting on State or Private Lands are being worked on by the IOGLB, IOGA and IDFG.

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

Under the foundation of the IOGLB and IDFG MOU (January 16, 2008) both entities would like to develop policy that addresses outfitting on private lands. Policy will improve the evaluation of license applications and substantiate the need for such services which together will serve to develop a clear record of decision. IOGLB is moving forward with policy development and approval with IDFG.

**Public Involvement Process:**

Additional discussions are needed before a timeline and scoping process can be recommended to the Idaho Outfitter and Guides License Board and the Idaho Fish and Game Commission.

**Staff Recommendation:**

None – information only

**Justification: NA**

<b>OUTFITTERS &amp; GUIDES LICENSING BOARD</b>	<b>POLICY MANUAL</b>	<b>POLICY NUMBER:</b> 2027	<b>PAGE NUMBER:</b> 1 of 2
		<b>SUBJECT:</b> Moratorium on Outfitted Waterfowl, Upland Game and Turkey Hunting.	Proposed : Adopted: Revised:

**1.00.00 POLICY OF THE AGENCY**

The Board has certain statutory powers and duties set forth in the Outfitters and Guides Act. These powers and duties not only include licensing qualified applicants but also enforcing the provisions of the Act for the conservation of wildlife and range resources (IC 36-2107(d)). The Board is further authorized to cooperate with federal and state agencies in matters of mutual concern regarding the business of outfitting and guiding in Idaho (IC 36-2107(e)). Further the Board is obligated to consider when licensing an activity the accessibility of the area and its terrain and the effect such license would have upon the environment, the game and the number of persons that can be served (IC 36-2109(b)).

The Board has adopted certain rules as authorized by the Act which provide additional considerations when licensing an Outfitter. In evaluating an Outfitter application, the Board must consider the public need for the requested services, the accessibility and use of the area by the general public and the area requested and the effect such license would have upon the environment and game available for harvest (Board Rule 021.)

For the reasons provided in this document, it is Board policy that a formal “moratorium” be established regarding new applications and amendments to existing licenses for Outfitted Waterfowl, Upland Game and Turkey Hunting.

It is Board policy that this “moratorium” be temporary and shall only be in place until a complete analysis and evaluation can be conducted by the Board in cooperation with the Idaho Fish and Game Commission and the Idaho Department of Fish and Game and with other agencies, industry representatives, the outfitted public and the public at large so that objective information can be prepared and identified in a cooperative and collaborative fashion for the Boards consideration so as to make an informed and appropriate decision regarding these activities. This policy does not affect Outfitters who are currently licensed to provide these activities.

**2.00.00 TABLE OF CONTENTS**

**3.00.00 REFERENCES**

**4.00.00 GENERAL**

The following facts support this Moratorium:

- The Board recognizes that an understanding has existed between the Board and the Idaho Fish and Game Commission since the July 10-14, 1989 Board meeting where a “moratorium” was placed on new outfitter licenses for waterfowl and upland game hunting.
- Beginning as early as the August 23-27, 1992 board meeting and based on the recommendations of the Idaho Department of Fish and Game, applications have been consistently denied for outfitted turkey hunting. At their May 17-19, 2006 meeting, the Fish and Game Commission reaffirmed the

IDFG Department's opposition to upland game (including turkey) and waterfowl outfitting for the outfitting industry. This opposition was again reaffirmed at the June 2008 board meeting where the Idaho Department of Fish and Game expressed concerns with outfitted turkey hunting and its affect upon general public access.

- It is also recognized that discussions have occurred during IOGLB's meetings with the Idaho State Senate Resources and Conservation Committee in the 2006, 2007 and 2008 sessions where Senators have expressed their concern with new outfitter licenses for waterfowl, upland game and turkey hunting.

It is recognized that private land owners or other business owners may be licensed as outfitters to provide equipment, facilities and services on those lands they own outright or under arrangements with other private land owners. The Board must strive for its decisions to be understood and fair and that the decision basis should be supported by the record as a whole.

The Board does not possess adequate facts, data and information concerning the nature of the upland game (including turkey) and waterfowl resources in the state of Idaho and the effect the issuance of new licenses or amendments for these activities may have upon such resources and the current hunting access the public currently does or doesn't enjoy. Further the public need for these outfitter services is currently unknown.

#### 5.00.00 PROCEDURE

The following are matters which need consideration in this matter:

- Procedures and protocol are necessary for IOGLB staff (staff) and other agencies to gather information and data as reviewed in this policy in order for the Board can make reasonable and informed decisions when processing applications or requests for information regarding these activities.
- Procedures and protocol are necessary for industry representatives, the outfitted public and the public at large to determine their positions on the access issues, need for such services, whether license opportunities exist and if so, what the license restrictions might be and to determine application requirements.
- A review of issues or the past comments from the State legislature and a determinate whether legislative intervention is needed or whether new or revised statutes or rules are necessary.
- A commonly recognized understanding of who the "public" is and how to understand "public need" must be determined.
- It is recognized that a moratorium by it nature is not an appropriate response to this matter and as such it is temporarily in place until a final disposition is reached and set a foundation and support for the record as a whole. In this respect, a reasonable timeline must be established to arrive at recommendations to address this matter.

**Meeting Date:** July 23, 2009

**Agenda Item No. 23**

**Agenda Item:** Region 1 – Shields Acquisition

**Bureau Chief Approval:** \_\_\_\_\_

**Prepared by:** Katherine Cousins and Gregg Servheen

**Background:**

This 66.95-acre fee title acquisition is located along the west bank of the Pack River approximately two miles north of Highway 200. Acquisition of this property will add to the land base of the Pend Oreille River Wildlife Management Area (approximately 6,258 acres as of 2008).

The property is being acquired through the Albeni Falls wildlife mitigation program and will be funded by Bonneville Power Administration. The property will be managed as part of the Pend Oreille WMA and is directly across the Pack River from the Rapid Lightning Creek and Trout Creek habitat segments of the Pend Oreille Wildlife Management Area. This acquisition increases opportunities to provide waterfowl and upland game habitat.

Acquisition of this property may encourage neighbors to the north and south of the parcel to protect their properties from further development and provide greater protection for both fish and wildlife on the Pack River.

No buildings are part of the acquisition. IDFG pays a fee in lieu of taxes (FILT) for all fee-title properties. The FILT for properties acquired in Bonner County is estimated at approximately \$3.66 per acre, for a total of approximately \$245 for the subject property.

The property was previously presented to the Commission during Executive Session on November 7, 2008.

**Statutory Authority and/or Policy issues:**

Land acquisition in accordance with Commission and Department land acquisition policy.

**Public Involvement Process:**

County commissioners have been notified and support the acquisition. The public will be informed and contacted for their input regarding management of the property.

**Staff Recommendation:**

The Lands Committee recommends proceeding with the acquisition.

**Meeting Date: July 23-24, 2009**

**Agenda Item No.**

**Agenda Item: 2009 Nonresident hunter survey**

**Bureau Chief Approval: \_\_\_\_\_**

**Prepared by:** Michele Beucler and Bruce Ackerman

**Background:**

Nonresident elk and deer tag sales are down about 25% and 31%, respectively, from this time last year. As a way to encourage nonresident hunters to come to Idaho this year, we put together a mass mailing to over 30,000 nonresidents who had purchased a license in at least one of the past two years but had not yet purchased one for 2009. The mailing included the SuperHunt brochure/application, a nonresident controlled hunt application, a “come to Idaho” letter, and a questionnaire.

We could not pass up the opportunity to ask 30,000 nonresidents questions about hunting in Idaho. By answering these questions, we will better target future communications and marketing efforts, help forecast nonresident sales, and engage them in a new kind of relationship with Fish and Game. Although not a scientific survey, we at least will get a coarse assessment about the following questions:

- 1) Why are nonresident sales down?
- 2) Who is our competition (i.e., are they going somewhere else)?
- 3) How much did the fee increase affect their decision?
- 4) Do they intend to come to Idaho in the next few years?
- 5) Why have they chosen Idaho in the past?

Results of this inquiry will be presented along with suggestions on how to better engage nonresident hunters as legitimate stakeholders.

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

None. This is an informational item.

**Public Involvement Process:**

Not applicable (this effort was a public opinion inquiry).

**Staff Recommendation:**

We would like to mail a follow-up letter to at least the 2,500 nonresidents who have responded and preferably to all 30,000. We suggest that nonresidents have been a disenfranchised group of stakeholders and that we need to better understand them and engage them as stakeholders if we want them to return to Idaho.

**Justification:**

Nonresident hunters account for nearly half of Fish and Game’s license revenue. They have the power to choose which states to hunt and their choices can significantly affect Fish and Game’s revenue. By conducting more inquiries such as this, we will better target future communications and marketing efforts and engage them in a new kind of relationship with Fish and Game.