IDAHO FISH AND GAME GOLDSHEET

November 2026 Commission Meeting ***Agenda Item No.:*** *5A*
Agenda Item: *Administrative Rules: Adoption of Pending Rules* ***(Action)*** ***Supervisor Approval:*** *JF*
Presented by: *Amber Worthington*
Position/Title: *Deputy Director of Programs and Policy*

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

IDAPA 13.01.09 – The proposed rulemaking revises two sections from chapter 13.01.09 – Rules Governing Taking of Game Birds and Upland Game Animals to provide the opportunity for electronic tagging for certain game birds.

IDAPA 13.01.10 - The proposed rulemaking revises one section from chapter 13.01.10 – Rules Governing Importation, Possession, Release, Sale, or Salvage of Wildlife to manage Chronic Wasting Disease (CWD) management zones down to the specific Game Management Unit.

Statutory Authority and/or Policy Issues:
Idaho Code 36-104 grants authority to the Commission to set seasons and promulgate IDAPA rules. Idaho Code 67, Chapter 52 (Idaho Administrative Procedure Act) governs the process for considering, adopting, and implementing IDAPA rules. Idaho Code 67-5224 provides for adoption of pending rules for additional public notice and comment.

Public Involvement Process:
Public involvement for rulemaking occurs through Commission meetings, negotiated rulemaking and the publication of proposed rules in the Administrative Bulletin.

The proposed rules are open for a 21-day public comment period and at the time of this draft, we received 46 responses with most in favor of e-tagging and few comments around the CWD management zone rule change. The pending rule is the same as the proposed rule the Commission adopted at their July meeting.

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

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

13.01.09 – Rules Governing Taking of Game Birds and Upland Game Animals
13.01.10 – Rules Governing Importation, Possession, Release, Sale, or Salvage of Wildlife

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

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

BREAK IN CONTINUITY OF SECTION

100. GAME BIRD TAGS.

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

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

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

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

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

BREAK IN CONTINUITY OF SECTION

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

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

(3-31-22)

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

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

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

BREAK IN CONTINUITY OF SECTION

150. CWD MANAGEMENT RESTRICTIONS.

01. Designation of CWD Management Zone. The Commission may designate CWD Management Zone(s) where wildlife is subject to increased risk of acquiring CWD based on presence of CWD-infected animals and information on wildlife movement. The Director may designate CWD Management Zone(s) on a temporary basis, for a period not to exceed ninety (90) days and subject to Commission review. (4-6-23)

02. Prohibitions. It is unlawful to: (4-6-23)

a. Import into Idaho the carcass or any part of deer, elk, or moose from another state, Canadian province, or country (other than Canada) with any documented CWD; (4-6-23)

b. Transport the carcass or any part of deer, elk, or moose out of ~~any CWD~~ the Game Management ~~Zone~~ Unit of harvest or salvage within a ~~to any portion of the state that is not a designated~~ CWD Management Zone; or (4-6-23)

c. Possess the carcass or any part of deer, elk, or moose that: has been imported from another state, Canadian province or country with a documented case of CWD; or transported out of any CWD Management Zone to or across any part of the state that is not a designated CWD Management Zone. (4-6-23)

03. Exceptions. This section does not apply to: (4-6-23)

a. Domestic cervids regulated under Chapter 37, Title 25, Idaho Code; (4-6-23)

b. Meat that is cut and wrapped; (4-6-23)

c. Quarters or deboned meat that does not include brain or spinal tissue; (4-6-23)

d. Edible organs, excluding brains; (4-6-23)

e. Hides without heads; (4-6-23)

f. Upper canine teeth (ivories); (4-6-23)

g. Finished taxidermy; (4-6-23)

h. Dried antlers; (4-6-23)

i. Cleaned and dried skulls or skull caps; (4-6-23)

j. Skull caps that do not include brain or spinal tissue; or (4-6-23)

k. Head or tissue from a CWD Management Zone, provided it is presented to the Department for sampling purposes, with the Department to keep possession for appropriate tissue disposal. (4-6-23)