

Meeting Date: September 20, 2019

Agenda Item No. 3.

Agenda Item: 2020 Legislative Proposals,
Department Sponsored

Bureau Chief Approval: ES

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Background: The federal Migratory Bird Treaty Act regulates the hunting of migratory game birds. In July 2018, the Commission adopted the staff recommendation to submit an Idaho swan hunt proposal to the Pacific Flyway Western Tundra Swan Subcommittee. In September 2018, this proposal was endorsed by the Pacific Flyway Council (Council). In August 2019, Council recommended a change to the 2020-21 Pacific Flyway swan hunting framework to allow a season in northern Idaho. Contingent upon approval from the U.S. Fish and Wildlife Service Regulations Committee in October 2019, the Idaho Fish and Game Commission may be authorized to allow limited tundra swan hunting in northern Idaho during the fall 2020-21 hunting season.

It is necessary to establish statutory authority for the Commission to issue swan tags. In July 2019, the Commission adopted the staff recommendation to modify statutory language for Upland Game Bird requirements and proceed with the development of draft bill language to submit through the Executive Agencies Legislation System (EALS). To accommodate swan hunting in the near term, the Department received approval from the Governor's Office and the Division of Financial Management to amend this proposed legislation to include allowances for swan hunting in Idaho.

Staff have drafted proposed changes to Idaho Statute to establish a swan tag and the associated tag cost (attached).

Statutory Authority and/or Policy issues: The Commission has responsibility to provide policy direction for Department-sponsored legislation. This legislation provides the Commission with authority to issue tags and develop related tag use/validation requirements; season setting and rulemaking for hunting swan would be separate Commission decisions at a later date.

Public Involvement Process: The Department has directly contacted the Confederated Salish and Kootenai Tribes, The Trumpeter Swan Society, the Northern Rockies Trumpeter Swan Stewards, local birding and sportsman groups, and members of the Coeur d'Alene Restoration Partnership (including the Coeur d'Alene Tribe). There is also substantial opportunity for public involvement through legislative committee hearings about bills during the 2020 session and through the migratory game bird season-setting process in April 2019.

Staff Recommendation:

- Provide policy approval for proposed statutory language to provide the Commission authority to establish a swan tag and the associated tag cost. Proposed changes to Statute Title 36, Chapter 4 follow.

Sample Motion:

Move to adopt the staff recommendation to modify statutory language as attached to establish a swan tag and the associated tag cost.

Justification: Commission review is necessary to ensure consistency between legislative ideas and Commission policy and priorities.

Proposed changes to statutory language re: swan tag requirements

TITLE 36
FISH AND GAME
CHAPTER 4
GAME TAGS, PERMITS, FEES, PENALTY

36-409. (a) Resident Game Tags. A resident who has obtained authorization to hunt, as provided in section 36-401, Idaho Code, or has purchased or obtained a license to hunt, as provided in section 36-406, Idaho Code, upon payment of the fees provided herein shall be eligible to receive a resident game tag to hunt and kill a moose, bighorn sheep, mountain goat, elk, deer, antelope, mountain lion, black bear, grizzly bear, wolf, sandhill crane, swan or turkey in accordance with the laws of this state and rules promulgated by the commission; provided further, that any person who holds a senior resident combination license or any person who holds a junior combination or hunting license or any disabled American veteran who holds a disabled combination license, may be issued a black bear, deer, elk, or turkey tag for a fee as specified in section 36-416, Idaho Code; provided further, that resident game tags may be issued only to those persons who meet residency requirements of section 36-202(s), Idaho Code. In the event an emergency is declared to open a season to protect private property as provided in section 36-106(e)6.(B), Idaho Code, the affected landowner or his designee shall be eligible to receive a resident deer, elk or antelope tag without charge; provided further, that resident game tags may be issued only to persons who qualify as residents pursuant to section 36-202, Idaho Code.

(b) Nonresident Game Tags. A nonresident who has purchased a license to hunt, as provided in section 36-407(a) or (k), Idaho Code, or has obtained a license to hunt, as provided in section 36-406(e), Idaho Code, or a resident who has purchased or obtained a license or authorization to hunt, as provided in section 36-401 or 36-406, Idaho Code, upon payment of the fees provided herein, shall be eligible to receive a nonresident tag to hunt and kill a moose, bighorn sheep, mountain goat, elk, deer, antelope, mountain lion, black bear, grizzly bear, wolf, sandhill crane, swan or turkey in accordance with the laws of this state and rules promulgated by the commission; provided further, that a nonresident who has purchased a license to hunt, as provided in section 36-407(k) and (l), Idaho Code, shall be eligible to receive a junior mentored or disabled American veteran deer, elk, black bear, or turkey tag for a fee as specified in section 36-416, Idaho Code.

(c) Game Tags Required. The appropriate tag must be had for the hunting or taking of each and every one of the aforementioned wildlife. The commission shall promulgate rules to allow exception from tag possession to take wildlife for a disabled hunter companion who is assisting a hunter possessing the appropriate tag and a valid disabled combination license or a disabled archery permit or a disabled hunt motor vehicle permit

or who is a disabled veteran participating in a hunt as provided in section 36-408(7), Idaho Code. Provided, that the commission may promulgate rules to allow a nonresident deer or elk tag to be used to hunt and kill either a black bear, a wolf or a mountain lion during the open season for deer or elk in that area, unit or zone as may be specified by the commission. All of said tags are to bear and have serial numbers.

(d) Game Tag to Be Validated and Attached to Carcass. As soon as any person kills any wildlife for which a tag is required, said tag, belonging to him, must be validated and attached to said wildlife in a manner provided by commission rule.

(e) Archery Permits. In addition to meeting the license and tag requirements provided in this chapter, any person participating in any controlled or general game season that has been specifically designated as an archery hunt must have in his possession an archery hunt permit, which may be purchased for a fee as specified in section 36-416, Idaho Code.

(f) Muzzleloader Permit. In addition to meeting the license and tag requirements provided in this chapter, any person participating in any controlled or general game season that has been specifically designated as a muzzleloader hunt must have in his possession a muzzleloader permit, which may be purchased for a fee as specified in section 36-416, Idaho Code.

(g) Hound Hunter Permit -- Resident -- Nonresident. Any person using a dog for the purpose of hunting or for taking, as defined in section 36-202, Idaho Code, big game or furbearing animals must have in his possession a valid hound hunter permit, which may be purchased by resident and nonresident license holders for a fee as specified in section 36-416, Idaho Code.

(h) Nonresident Bird of Prey Capture Permit. The commission may, under rules as it may prescribe, issue a nonresident bird of prey capture permit. This capture permit may be purchased by any licensed nonresident falconer for capturing birds of prey in Idaho. The fee for the permit shall be as specified in section 36-416, Idaho Code, and the permit shall be issued under the condition that the nonresident's home state allows reciprocal raptor capturing privileges for Idaho falconers.

(i) ~~Wildlife Management Area (WMA)~~ Upland Game Bird Permit. The commission may, under rules as it may prescribe, issue ~~an wildlife management area~~ upland game bird permit that must be purchased by all persons over seventeen (17) years of age prior to hunting stocked upland game birds on state wildlife management areas or other locations designated by the commission. The fee for the permit shall be as specified in section 36-416, Idaho Code. (X-XX-XX)

(j) Black Bear Baiting Permit. The commission may, under rules as it may prescribe, issue a black bear baiting permit. Any person placing or using bait as may be allowed by rule for the purpose of attracting black bear must have in his possession a valid black bear baiting permit, which may be purchased by a license holder for a fee as specified in section 36-416, Idaho Code.

(k) Migratory Bird Harvest Information Program Permit. The commission may, as provided by federal laws or regulations and under rules as it may prescribe, issue a migratory bird harvest information program permit that must be purchased by all

persons prior to hunting migratory game birds as required by federal law or regulations. The fee for the permit shall be as specified in section 36-416, Idaho Code.

(l) Dog Field Trial Permit. The commission may, under rules as it may prescribe, issue a dog field trial permit to any person using birds for dog field trials or training as may be allowed by rule. The permit may be purchased for a fee as specified in section 36-416, Idaho Code.

(m) Idaho Nursing Home Facility Resident Fishing Permit. The commission may, under rules as it may prescribe, issue an Idaho nursing home facility resident fishing permit that must be purchased by an Idaho nursing home facility to allow residents of its facility to fish during the open season. Facilities eligible to purchase this permit are: intermediate care facilities providing twenty-four (24) hour skilled nursing care, assisted living facilities providing twenty-four (24) hour extensive assistance, and skilled nursing facilities providing twenty-four (24) hour skilled nursing. By purchasing this permit, the facility assumes full responsibility for and control over the facility residents while using the permit. All laws, rules and proclamations apply to the use of this permit and it is the responsibility of the facility to assure compliance with all laws, rules and proclamations. In case of a violation, the facility shall be held accountable and any citations shall be issued to the facility. The permit may be purchased for a fee as specified in section 36-416, Idaho Code.

[36-409, added 1976, ch. 95, sec. 2, p. 337; am. 1978, ch. 171, sec. 1, p. 391; am. 1980, ch. 339, sec. 4, p. 875; am. 1981, ch. 98, sec. 3, p. 144; am. 1982, ch. 230, sec. 1, p. 606; am. 1984, ch. 197, sec. 2, p. 486; am. 1986, ch. 7, sec. 2, p. 47; am. 1986, ch. 52, sec. 5, p. 154; am. 1987, ch. 253, sec. 1, p. 515; am. 1988, ch. 209, sec. 1, p. 391; am. 1990, ch. 6, sec. 1, p. 11; am. 1990, ch. 372, sec. 5, p. 1032; am. 1991, ch. 290, sec. 1, p. 749; am. 1992, ch. 81, sec. 7, p. 228; am. 1993, ch. 27, sec. 2, p. 95; am. 1994, ch. 118, sec. 1, p. 267; am. 1995, ch. 176, sec. 1, p. 658; am. 1997, ch. 203, sec. 1, p. 578; am. 1998, ch. 175, sec. 4, p. 621; am. 1998, ch. 298, sec. 3, p. 985; am. 1998, ch. 357, sec. 4, p. 1119; am. 1999, ch. 55, sec. 1, p. 141; am. 2000, ch. 211, sec. 12, p. 556; am. 2001, ch. 139, sec. 1, p. 500; am. 2001, ch. 171, sec. 1, p. 586; am. 2001, ch. 206, sec. 1, p. 699; am. 2002, ch. 234, sec. 5, p. 690; am. 2007, ch. 35, sec. 1, p. 81; am. 2007, ch. 73, sec. 2, p. 198; am. 2010, ch. 102, sec. 1, p. 198; am. 2011, ch. 88, sec. 3, p. 186; am. 2011, ch. 109, sec. 3, p. 285; am. 2012, ch. 102, sec. 1, p. 272; am. 2016, ch. 207, sec. 1, p. 583; am. 2017, ch. 61, sec. 4, p. 144.]

36-416. Schedule of license fees. As used in this section, “N/A” means “not available.”

a) Sport Licenses

License	Resident	Non-Resident
Combination License	\$ 37.00	\$ 238.25
Hunting License	14.00	N/A
Hunting License with		
3 Day Fishing License	N/A	153.00
Fishing License	28.75	96.50
Sr. Combination License		

(65 and Older)	12.00	N/A
Sportsman's Pak License	135.00	N/A
Jr. Combination License	18.00	N/A
Jr. Hunting License	6.50	N/A
Jr. Mentored Hunting License		
or Disabled American Veteran		
Hunting License with 3 Day		
Fishing License	N/A	30.00
Jr. Fishing License	14.25	20.00
Disabled Combination		
License	4.00	N/A
Disabled Fishing License	4.00	N/A
Military Furlough Combination		
License	18.75	N/A
Military Furlough Fishing		
License	18.75	N/A
Small Game Hunting		
License	N/A	96.00
3 Day Small Game Hunting		
License	N/A	33.75
Daily Fishing (1st-day)		
License	11.75	13.25
Consecutive Day Fishing		
License	6.00	7.00
3 Day Fishing with Salmon/Steelhead		
Permit	N/A	35.75

Nongame Hunting License	N/A	33.75
Jr. Trapping License	6.50	N/A
Trapping License	28.00	300.00
(b) Sport Tags		
Deer Tag	\$ 23.00	\$ 300.00
Controlled Hunt Deer Tag	23.00	300.00
Jr. or Sr. or Disabled American		
Veteran Deer Tag	10.75	N/A
Jr. Mentored or Disabled		
American Veteran Deer		
Tag	N/A	22.00
Elk A Tag	35.00	415.00
Elk B Tag	35.00	415.00
Controlled Hunt Elk Tag	35.00	415.00
Jr. or Sr. or Disabled American		
Veteran Elk Tag	17.00	N/A
Jr. Mentored or Disabled		
American Veteran Elk		
Tag	N/A	38.00
Black Bear Tag	12.00	184.25
Jr. or Sr. or Disabled American		
Veteran Black Bear Tag	6.00	N/A
Jr. Mentored or		
Disabled American Veteran		
Black Bear Tag	N/A	22.00
Turkey Tag	21.00	78.25
Jr. or Sr. or Disabled American		

Veteran Turkey Tag	10.75	N/A
Jr. Mentored or		
Disabled American Veteran		
Turkey Tag	N/A	18.00
Mountain Lion Tag	12.00	184.25
Gray Wolf Tag	12.00	184.25
Pronghorn Antelope Tag	34.75	310.00
Moose Tag	198.00	2,100.00
Bighorn Sheep Tag	198.00	2,100.00
Mountain Goat Tag	198.00	2,100.00
Grizzly Bear Tag	198.00	2,100.00
Sandhill Crane Tag	21.00	65.75
<u>Swan Tag</u>	<u>21.00</u>	<u>65.75</u>
For purposes of this subsection, disabled American veteran tags provided to nonresidents shall be limited to holders of a nonresident disabled American veterans hunting license.		
(c) Sport Permits		
Bear Baiting Permit	\$ 13.25	\$ 30.00
Hound Hunter Permit	13.25	168.00
WMA Upland Game Bird		
Permit	27.00	50.00
Archery Permit	17.75	18.25
Muzzleloader Permit	17.75	18.25
Salmon Permit	13.50	24.00
Steelhead Permit	13.50	24.00
Federal Migratory Bird Harvest Info.		
Permit	1.00	3.00
Disabled Archery Permit	0.00	0.00

2-Pole Fishing Permit	13.25	13.75
Turkey Controlled Hunt Permit	6.00	6.00
Sage/Sharptail Grouse Permit	4.00	4.00
Disabled Hunt Motor Vehicle Permit	0.00	0.00
(d) Commercial Licenses and Permits		
Raptor Captive Breeding Permit	\$78.75	\$ 94.50
Falconry Permit	78.75	N/A
Falconry Capture Permit	18.50	168.00
Peregrine Capture Permit	30.00	200.00
Taxidermist-Fur Buyer License		
5-Year License	175.00	N/A
1-Year License	38.25	168.25
Shooting Preserve Permit	329.75	N/A
Commercial Wildlife Farm		
License	137.50	N/A
Commercial Fishing License	110.00	265.00
Wholesale Steelhead License	165.00	198.25
Retail Steelhead Trout Buyer's License	33.00	39.25
(e) Commercial Tags		
Bobcat Tag	\$ 3.00	\$ 3.00
Otter Tag	3.00	3.00

Net Tag	55.00	65.75
Crayfish/Minnow Tag	1.25	3.00
(f) Miscellaneous-Other Licenses		
Duplicate License	\$ 5.50	\$ 6.50
Shooting Preserve License	11.00	22.00
Captive Wolf License	32.00	N/A
(g) Miscellaneous-Other Tags		
Duplicate Tag	\$ 5.50	\$ 6.50
Wild Bird Shooting Preserve		
Tag	5.50	6.50
(h) Miscellaneous-Other Permits-Points-Fees		
Falconry In-State Transfer		
Permit	\$ 5.50	\$ N/A
Falconry Meet Permit	N/A	26.25
Rehab Permit	3.00	3.00
Educational Fishing Permit	0.00	0.00
Live Fish Importation		
Permit	3.00	3.00
Sport Dog and Falconry Training		
Permit	3.00	3.00
Wildlife Transport Permit	3.00	3.00
Scientific Collection Permit	50.00	50.00
Private Park Permit	21.75	26.25
Wildlife Import Permit	21.75	26.25
Wildlife Export Permit	11.00	13.25
Wildlife Release Permit	11.00	13.25
Captive Wildlife Permit	21.75	26.25
Fishing Tournament Permit	21.75	25.00

Dog Field Trial Permit	33.00	40.00
Live Fish Transport Permit	21.75	26.25
Controlled Hunt Application Fee		
Moose, Sheep, Goat, Grizzly Bear	15.00	40.00
Controlled Hunt Application Fee	4.50	13.00
Fee for Application for the Purchase of Controlled Hunt Bonus or Preference Points	4.50	4.50
Nursing Home Fishing Permit	33.00	N/A