



Idaho Department of Fish and Game Commissioners  
600 S Walnut St.  
Boise, Idaho 83712

**Re: Comments on Proposed Rule Changes IDAPA 13.01.08.410**

To the Idaho Department Fish and Game Commission,

On behalf of our organizations and all their members in Idaho and across the west we would like to express our concern with the following proposed rule changes published July 5th, 2017:

**IDAPA 13.01.08.410.UNLAWFUL METHODS OF TAKE. 05. OTHER - SECTION G.**

***“Prohibit use of trail cameras capable of recording images used as an aid to take a big game animal during the same day or following day as the camera was visited in the field...”***

The need to prohibit use of livestream or other transmission of real-time imagery is understandable. Such tools erode fair chase offering the ability to track animals without the need to traverse a landscape. However, prohibiting the use of traditional trail cameras on the same day and day after image retrieval, which requires physical retrieval, is unwarranted for several reasons.

When it comes to bear hunting, especially in Idaho, trail cameras are a very valuable asset that aid sportsmen. Trail cameras allow users to better judge bear age and sex and also allow sportsmen to better pattern the animal's behavior for a more successful harvest and limit sow harvest.

Many sportsmen utilize cameras to judge the number and use of hunting grounds by other hunters. Checking a camera to verify human traffic does not necessarily aid in hunting success.

The rule also states that sportsmen may not harvest an animal on the day the camera is visited. This language is confusing and unclear and leaves several questions unanswered. Does this language suggest that a hunter may not hunt his/her bait station if a camera is present but has not had photos extracted? What constitutes a “visit” to a camera? May a hunter harvest an

animal the same day (or following) a camera is checked but one that was not captured by his or her trail camera? May a hunter extract/check images from a camera, but harvest an animal the same day (or day after) that is far from the camera's location? If so, how far? Can a hunter check a camera to judge human foot traffic within 48 hours before harvesting an animal? The need for more exact language is needed.

While we do appreciate the need for ethical use of these electronic devices we feel this rule will negatively impact hunter opportunity. For the reasons mentioned previously **we do not support this new rule.**

#### **IDAPA 13.01.08.410.UNLAWFUL METHODS OF TAKE. 05. OTHER - SECTION alt G.**

Please see the comments above regarding wireless transmission of trail camera photos to a remote device such as a computer or smart phone. These types of cameras allow an individual hunter to "be" in, or see many locations at once in realtime, clearly eliminating fair chase. **We do support this rule change.**

#### **IDAPA 13.01.08.410.UNLAWFUL METHODS OF TAKE. 05. OTHER - SECTION H.**

##### **Eliminating use of electronic communication devices such as cell/smart phones, 2-way radios, and GPS devices for use in take of big game animal.**

Using communication tools has long been a safety measure for sportsmen. Their presence, even unused, creates peace of mind for backcountry safety. Eliminating the use of these tools can create unsafe situations but we understand this rule does not conflict with this type of use.

Hunters also use devices like smart phones to take pictures, utilize maps, pinpoint their GPS locations, etc. Communication equipment is also used locate your hunting partner(s) for various reasons. However, in certain situations we do understand that the use of electronic communication equipment can corrupt fair chase. Below are two instances of use of electronic communication. Example 1 clearly violates fair chase while example 2 would fall under this rule but would not warrant a citation we believe.

*Example 1.* One hunter with a spotting scope is guiding another hunter "on the hill" towards game impossible to see from the position on the hill. In this situation the hunter on the hill is directly aided from modern technology and would otherwise not have seen the deer. These instances, we understand, will lead to higher "success" rates and degrade our over-the-counter tag system by substantially enhancing harvest rates, but we believe this proposed change needs to have direct language dealing with these instances.

*Example 2.* Two hunters are hiking up separate ridges with no line of sight to one another. One texts, or radios, "I have eyes on elk over here". To further the

hypothetical, the message sender also transmits a screen captured image pinpointing his/her location. They meet up and the receiver of those messages takes an animal.

Example 2 seems drastically different than the first example, yet both would be equally punishable. We believe the difference in the use of electronic communication needs to be clearly addressed in any rule change dealing with the subject.

Other questions remain: How will the Department enforce such a rule? 2-way radios don't have a call log. How can an enforcement officer make that judgement? Will they have the authority to seize and search our phones for text records? This issue may not be enforceable, let alone feasible. For these reasons **we do not support this rule change.**

Please consider these comments and we thank you for the opportunity to participate. We are willing to work with the Commission and Department to create more exacting language. We look forward to working with the commission on this process and will answer any further questions you may have regarding our statement.

Sincerely,

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Idaho Wildlife Federation

Joseph Kondelis  
President  
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