

Dear Senators VICK, Heider, Stennett, and
Representatives GIBBS, Lickley, Rubel:

The Legislative Services Office, Research and Legislation, has received the enclosed rules of the
Department of Fish and Game:

IDAPA 13.01.10 - Rules Governing Importation, Possession, Release, Sale, or Salvage of Wildlife
(ZBR Chapter Rewrite) - Proposed Rule (Docket No. 13-0110-2201);

IDAPA 13.01.14 - Rules Governing Falconry (ZBR Chapter Rewrite) - Proposed Rule (Docket
No. 13-0114-2201).

Pursuant to Section 67-454, Idaho Code, a meeting on the enclosed rules may be called by the
cochairmen or by two (2) or more members of the subcommittee giving oral or written notice to Research
and Legislation no later than fourteen (14) days after receipt of the rules' analysis from Legislative
Services. The final date to call a meeting on the enclosed rules is no later than 11/18/2022. If a meeting is
called, the subcommittee must hold the meeting within forty-two (42) days of receipt of the rules' analysis
from Legislative Services. The final date to hold a meeting on the enclosed rules is 12/16/2022.

The germane joint subcommittee may request a statement of economic impact with respect to a
proposed rule by notifying Research and Legislation. There is no time limit on requesting this statement,
and it may be requested whether or not a meeting on the proposed rule is called or after a meeting has
been held.

To notify Research and Legislation, call 334-4854, or send a written request to the address on the
memorandum attached below.



Terri Kondeff
Director

Legislative Services Office

Idaho State Legislature

Serving Idaho's Citizen Legislature

MEMORANDUM

TO: Rules Review Subcommittee of the Senate Resources & Environment Committee and the House Resources & Conservation Committee
FROM: Deputy Division Manager - Katharine Gerrity
DATE: November 01, 2022
SUBJECT: Department of Fish and Game

IDAPA 13.01.10 - Rules Governing Importation, Possession, Release, Sale, or Salvage of Wildlife (ZBR Chapter Rewrite) - Proposed Rule (Docket No. 13-0110-2201)

IDAPA 13.01.14 - Rules Governing Falconry (ZBR Chapter Rewrite) - Proposed Rule (Docket No. 13-0114-2201)

1. IDAPA 13.01.10 - Rules Governing Importation, Possession, Release, Sale, or Salvage of Wildlife

Summary and Stated Reasons for the Rule

The Idaho Department of Fish and Game submits notice of proposed rule at IDAPA 13.01.10 - Rules Governing Importation, Possession, Release, Sale, or Salvage of Wildlife. This is a chapter rewrite. According to the department, the rule is being presented for authorization as part of the IDFG plan to review each rule chapter every five years. The department states that this rulemaking concerns the commercial and noncommercial importation, possession, release, sale, or salvage of wildlife. The department notes that the rulemaking includes changes to the current rule to clarify definitions and clarify that allowances for release of native wildlife without a permit does not apply to nonnative wildlife, restrict the release of captured wild native reptiles and amphibians back into the wild in certain circumstances, and make the sale of rattlesnake parts consistent with other native reptile possession requirements. The department goes on to state that proposed changes modify primary wolf characteristics to include both male and female weights and eliminate eye shine color as a characteristic. The department states that proposed changes include language to distinguish a requirement for captive wildlife facilities to provide an inventory of animals yearly to the department from a requirement that animal health records must be available for department inspection upon request. The department notes that changes shift reporting of animal deaths to the appropriate regional office from the Wildlife Health Laboratory and clarify requirements applicable to wildlife rehabilitation facilities. According to the department, changes clarify requirements applicable to captively propagated game birds intended for release in Idaho, and delete a requirement for habitat verification for the department's permitting of game bird shooting preserves. The changes eliminate facility construction cost in the calculation of financial assurance requirements for large commercial wildlife facilities and that the proposed change would rely on a \$2,000 per animal held, or \$50,000 whichever amount is greater,

Paul Headlee, Deputy Director Kristin Ford, Manager Keith Bybee, Manager April Renfro, Manager Glenn Harris, Manager
Legislative Services Office Research & Legislation Budget & Policy Analysis Legislative Audits Information Technology

Statehouse, P.O. Box 83720
Boise, Idaho 83720-0054

Tel: 208-334-2475
legislature.idaho.gov

financial assurance to guarantee performance of license conditions and to reimburse the department for any costs incurred for cleanup of abandoned or closed facilities, removal of animals from abandoned or closed facilities, capture or termination of escaped animals, or disease control.

Negotiated Rulemaking / Fiscal Impact

According to the department, Notice of Intent to Promulgate Rules - Negotiated Rulemaking was published in the April 6, 2022 Administrative Bulletin but that no person identified themselves as interested in participating in negotiated rulemaking. There is no fiscal impact anticipated from the rulemaking.

Statutory Authority

The rulemaking appears to be authorized pursuant to Sections 36-103, 36-104, 36-701, 36-703, 36-704, 36-706, 36-708, 36-712, 36-2201, and 36-2205, Idaho Code.

2. IDAPA 13.01.14 - Rules Governing Falconry

Summary and Stated Reasons for the Rule

The Idaho Department of Fish and Game submits notice of proposed rulemaking at IDAPA 13.01.14 - Rules Governing Falconry. According to the department, the rule is being presented for authorization as part of the IDFG plan to review each rule chapter every five years. The Department states that the U.S. Fish and Wildlife Service must be satisfied with Idaho's regulation of falconry to delegate authority for falconry regulation to the state under the federal Migratory Bird Treaty Act. The department states it will be reviewing the proposed rule with the service and may have to make changes to the proposed rule to address federal requirements. The department notes that proposed changes include: restructuring of the chapter to divide possession, import, sale, and propagation activities into separate rule sections; providing clarity on the classes of falconry permits; revising reporting requirements for change in possession/ownership status for captive birds of prey. and consolidate requirements for release of captively propagated game birds associated with falconry into general requirements for captively propagated game birds in IDAPA 13.01.10, "Rules Governing Importation, Possession, Release, Sale or Salvage of Wildlife."

Negotiated Rulemaking / Fiscal Impact

Negotiated rulemaking was conducted and there is no fiscal impact associated with the rulemaking.

Statutory Authority

Rulemaking appears to be authorized pursuant to Sections 36-104, 36-409, and 36-1102, Idaho Code.

cc: Department of Fish and Game
Amber Worthington

***** PLEASE NOTE *****

Per the Idaho Constitution, all administrative rules may be reviewed by the Legislature during the next legislative session. The Legislature has 3 options with this rulemaking docket: **1)** Approve the docket in its entirety; **2)** Reject the docket in its entirety; or **3)** Reject the docket in part.

IDAPA 13 – DEPARTMENT OF FISH AND GAME
**13.01.10 – RULES GOVERNING IMPORTATION, POSSESSION,
RELEASE, SALE, OR SALVAGE OF WILDLIFE**
DOCKET NO. 13-0110-2201 (ZBR CHAPTER REWRITE)
NOTICE OF RULEMAKING – PROPOSED RULE

AUTHORITY: In compliance with Section 67-5221(1), Idaho Code, notice is hereby given this agency has initiated proposed rulemaking. The action is authorized pursuant to Sections 36-103, 36-104, 36-701, 36-703, 36-704, 36-706, 36-708, 36-712, and 36-2201 to 36-2205 Idaho Code.

PUBLIC HEARING SCHEDULE: A public hearing concerning this rulemaking has been scheduled and posted on agency website at <https://idfg.idaho.gov/about/rulemaking>.

| |
|--|
| *PUBLIC MEETING* Tuesday, October 18, 2022 @ 12:00 p.m. (Mountain Time) |
| In Person: IDFG Headquarters 600 South Walnut St., Boise, ID 83712 |
| Virtual by Zoom Meeting Link: https://us06web.zoom.us/j/83077793532 |

Additional public hearing(s) concerning this rulemaking will be scheduled if requested in writing by twenty-five (25) persons, a political subdivision, or an agency, not later than October 19, 2022.

Any hearing site(s) will be accessible to persons with disabilities. Requests for accommodation must be made not later than five (5) days prior to the hearing, to the agency address below.

DESCRIPTIVE SUMMARY: The following is a nontechnical explanation of the substance and purpose of the proposed rulemaking:

This rule is being presented for authorization as part of the IDFG plan to review each rule chapter every 5 years. This rulemaking concerns the commercial and non-commercial importation, possession, release, sale, or salvage of wildlife. The rules under consideration govern import and transport permit issuance; captive wildlife; disease of captive wildlife; recovery, possession and sale of wildlife parts; prohibition on possession, importation and transportation of deer/moose/wild elk carcasses or parts from areas known to have animals with chronic wasting disease; private and commercial wildlife facilities; wildlife rehabilitation facilities; release of captive propagated game birds; and operation of shooting preserves. Consistent with the Governor’s [Zero-Based Regulation Executive Order](#), the agency has reorganized rule sections in this chapter and revised current rule language to improve clarity and reduce duplication.

This proposed rulemaking includes changes to current rules to clarify definitions, including those for agricultural/domestic animals, conventional pets, bona fide pet stores, captive wildlife facilities, private parks, commercial wildlife facilities, large commercial wildlife facilities, shooting preserves, and several acronyms. Proposed changes to current rule also: clarify that allowances for release of native wildlife without a permit does not apply to non-native wildlife; restrict the release of captured wild native reptiles and amphibians back into the wild in certain circumstances; and make the sale of rattlesnake parts consistent with other native reptile possession requirements. Proposed changes modify primary wolf characteristics to include both male and female weights and eliminate eye shine color as a characteristic. Proposed changes include language to distinguish a requirement for captive wildlife facilities to provide an inventory of animals yearly to the Department from a requirement that animal health records must be available for Department inspection upon request. Proposed changes shift reporting of animal

deaths to the appropriate IDFG Regional Office from the Wildlife Health Laboratory. Proposed changes clarify requirements applicable to wildlife rehabilitation facilities. Proposed changes clarify requirements applicable to captively propagated game birds intended for release in Idaho, and delete a requirement for habitat verification for the Department's permitting of game bird shooting preserves.

Proposed change to the current rule would eliminate facility construction cost in the calculation of financial assurance requirements (via cash or surety bonds) for large commercial wildlife facilities. The proposed change would rely on a \$2,000 per animal held, or \$50,000 whichever amount is greater, financial assurance to guarantee performance of license conditions and to reimburse the Department for any costs incurred for cleanup of abandoned or closed facilities, removal of animals from abandoned or closed facilities, capture or termination of escaped animals, or disease control.

FEE SUMMARY: There is no fee associated with this rule.

FISCAL IMPACT: The following is a specific description, if applicable, of any negative fiscal impact on the state general fund greater than ten thousand dollars (\$10,000) during the fiscal year resulting from this rulemaking: There is no fiscal impact associated with this rulemaking.

NEGOTIATED RULEMAKING: Pursuant to Section 67-5220(1), Idaho Code, a Notice of Intent to Promulgate Rules - Negotiated Rulemaking was published in the April 6, 2022 Idaho Administrative Bulletin, [Vol. 22-4, page 22](#) under Docket No. 13-0110-2201. No persons identified themselves as interested in participating in negotiated rulemaking.

ASSISTANCE ON TECHNICAL QUESTIONS, SUBMISSION OF WRITTEN COMMENTS: For assistance on technical questions about the proposed rules, contact Tricia Hebdon, Assistant Chief of Wildlife, 208-287-2704.

Anyone may submit written comments regarding this proposed rulemaking. All written comments must be directed to the undersigned and must be delivered on or before October 26, 2022.

DATED this 29th day of August, 2022.

Amber Worthington Deputy Director
Idaho Department of Fish and Game
600 S. Walnut Street
P.O. Box 25 Boise, ID 83707
Phone (208) 334-3771
Fax (208) 334-4885
Email: rules@idfg.idaho.gov

THE FOLLOWING IS THE PROPOSED TEXT OF DOCKET NO. 13-0110-2201
(Zero Based Regulation (ZBR) Chapter Rewrite)

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

000. LEGAL AUTHORITY.

Sections 36-103, 36-104, 36-501, 36-504, 36-506, 36-701, 36-703, 36-704, 36-706, 36-708, 36-712, and 36-2201-2205, Idaho Code. ()

001. SCOPE.

These rules govern commercial and non-commercial importation, possession, release, sale, and salvage of wildlife.

()

002. -- 009. (RESERVED)

010. DEFINITIONS.

In this chapter, “wildlife” excludes bullfrogs, fish, or crustaceans whose possession, transport, release, and sale are regulated by IDAPA 13.01.11 and 13.01.12 or by ISDA, unless they are or will be maintained in a zoo or aquarium for live exhibit to the public. ()

01. Agricultural/Domestic Animals. Animals or eggs normally considered to be of agricultural or domestic types currently common to Idaho that: (1) do not meet the definition of wildlife in Section 36-202, Idaho Code and (2) are not intended for release into the wild in Idaho. These include but are not limited to livestock, domestic bison, domestic cervids, and domestic furbearing animals regulated by ISDA under Title 25, Idaho Code. ()

02. Bona Fide Pet Store. Legitimate retail store that engages in the selling of conventional pets with a set location and regular business hours. ()

03. Captive Wildlife Facility. Facility where the operator obtains, possesses, or propagates wildlife for any purpose, including commercial, rehabilitation, private ownership (including private park) or sale. ()

04. Commercial Wildlife Facility. Facility where the operator obtains, possesses, or propagates wildlife for any commercial purpose, including exhibition, education, entertainment, or sale. ()

05. Commercial Wildlife Farm. Commercial wildlife facility where operator propagates big game animals not regulated by ISDA. ()

06. Conventional Pets. Privately owned companion animals not intended for research or resale that are not native wildlife captured from the wild in Idaho: dogs, cats ferrets, rabbits, rodents, non-venomous or non-dangerous reptiles and amphibians, non-poultry birds, hedgehogs, tenrecs, and sugar gliders. ()

07. CWD. Chronic Wasting Disease. ()

08. ISDA. Idaho State Department of Agriculture. ()

09. Large Commercial Wildlife Facility. Commercial wildlife facility housing three or more species or encompassing display or exhibit areas larger than one (1) acre. ()

10. NPIP. National Poultry Improvement Program for state-federal cooperative testing and certification. ()

11. Private Park. Facility where the owner or operator obtains, possesses, or propagates wildlife in captivity for personal pleasure and not for any commercial purpose. ()

12. Publicly Owned Zoo or Wildlife Exhibit. Zoo, aquarium, or similar facility exhibiting wildlife owned by any municipal, county, state, or federal agency. ()

13. Shooting Preserve. Privately owned or leased premises operated for hunting of captively propagated upland game birds. ()

14. Traveling Circus, Menagerie, or Trained Act of Wild Animals. Mobile wildlife display or exhibit maintained for instructional, educational, entertainment, or other commercial purposes that is not located within Idaho more than two (2) months during any calendar year. ()

011. -- 099. (RESERVED)

100. POSSESSION OR SALE OF WILDLIFE KILLED LAWFULLY.

In addition to the restrictions and permissions set forth in Sections 36-106, 36-501, 36-502, and 36-1107, Idaho Code: ()

01. Edible Flesh. No person may sell, purchase, or barter the edible flesh of game animals or other wildlife protected by classification under IDAPA 13.01.06. ()

02. Rattlesnakes. Skins or rattles of rattlesnakes lawfully killed in defense of people or property, or dying in lawful captivity, may be possessed, purchased, or sold, provided the person taking rattlesnake(s) from the wild or owning in captivity does not sell more than four (4) rattlesnakes per year. ()

03. Written Statement for Possession by Another. A written statement showing the taker's name, address, license and tag/permit numbers, date and location of kill, the part(s) possessed, and signed by the taker, must accompany wildlife or its parts when possessed by another person. Any buyer of black bear or mountain lion head, hide or parts (except tanned hides finished into rugs or mounts) must send a copy of the sales statement, or a Department Form CE-50, to the Department within ten (10) days after such purchase. ()

04. Lawfully Taken under other Jurisdiction. Wildlife or parts thereof that have been legally killed, collected, or salvaged under the laws of other states, Indian tribes, or countries may be possessed or sold in Idaho unless Idaho prohibits such possession or sale. ()

101. – 119. (RESERVED)

120. RECOVERY OF PROTECTED WILDLIFE.

Protected species of wildlife that have died naturally (not human-caused) or by accidental or unlawful human causes, remain in public trust to be disposed of by the Department. However, a person may recover, possess, sell or purchase parts protected wildlife dying of natural causes or accidental vehicle collision as follows: ()

01. Bighorn Sheep. ()

a. Horns of bighorn sheep dead of natural causes may be recovered and possessed, provided such horns are presented to a Department office for marking by permanent metal pin within thirty (30) days of recovery. Pin insertion is not Department certification that the animal was legally taken. No person may sell, barter, purchase, or transfer to another person any horn from bighorn sheep that have died from natural causes without a Department permit. ()

b. No person may alter, deface, or remove a pin placed in a bighorn sheep horn by the Department. No person may possess any horn of a bighorn sheep that bears an altered, defaced, or counterfeit Idaho pin or from which a state pin has been removed. ()

02. Big Game other than Bighorn Sheep. Antlers, hides, bones, horns, or teeth of big game animals other than bighorn sheep that have died of natural causes may be recovered, possessed, purchased, bartered or sold, provided that reporting of bear and mountain lion parts is in accordance with reporting under Section 100.03 of these rules. ()

03. Wildlife Salvaged from Vehicle Collision. Big game animals, upland game animals, upland game birds, or furbearing animals, which may be lawfully hunted or trapped in Idaho, or predatory or unprotected wildlife that have been killed or dispatched as a result of accidental vehicle collision and salvaged in compliance with Section 36-506, Idaho Code, may be recovered, possessed, provided that such taking is not in violation of state or federal law. Parts of said wildlife, excluding any meat and excluding any part of bighorn sheep, may also be purchased, bartered, or sold, where sale is not specifically prohibited by federal statute or regulation or state statute, provided a written statement as described in IDAPA 13.01.10.100.03 accompanies the wildlife part. ()

121. – 139. (RESERVED)

140. TAXIDERMY AND FUR BUYER LICENSE RECORDS.

Persons possessing a taxidermist or fur buyer license must keep a record of any wildlife received for mounting or preservation; and of any purchase of furbearers, or of raw skins or parts of black bear, mountain lion or wolves, with

said record to be kept for two (2) years from the respective date of receipt or purchase. Records may be written or preserved by media complying with Section 9-328, Idaho Code; copies of completed Department Form CE-50 are also considered adequate records. ()

141. – 149. (RESERVED)

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. ()

02. Prohibitions. It is unlawful to: ()

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; ()

b. Transport the carcass or any part of deer, elk, or moose out of any CWD Management Zone to any portion of the state that is not a designated CWD Management Zone; or ()

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. ()

03. Exceptions. This section does not apply to: ()

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

b. Meat that is cut and wrapped; ()

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

d. Edible organs, excluding brains; ()

e. Hides without heads; ()

f. Upper canine teeth (ivories); ()

g. Finished taxidermy; ()

h. Dried antlers; ()

i. Cleaned and dried skulls or skull caps; ()

j. Skull caps that do not include brain or spinal tissue; or ()

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. ()

04. Disposal of Carcasses or Parts in Violation. The Department may seize carcasses or parts imported, transported, or possessed in violation of this section, with a person in violation of this section responsible for handling and disposal costs, as authorized under Chapters 34 and 53, Title 19, Idaho Code. ()

151. – 199. (RESERVED)

200. LIVE WILDLIFE.

01. General. No person may import into Idaho, export from Idaho, transport, possess or otherwise hold in captivity, propagate, sell or release into the wild any live wildlife, except those animals exempted by Idaho Code or these rules, without a corresponding import, export, transport, captive possession (individual animal license or multiple animal license at a private, commercial or rehabilitation facility), sale or release license/permit from the Department. Use of raptors in falconry is governed by IDAPA 13.01.14, Rules Governing Falconry. ()

02. Compliance with Other Agency Requirements. No person may possess, hold in captivity, or propagate any wildlife without complying with relevant city or county ordinances, including any zoning and planning commission approval, and any ISDA or USDA requirements. ()

03. Restrictions on License Issuance. The Department will not issue any license/permit for import, export, transport, captive possession, sale, or release of live wildlife or eggs thereof, if the wildlife or eggs would pose a threat to the state of Idaho, including public safety, threat of disease, genetic contamination or displacement or of competition with existing species. Because of CWD, the Department will not issue any permit for the import into Idaho of any live cervid not regulated as a domestic cervid by ISDA. ()

04. Marking Big Game. All captive big game animals (excluding domestic cervids regulated by ISDA) must be uniquely marked via Department-approved method and numbering. ()

05. Inspections and Records. As a condition to any facility or individual captive animal license, the Department will be able to access for inspection at any reasonable time all records, all wildlife, and the facilities where the wildlife are kept, with records maintained as specified in Section 36-709(c), Idaho Code. ()

06. Exemptions for Import, Export, Transport, Possession or Sale. No permit is needed from the Department to import, export, transport, possess or sell the following animals, provided they are not intended for release into the wild (although another state or federal agency may regulate such activity): ()

- a. Agricultural/domestic animals. ()
- b. Conventional pets. ()

07. Exemptions for Unprotected and Predatory Wildlife. ()

a. Wildlife classified as Unprotected Wildlife or Predatory Wildlife that are lawfully taken by a person licensed or authorized to hunt or trap in accordance with Chapter 4, Title 36, Idaho Code, may be exported, transported, possessed, or sold without additional permit from the Department, provided such action is not otherwise in violation of federal, state, county, or city laws, rules, ordinances, or regulations. ISDA may restrict the possession, sale, or import of fox, skunk, raccoon or other animals, such as restrictions under Section 25-236, Idaho Code. ()

b. Native unprotected or predatory wildlife lawfully captured alive may be released on private lands in the county of origin without a Department permit in accordance with Section 36-502, Idaho Code and with written landowner consent in possession while such wildlife is in transit to the release site. ()

08. Exemptions for Native Reptiles and Amphibians. A person licensed or authorized to hunt or trap in accordance with Chapter 4, Title 36, Idaho Code, may capture alive, or hold in captivity and possess, no more than four (4) individuals per species of Idaho native reptiles or amphibians at one time, provided such action is not otherwise in violation of federal, state, county, or city laws, rules, ordinances, or regulations. Because of disease concerns, native reptiles or amphibians held in captivity with another reptile or amphibian obtained from any other location may not be released back into the wild unless the Department provides advance authorization. ()

201. DISEASE OF CAPTIVE WILDLIFE.

The Department and ISDA will mutually determine diseases and parasites of concern and mechanisms and procedures for control of diseases and parasites in captive wildlife. Such mechanisms and procedures include but are not limited to examination, testing, quarantine, and slaughter or destruction, at the owner's expense, of individual animals or herds that are infected with or affected by diseases or parasites that may have significant detrimental effect

on native wildlife, other captive wildlife, livestock or the public health of the citizens of the state of Idaho. ISDA authorizes such disease and parasite control measures under Title 25, Chapter 2, Idaho Code. ()

202. LIVE WILDLIFE IMPORT OR TRANSPORT.

01. Application. Application for a permit to import or transport wildlife will be on a form prescribed by the Department. The applicant must possess a valid commercial or private wildlife facility license or individual captive wildlife permit or make concurrent application for such facility or individual animal possession license. ()

02. Inspection and Examination. Upon Department request, the applicant must provide a valid Certificate of Veterinary Inspection from the state of origin for each animal imported or transported. ()

03. Additional Requirements. The Department may impose test and certification requirements related to genetic issues or diseases of concern for any animal to be imported or transported. ()

203. LIVE WILDLIFE IN TRANSIT.

All required licenses and certificates must accompany live wildlife while in transit. ()

204. POSSESSION OF UNLAWFUL IMPORT.

No person may possess any wildlife, progeny or eggs thereof, whose import into this state was unlawful. ()

205. – 249. (RESERVED)

250. CAPTIVE WILDLIFE POSSESSION.

01. Application. Application for a license to possess captive wildlife on an individual basis will be on a form prescribed by the Department. ()

02. Inspection and Examination. Upon Department request, the applicant or license holder must make animal(s) available to the Department for inspection during business hours or provide a valid Certificate of Veterinary Inspection for any captive wildlife possessed. ()

251. CAPTIVE WOLVES.

01. License and Tattoos. No person may possess a live wolf or other canine exhibiting primary wolf characteristics without proper identification and a license on an annual calendar year basis from the Department, to be obtained by no later than three days of commencing possession of the animal. Proper identification is a microchip and tattoo inside the flank or ear for any animal six (6) months of age or older. Application for license will be on a form prescribed by the Department, and the applicant will provide written and photographic confirmation of tattooing. ()

02. Primary Wolf Characteristics. ()

a. Rounded ears smaller in proportion to those of the coyote; ()

b. Broad snout with nose pad wider than one (1) inch; ()

c. Long legs, approximately twenty-six (26) to thirty-two (32) inches at the shoulder in adult height; ()

d. Four and one-half (4.5) to six (6) feet long from tip of nose to tip of tail; ()

e. Adult male weight at least eighty (80) pounds; adult female weighs at least sixty (60) pounds adult; ()

f. Tail carried high or straight out when running; ()

- g. Long, coarse fur, variable from white to black (generally grayish). ()

252. – 259. (RESERVED)

260. HUMANE TREATMENT OF CAPTIVE WILDLIFE.

01. Humane Treatment. All captive wildlife must be handled in a humane manner and in a manner to prevent parasites, sickness, or disease, including but not limited to the following actions: ()

a. Any captive wildlife afflicted with parasites or disease is immediately given professional medical attention or destroyed in a humane manner. Any infected or injured animal infected is removed from public display. ()

b. Any captive wildlife is fed on a regular schedule. Food is adequate and varied and so far as possible, consistent with food ordinarily eaten by such animals. Food is of good quality and stores of same are kept in suitable containers with tight fitting covers so as to render it inaccessible to rats, flies, or other vermin. ()

c. Fresh or running water for drinking purposes is available in cages or enclosures at all times, and is kept clean and in a sanitary condition. ()

d. Enclosures will be kept in a clean and sanitary condition consistent with good animal husbandry. ()

e. Any animals with a propensity to fight or which are otherwise incompatible are kept segregated. ()

f. Suitable shelter or shields will be provided for all captive animals for protection from the elements, shelter and privacy. ()

g. Cages or enclosures will attempt to mimic the natural climate and habitat of the species being held, as nearly as possible. ()

261. PREVENTION OF ESCAPE OF CAPTIVE WILDLIFE.

All wildlife held in captivity must be confined at all times in cages or enclosures of such structure or type of construction that it will be impossible for such animals to escape, meeting the following minimum specifications. The Department may approve alternative enclosures, by considering standards or guidelines, such as those specified by the Association of Zoos and Aquariums: ()

01. For ursids (bears), canids, or felids, animals, the enclosure will: ()

a. Have a floor made of cement or concrete at least three (3) inches thick into which metal fence stakes are permanently placed or a floor that consists of chain link or other material that will preclude the animal digging through the floor to escape; ()

b. Have a chain link fence of at least eight (8) feet in height with barbed wire overhang; ()

c. Have a chain link cage top; ()

d. Have any other Department-approved configuration that will preclude escape. ()

02. For all animals, cages or enclosures will be of sufficient size to give the animal or bird confined ample space for exercise and to avoid being overcrowded. ()

a. The length of the cage or enclosure will be a minimum of four (4) times the body length (tip of nose to base of tail) of the animal being kept, reptiles excepted. ()

- b. The width will be at least three-fourths (3/4) of the cage length. ()
- c. For the second animal housed in cage, floor space will be increased twenty-five percent (25%) and for each additional animal housed in the cage, floor space will be increased fifteen percent (15%). Cages with tops will be of reasonable height to accommodate the animals contained therein. No nails or other sharp protrusions that might injure or impair the animal will be allowed within the cages. ()
- d. For all animals, cages or enclosures will be constructed to prevent entrance by other animals and prevent harm to or by the general public. Cages, fencing, and guardrails will be kept in good repair at all times; and gates will be securely fastened and locked. ()
- e. For all venomous reptiles, enclosures will have safety glass and cages will have small enough mesh to prevent the animal's escape and double walls sufficient to prevent penetration of fangs to the outside; and all cages and enclosures will be kept locked. ()

262. RESPONSIBILITY OF POSSESSOR OF CAPTIVE WILDLIFE.

Any person possessing live wildlife in captivity is responsible for the care of the wildlife in possession and the protection of the public, and liable for the expense of capture or destruction of any escaped wildlife, including any costs incurred by the Department. The Department makes no representation concerning public safety of any licensed captive wildlife or facility. ()

263. – 299. (RESERVED)

300. CAPTIVE WILDLIFE FACILITIES (PRIVATE, COMMERCIAL, REHABILITATION).

01. General. No person may own or operate or maintain a private park, commercial wildlife, or rehabilitation facility without obtaining the appropriate license for each facility from the Department. ()

02. Applications. Application to operate a private, commercial or rehabilitation wildlife facility will be on a form prescribed by the Department, with separate application to be made for each facility and for any animal(s) imported after a facility is licensed. The Department will only consider an application that includes: ()

- a. The name and address of the applicant and any owner(s) other than the applicant. ()
- b. Proof of compliance with city/county zoning ordinance or zoning permit application. ()
- c. The location of the proposed facility, including a legal description of the land, identification of property ownership, the approximate space devoted to the facility. ()
- d. The number and kinds of wildlife being or to be kept. ()
- e. The licensed veterinarian(s) expected to serve the facility. ()
- f. Specifications of pens and shelters furnished for each kind of animal. ()
- g. Specifications of the guard fence or other security measures to prevent escape or protect the public from injury by the animals. ()
- h. For private and commercial facilities, the date upon which each animal was or is to be obtained. ()
- i. For private and commercial facilities, the source, including address and telephone number, from which each animal was, or is to be, obtained, and health certificate for all animals addressing diseases of concern. If already in possession, the type of license under which each animal is possessed. ()

03. Records. Persons operating a captive wildlife facility must provide the Department, at least once

each license year, a list of wildlife by numbers of animals, and species, and keep a record of any wildlife received, born, dying, sold, exported or transported from the facility, with said record to be kept for five (5) years from the respective date of the action and available for Department inspection upon request. For private parks or commercial facilities, records must include documentation of legal possession of all wildlife kept at the facility including licenses, permits, receipts, invoices, bills of lading, or other satisfactory evidence of ownership. ()

04. Specific Requirements. The Director has discretion to identify specific license conditions to address relatively unique features of individual captive wildlife facilities or species, and violation of any such condition is a violation of these rules. ()

301. – 399. (RESERVED)

400. COMMERCIAL WILDLIFE FACILITIES.

In addition to the rules for captive wildlife facilities in Section 300, the following apply to commercial wildlife facilities. ()

01. Dead Wildlife. Record of inspection by a licensed veterinarian must be kept for all wildlife which die on the premises, and a copy forwarded to the IDFG Regional Office where the commercial wildlife facility is located within ten (10) days of the death of the animal. ()

02. Veterinary examination. At least once a year and otherwise at the Department’s request, each captive wildlife at a commercial wildlife facility must receive an examination from a licensed veterinarian. The permittee must maintain a complete record of veterinary examinations, illness, treatment and disposition for each permitted animal and make such record available to the Department upon request. ()

03. Feeding by Public. No commercial wildlife facility may allow the public to feed captive wildlife. Commercial wildlife facilities must post signage conspicuously on cages or enclosures advising the public to refrain from feeding wildlife. ()

04. Restraints. No wildlife on public display or exhibition may chained or otherwise tethered to any stake, post, tree, building, or other anchorage, except for raptors as provided by IDAPA 13.01.14, “Rules Governing Falconry.” ()

05. License Display. A commercial wildlife license is to be displayed at the licensed facility in plain view at all times. ()

06. Sale of Animal Meat or Parts. ()

i. A commercial wildlife facility licensee may sell or otherwise dispose of the carcass, parts, or by-products of a properly identified big game animal taken from a commercial wildlife facility only upon preparing an invoice or bill of sale as specified by the Department and attaching a copy of it to the lot shipment, carcass, or container and keeping a copy for his records. Upon the attaching of the invoice or bill of sale to the carcass, parts, or by-products of the animal, the same may be transported to the transferee named on the invoice or bill of sale. ()

ii. The licensee may sell commercial wildlife facility animals for meat upon compliance with all applicable health laws, USDA, and ISDA regulations. ()

401. – 409. (RESERVED)

410. LARGE COMMERCIAL WILDLIFE FACILITIES.

In addition to the rules for captive and commercial wildlife facilities in Section 300 and 400, the following apply to large commercial wildlife facilities: ()

01. Animal Display and Security. Commercial wildlife facilities that are of a size large enough or with a large number of animals incompatible with the cage or enclosure requirements of Section 260 may, in the Director’s discretion, be addressed with facility-specific license terms. Any cage or enclosure must be of such

structure or type of construction to prevent escape of the captive wildlife, or damage to native wildlife through habitat degradation, genetic contamination, competition, or disease. In identifying facility-specific license terms, the Department may consider standards or guidelines, such as those specified by the Association of Zoos and Aquariums, for cage, open space, shelter, enclosure, and display in a natural-appearing environment and in such a way as to preserve animal dignity. Terms may include, but are not limited to, fence specifications, electric fence specifications, pits or moats, buried fencing, and display features to enhance appreciation for the species and its natural history.

()

411. LARGE COMMERCIAL WILDLIFE FACILITY BOND.

Any large commercial wildlife facility must provide a bond to the Department in the amount of fifty thousand dollars (\$50,000), or two thousand dollars (\$2,000) per animal, whichever is greater, executed by a qualified surety duly authorized to do business in the state of Idaho, to guarantee performance of license conditions and to reimburse the Department for any costs incurred for cleanup of abandoned or closed facilities, removal of animals from abandoned or closed facilities, capture or termination of escaped animals, or disease control. With prior approval, the applicant may instead submit a cash bond to the Department including, but not limited to, certificates of deposit, registered checks, certified funds, and money orders.

()

412. – 449. (RESERVED)

450. REHABILITATION FACILITIES.

In addition to the rules for captive wildlife facilities in Section 300, the Director has discretion to limit the species or numbers of wildlife accepted at or released from a wildlife rehabilitation facility, and may identify other specific license conditions to address relatively unique needs of rehabilitation, release into the wild or transfer or non-releasable animals. In identifying facility-specific license terms, the Department may identify standards or guidelines, such as those specific by the International Wildlife Rehabilitation Council for providing humane care.

()

451. – 499. (RESERVED)

500. CAPTIVELY PROPAGATED GAME BIRDS.

01. Import. No person may import captively propagated game birds into Idaho intended for release into the wild or on a shooting preserve in Idaho without a permit from the Department.

()

02. Permit for Field Release. No person may use captively propagated game birds at a shooting preserve or in field training for dogs or falconry unless the owner of the shooting preserve, or owner of any dog or raptor being field trained at a location other than a shooting preserve:

()

a. Has a valid shooting preserve or Bird-Dog/Falconry Training permit and makes it available to the Department in the field upon request.

()

b. Has documentation of the commercial supplier's compliance with the NPIP and, if imported into Idaho, a certificate of veterinary inspection, and makes it available to the Department in the field upon request.

()

501. – 549. (RESERVED)

550. SHOOTING PRESERVES.

01. Shooting Preserves. No person may operate a shooting preserve without a license from the Department and a vendorship contract with the Department under which the operator maintains a supply of shooting preserve hunting licenses for issuance to clients of the preserve.

()

02. Applications. Application for a shooting preserve license will be on a form prescribed by the Department.

()

03. Species Permitted. Only those species of upland game birds specified on the permit may be held or released on the shooting preserve.

()

04. Holding Facilities. The provisions of Sections 260 and 261 of these rules pertaining to bird enclosures apply to all rearing pens, holding pens, and other rearing or holding facilities. ()

05. Inspection. As a condition to any shooting preserve permit, the Department will have reasonable access to the premises of any authorized shooting preserve for the purpose of inspecting rearing, holding, and storage facilities, licenses, birds in hunters' possession, and records pertaining to the operation of said shooting preserve. ()

551. – 699. (RESERVED)

700. VIOLATION GROUNDS FOR LICENSING ACTION AND ANIMAL REMOVAL.

The Department may revoke any existing license for possession of captive wildlife or operation of any captive wildlife facility, and may refuse to issue any future license based on failure to remove or eliminate violations of Title 36 or these rules. Prior to revocation, non-renewal or non-issuance on such basis, the Department will give written notice of such violation(s) to the license-holder or applicant, and specify a reasonable timeframe of not less than ten (10) days to correct such violation(s). The Department's revocation or refusal to issue a future license may be in addition to any criminal charges or civil action that may be filed. All animals held under license(s) so revoked or held without appropriate license are subject to removal at owner's expense, with disposition as determined by the Department. ()

701. – 999. (RESERVED)

IDAPA 13 – DEPARTMENT OF FISH AND GAME

13.01.14 – RULES GOVERNING FALCONRY

DOCKET NO. 13-0114-2201 (ZBR CHAPTER REWRITE)

NOTICE OF RULEMAKING – PROPOSED RULE

AUTHORITY: In compliance with Section 67-5221(1), Idaho Code, notice is hereby given this agency has initiated proposed rulemaking. The action is authorized pursuant to Sections 36-104, 36-409, and 36-1102, Idaho Code.

PUBLIC HEARING SCHEDULE: Public hearing(s) concerning this rulemaking will be scheduled if requested in writing by twenty-five (25) persons, a political subdivision, or an agency, not later than October 19, 2022.

Any hearing site(s) will be accessible to persons with disabilities. Requests for accommodation must be made not later than five (5) days prior to the hearing, to the agency address below.

DESCRIPTIVE SUMMARY: The following is a nontechnical explanation of the substance and purpose of the proposed rulemaking:

This rule is being presented for authorization as part of the IDFG plan to review each rule chapter every five years. The rule chapter under consideration governs falconry (the private possession of birds of prey in captivity for use in hunting). Consistent with the Governor's [Executive Order 2020-01: Zero-Based Regulation](#), the agency has reorganized rule sections in this chapter and revised current rule language to improve clarity and reduce duplication.

The U.S. Fish and Wildlife Service must be satisfied with Idaho's regulation of falconry to delegate authority for falconry regulation to the state under the federal Migratory Bird Treaty Act. IDFG will be reviewing the proposed rule with the Service and may have to make changes to the proposed rule to address federal requirements.

Proposed changes to the current IDAPA chapter 13.01.14 include: restructuring of the chapter to divide possession, import, sale, and propagation activities into separate rule sections; providing clarity on the classes of falconry permits; and revising reporting requirements for change in possession/ownership status for captive birds of prey. The proposed changes also consolidate requirements for release of captively propagated game birds associated with falconry into general requirements for captively propagated game birds in IDAPA 13.01.10, "Rules Governing Importation, Possession, Release, Sale or Salvage of Wildlife."

FEE SUMMARY: The following is a specific description of the fee or charge imposed or increased: None.

FISCAL IMPACT: The following is a specific description, if applicable, of any negative fiscal impact on the state general fund greater than ten thousand dollars (\$10,000) during the fiscal year resulting from this rulemaking:

There is no fiscal impact associated with this rulemaking.

NEGOTIATED RULEMAKING: Pursuant to Section 67-5220(1), Idaho Code, a Notice of Intent to Promulgate Rules - Negotiated Rulemaking was published in the April 6, 2022 Idaho Administrative Bulletin, [Vol. 22-4, pages 23-24](#) under Docket No. 13-0114-2201. The Department held a public meeting on May 5, 2022, in which members of the Idaho Falconers Association participated and were generally unified in their perspective on rules.

INCORPORATION BY REFERENCE: Pursuant to Section 67-5229(2)(a), Idaho Code, the following is a brief synopsis of why the materials cited are being incorporated by reference into this rule: Not Applicable.

ASSISTANCE ON TECHNICAL QUESTIONS, SUBMISSION OF WRITTEN COMMENTS: For assistance on technical questions about the proposed rules, contact Jeff Knetter, Upland Game & Migratory Bird Coordinator, 208-287-2747.

Anyone may submit written comments regarding this proposed rulemaking. All written comments must be directed to the undersigned and must be delivered on or before October 26, 2022.

DATED this 29th day of August, 2022.

Amber Worthington Deputy Director
Idaho Department of Fish and Game
600 S. Walnut Street
P.O. Box 25 Boise, ID 83707
Phone (208) 334-3771
Fax (208) 334-4885
Email: rules@idfg.idaho.gov

THE FOLLOWING IS THE PROPOSED TEXT OF DOCKET NO. 13-0114-2201
(Zero Based Regulation (ZBR) Chapter Rewrite)

13.01.14 – RULES GOVERNING FALCONRY

000. LEGAL AUTHORITY.

Sections 36-104 (b), 36-409, and 36-1102, Idaho Code. ()

001. SCOPE.

These rules establish a falconry program in the state of Idaho for federal certification. ()

002. – 009. (RESERVED)

010. DEFINITIONS.

01. Captive-Bred. Raised in captivity from eggs laid by captive raptors. ()

02. Falconry. Capturing, possessing, caring for, transporting, training, or using raptors to take wild or artificially propagated animals as recreation. ()

03. Immature Raptor. A raptor that is less than one (1) year old. ()

04. New U.S. Resident. Any person who has moved legally into the United States or a recognized U.S. Territory to reside. ()

05. Non-Resident. Any person who does not qualify as an Idaho resident under Section 36-202(s), Idaho Code. ()

06. Raptor. Any bird in the Order Falconiformes or Strigiformes. ()

07. Transfer. To import, export, transport, convey, deliver, loan, gift, give, barter, or sell a raptor or raptor parts or any permit from one person, place, or situation to another. ()

08. Visitor. Any person not residing in the United States or a recognized territory, and who is temporarily in the U.S. as a visitor. ()

09. Wild-Caught. Bird originally captured from the wild, no matter how long held in captivity. ()

011. – 099. (RESERVED)

100. MIGRATORY BIRD TREATY ACT AND REGULATIONS.

As provided by Section 36-1102, Idaho Code, no person may take or possess any migratory birds, including raptors, except as provided by the Migratory Bird Treaty Act and implementing regulations (including 50 CFR, Parts 21 and 22), and in accordance with related rules and proclamations promulgated by the Commission. Federal regulations, 50 CFR 21.82 Falconry Standards and Falconry Permitting, 50 CFR 21.85 Raptor Propagation Permits, and 21.76 Rehabilitation permits, govern falconry activities not specifically addressed in these rules. ()

101. TAKING WILDLIFE BY FALCONRY.

Idaho and federal laws regulating taking of wildlife, including possession of appropriate licenses, tags, permits, stamps, and validations; seasons and limits; and possession of wildlife apply to any species taken by falconry. ()

102. FALCONRY PERMIT.

01. Falconry Permit. No person may possess, capture, or transfer, any raptor for the purpose of falconry, or use a raptor for taking other wildlife, unless that person has an Idaho Falconry Permit. Idaho Falconry Permits are not transferable to another person. ()

02. Permit Classification. Three (3) classes of Idaho Falconry Permit are available: Apprentice, General, and Master. Only holders of Master Falconry permits are eligible to obtain Eagle Falconry or Peregrine Capture permits. Permits may be obtained by completing application on a form prescribed by the Department. Permit issuance is subject to the Department's verification the applicant meets federal age, experience, and other prerequisites for the respective permit class. Passage of the Idaho Falconry Examination administered by the Department by a score of at least eighty percent (80%) is a permit prerequisite for persons who have not held an Idaho falconry permit or equivalent authorization within the past five (5) years, or who are a new U.S. resident or visitor. The numbers and species authorized for possession by each class of Idaho Falconry Permit are subject to federal restrictions. ()

03. Exemption for Temporary Use. Nonresident falconers who do not intend to become Idaho residents, who have valid authorization from a federal, tribal, or another state, territory, or country's agency equivalent to an Idaho Falconry or federal Raptor Propagation Permit, may temporarily import from another state, possess, or transport raptor(s) listed under such authorization: ()

a. For not more than thirty (30) days in a calendar year, without purchasing an Idaho Falconry Permit. ()

b. For more than thirty (30) days in a calendar year, provided they have passed the Idaho Falconry Examination administered by the Department within the past five (5) years with a score of at least eighty percent (80%) and obtain a Temporary Idaho Falconry Permit (which is valid for up to four (4) months, and may be renewed). ()

04. Falconers Moving to Idaho. Any nonresident falconer moving into Idaho who intends to become an Idaho resident must: obtain an Idaho Falconry Permit within thirty (30) days of such move; provide signed verification of intent to become an Idaho resident; and surrender any equivalent permit issued by another state. The Department will determine the appropriate class of Idaho Falconry Permit equivalent to the non-Idaho authorization held by the falconer, based on the documentation provided in the permit application. ()

103. INTERNATIONAL IMPORT.

No person may import into Idaho a raptor originating from a foreign country without first obtaining an Idaho Wildlife Import Permit, and complying with federal laws for raptor importation or pet passports under the Conference on International Trade in Endangered Species. ()

104. – 149. (RESERVED)

150. CAPTURE OF WILD RAPTORS.

01. Capture Permits. No person may capture a raptor from the wild unless that person has a valid Idaho Falconry Permit; or is a nonresident who has both: an equivalent falconry authorization from a federal, state, territorial, or tribal authority; and an Idaho Nonresident Falconry Capture Permit (valid on a calendar year basis). ()

02. Approved Species and Limitations. The Commission, pursuant to Section 36-105 (3), Idaho Code, may establish seasons, geographic areas, and limits for capture of wild raptors by proclamation, including limitations on permits available to nonresidents. ()

a. No person may capture or possess any wild-caught bald or golden eagle, any raptor classified under federal or state law as threatened or endangered, or any peregrine falcon without obtaining an individual species-specific capture/possession permit from the Department in addition to complying with federal permit regulations and limits. Bald eagles may not be used for falconry. ()

b. Subject to federal restrictions for the holder's permit class, an Idaho Falconry Permit authorizes the holder to capture (with subsequent possession) not more than a total of two (2) wild raptors each calendar year, which may be adult American kestrels or great horned owls; or immature raptors of species that are not referenced in the preceding Subsection 02.a. or that are otherwise closed or limited by Commission proclamation. ()

c. Non-resident falconers intending to capture any wild Idaho raptor using authorization from a non-Idaho Falconry Permit/Authorization are eligible to purchase only one (1) Nonresident Falconry Capture Permit for each calendar year and are authorized to only capture and possess the species of raptor specified on the permit. ()

d. A nonresident who successfully captures a raptor for intended removal from Idaho must notify the Department Regional Office of the capture location before transporting the raptor out of Idaho, not later than ten (10) days after capture. ()

03. Approved Capture Dates. ()

a. Immature raptors open to capture may be captured year-round. ()

b. American kestrels and great-horned owls that are one (1) year of age or older are only open to capture from August 1 through the last day of February. ()

151. – 159. (RESERVED)

160. CAPTIVE PROPAGATION PERMIT.

No person may propagate raptors in captivity, or take, possess, or transfer any raptor, raptor egg, or raptor semen for propagation purposes without a valid federal Raptor Propagation Permit. Holders of a federal Raptor Propagation Permit may only sell, purchase and barter raptor eggs and semen produced and originating from raptor propagation or captive breeding programs under valid permit. ()

161. TRANSFER OR SALE.

01. Lawfully Obtained. No person may sell, purchase, or barter any raptor or parts thereof, or possess raptors or parts unless the bird or parts have been lawfully obtained. ()

02. Captive-bred. Only live captive-bred raptors banded or micro-chipped in compliance with Section 400 of this rule and 50 CFR 21.82 may be sold, purchased or bartered. Any party to the transaction must hold a valid state, federal, tribal, territory or another country's Falconry or Raptor Propagation Permit. ()

03. Transfers. ()

a. Resident falconers/captive breeders may not transfer any raptor wild-caught in Idaho to a nonresident unless they obtain an Idaho Wildlife Export Permit from the Department. ()

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 federal Raptor Propagation Permit. ()

04. Temporary Care. An authorized person may temporarily care for the raptor of another in compliance with federal regulations. ()

162. – 199. (RESERVED)

200. FACILITIES AND INSPECTIONS.

01. Appropriate Holding Facilities. No person may begin possession of any raptor(s) under authority of an Idaho Falconry Permit or Propagation Permit unless the Department has inspected holding facilities and equipment to verify compliance with federal (50 CFR 21.82) and Idaho standards. Appropriate facilities may be indoor, including a personal residence, outdoor falconry facilities, or a combination of both. Persons changing the location of raptor holding facilities to any physical address other than that recorded on the Falconry permit must notify the Department before or within five (5) business days of any such move. ()

02. Temporary Housing. The Department has discretion to authorize temporary housing for not more than one hundred twenty (120) days. ()

03. Inspections. All raptors, facilities, equipment, falconry, and captive propagation records are subject to reasonable inspection during business hours in the presence of the permit holder or facility owner, or as arranged with the permit holder. ()

201. – 299. (RESERVED)

300. RAPTOR HACKING AND REHABILITATION.

01. Hacking. Idaho Falconry Permits authorize the holder to conduct hacking, subject to federal laws and landowner permission. ()

02. Rehabilitation. Persons with valid General or Master Falconry permits may assist the Department, or Department-licensed raptor rehabilitators, with rehabilitation activities, provided the taking of any raptor into possession for rehabilitative conditioning or training is pre-approved by the appropriate Department Regional Office. ()

301. – 349. (RESERVED)

350. EXEMPTION FROM RELEASE RESTRICTIONS.

Permanent release of wild-caught raptors of species native to Idaho by Idaho Falconry permit holders complying with 50 CFR are exempt from release restrictions of IDAPA 13.01.10.200, “Rules Governing Importation, Possession, Release, Sale, or Salvage of Wildlife.” ()

351. – 399. (RESERVED)

400. RAPTOR BANDING AND RADIO-TRANSMITTERS.

Falconers and captive breeders must use bands, microchips, or radio-transmitters, singly or in combination, that comply with federal regulations (50 CFR 21.82) for any raptor possessed. ()

401. – 499. (RESERVED)

500. REPORTING.

A person owning or otherwise responsible for a raptor must complete and submit a Form 3-186A (federal Migratory Bird Acquisition and Disposition Form) into the United States Fish and Wildlife Service electronic records database not later than ten (10) days after any raptor is acquired, captured, re-captured, transferred, lost, escaped, stolen, released, banded, re-banded, micro-chipped, or deceased. ()

501. – 599. (RESERVED)

600. TRAINING WITH CAPTIVELY PROPAGATED GAME BIRDS.

IDAPA 13.01.10.500, “Rules Governing Importation, Possession, Release, Sale, or Salvage of Wildlife,” applies to anyone who possesses, releases, or uses artificially propagated game birds for field training raptors. ()

601. – 799. (RESERVED)

800. REVOCATION.

In addition to penalties set forth in Chapter 14, Title 36, conviction of a violation of these rules is grounds for revocation of an Idaho falconry permit or denial of any pending applications for an Idaho falconry permit, and corresponding seizure of raptor(s) identified in the permit. ()

801. – 999. (RESERVED)