

Dear Senators BAIR, VICK, Stennett, and  
Representatives RAYBOULD, Gestrin, Pence:

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

IDAPA 13.01.02 - Rules Governing Hunter Education and Mentored Hunting - Proposed Rule  
(Docket No. 13-0102-1501);

IDAPA 13.01.16 - The Trapping of Predatory and Unprotected Wildlife and the Taking of Furbearing  
Animals - Proposed Rule (Docket No. 13-0116-1501);

IDAPA 13.01.17 - Rules Governing the Use of Bait and Trapping for Taking Big Game Animals -  
Proposed Rule (Docket No. 13-0117-1501).

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 10/26/2015. 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 11/24/2015.

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 334-4834, or send a written request to the address on the  
memorandum attached below.



Eric Milstead  
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:** Principal Legislative Research Analyst - Katharine Gerrity

**DATE:** October 06, 2015

**SUBJECT:** Department of Fish and Game

IDAPA 13.01.02 - Rules Governing Hunter Education and Mentored Hunting - Proposed Rule (Docket No. 13-0102-1501)

IDAPA 13.01.16 - The Trapping of Predatory and Unprotected Wildlife and the Taking of Furbearing Animals - Proposed Rule (Docket No. 13-0116-1501)

IDAPA 13.01.17 - Rules Governing the Use of Bait and Trapping for Taking Big Game Animals - Proposed Rule (Docket No. 13-0117-1501)

#### **1. IDAPA 13.01.02 - Rules Governing Hunter Education and Mentored Hunting**

The Department of Fish and Game submits notice of proposed rule at IDAPA 13.01.02 - Rules Governing Hunter Education and Mentored Hunting. According to the department, the purpose of the rulemaking is to clarify the limits of the Hunting Passport for 8-Year-Old children.

The department states that negotiated rulemaking was not conducted due to the simple nature of the changes. Rulemaking appears to be authorized pursuant to Section 36-401, Idaho Code.

#### **2. IDAPA 13.01.16 - The Trapping of Predatory and Unprotected Wildlife and the Taking of Furbearing Animals**

The Department of Fish and Game submits notice of proposed rule at IDAPA 13.01.16 - The Trapping of Predatory and Unprotected Wildlife and the Taking of Furbearing Animals. According to the department, it has been working with trappers on trapper education to avoid situations where pets and other non-target animals are caught rather than pursuing any additional restrictions. The department states that it met with trapper association presidents who expressed support for a trapper education requirement.

Negotiated rulemaking was conducted. The rule will establish a mandatory trapper education class, the class length and required subject matter to be covered. There is already statutory authority to authorize a fee not to exceed \$8.00 for reimbursement of furnished materials. The rulemaking appears to be authorized pursuant to Sections 36-104, 36-1101 and 36-1103, Idaho Code.

Mike Nugent, Manager  
Research & Legislation

Cathy Holland-Smith, Manager  
Budget & Policy Analysis

April Renfro, Manager  
Legislative Audits

Glenn Harris, Manager  
Information Technology

### **3. IDAPA 13.01.17 - Rules Governing the Use of Bait and Trapping for Taking Big Game Animals**

The Department of Fish and Game submits notice of proposed rule at IDAPA 13.01.17 - Rules Governing the Use of Bait and Trapping for Taking Big Game Animals. According to the department, the purpose of the rule is to align the criteria for the distance of black bear baiting sites from water, trails and roads. It appears that the department has revised the required distance restriction from "any road" to "any established roadway that is open to the general public for motorized traffic and capable of being traveled by full-sized automobiles."

Negotiated rulemaking was conducted. The rulemaking appears to be authorized pursuant to Sections 36-104 and 36-1101, Idaho Code.

cc: Department of Fish and Game  
Dallas Burkhalter

## IDAPA 13 - IDAHO DEPARTMENT OF FISH AND GAME

### 13.01.02 - RULES GOVERNING HUNTER EDUCATION AND MENTORED HUNTING

DOCKET NO. 13-0102-1501

#### NOTICE OF RULEMAKING - PROPOSED RULE

**AUTHORITY:** In compliance with Section 67-5221(1), Idaho Code, notice is hereby given that this agency has initiated proposed rulemaking procedures. The action is authorized pursuant to Section 36-401(a)(8), 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 21, 2015.

The 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: The purpose is to clarify the limits of the Hunting Passport for 8 year old children.

**FEE SUMMARY:** The following is a specific description of the fee or charge imposed or increased:

Not applicable.

**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:

Not applicable.

**NEGOTIATED RULEMAKING:** Pursuant to Section 67-5220(2), Idaho Code, negotiated rulemaking was not conducted because the change is simple in nature.

**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 concerning the proposed rule, contact Sharon Kiefer, Deputy Director, 208-334-3771.

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 28, 2015.

DATED this 3rd day of September, 2015.

W. Dallas Burkhalter  
Deputy Attorney General  
Idaho Department of Fish and Game  
600 S. Walnut  
P.O. Box 25  
Boise, Idaho 83707  
Tel: (208) 334-3715  
Fax (208) 334-4128  
[dallas.burkhalter@idfg.idaho.gov](mailto:dallas.burkhalter@idfg.idaho.gov)

**THE FOLLOWING IS THE PROPOSED TEXT OF DOCKET NO. 13-0102-1501**  
**(Only Those Sections With Amendments Are Shown.)**

**101. MENTORED HUNTING PROGRAM.**

Nothing in this section shall be construed as altering the requirements of Section 36-411, Idaho Code, to obtain a valid hunting license, or any other statutory or rule requirements for the take of wildlife. (4-4-13)

**01. Hunting Passport.** A Hunting Passport is a special authorization for any person to take wildlife when they are accompanied by a mentor and participating in the Mentored Hunting Program. (4-4-13)

**a.** Any person must obtain a Hunting Passport from the Department or a licensed vendor to participate as a mentee in the Mentored Hunting Program. (4-4-13)

**b.** Hunter education certification is not required for any person to possess a hunting passport. (4-4-13)

**c.** A Hunting Passport shall expire December 31 of the year for which it is valid. (4-4-13)

**d.** Any person who has possessed a Hunting Passport may not apply for a Hunting Passport in any subsequent year, except for any person who is eight (8) years of age who has possessed a Hunting Passport, may possess an additional Hunting Passport at nine (9) years of age. (4-4-13)(    )

**02. Eligibility of Mentee.** (4-4-13)

**a.** Any person who has not previously possessed a hunting license or equivalent license in any other state may possess a Hunting Passport to participate in the Mentored Hunting Program as a mentee. (4-4-13)

**b.** Any mentee possessing a Hunting Passport is eligible to possess general big game, turkey, and sandhill crane tags if the mentee is qualified to participate in the hunt. (4-4-13)

**c.** Any mentee possessing a Hunting Passport is not eligible to possess a control hunt tag but may be designated for a Landowner controlled hunt tag if the mentee is qualified to participate in the hunt. (4-4-13)

**d.** Any mentee with a Hunting Passport shall be ten (10) years of age to hunt big game. (4-11-15)

**e.** Any mentee with a Hunting Passport must be accompanied by a mentor as provided in Subsection 101.03.a. (4-4-13)

**f.** Any person shall be eight (8) years or older to possess a Hunting Passport. (4-4-13)

**g.** Any mentee must possess on his person a hunting passport while hunting and produce the same for inspection upon request of a conservation officer or any other person authorized to enforce fish and game laws. (4-4-13)

**03. Eligibility of Mentor.** (4-4-13)

**a.** Any person who possesses a valid Idaho hunting license and who is eighteen (18) years or older may participate in the Mentored Hunting Program as a mentor. (4-4-13)

**b.** A mentor may not accompany more than two (2) mentees at one (1) time that are participating in the Mentored Hunting Program. (4-4-13)

**c.** A mentor may hunt while participating in the Mentored Hunting Program if the mentor is qualified to participate in the hunt. (4-4-13)

## IDAPA 13 - IDAHO DEPARTMENT OF FISH AND GAME

### 13.01.16 - THE TRAPPING OF PREDATORY AND UNPROTECTED WILDLIFE AND THE TAKING OF FURBEARING ANIMALS

DOCKET NO. 13-0116-1501

#### NOTICE OF RULEMAKING - PROPOSED RULE

**AUTHORITY:** In compliance with Section 67-5221(1), Idaho Code, notice is hereby given that this agency has initiated proposed rulemaking procedures. The action is authorized pursuant to Sections 36-104(B), 36-1101(A), and 36-1103, 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 21, 2015.

The 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:

The Idaho Fish and Game Commission directed the Department to work with trappers on trapper education as a means to avoid catching pets and other non-target animals rather than pursuing additional trapper equipment restrictions. The Department met with trapper association presidents who expressed support for a trapper education requirement. The rule was negotiated, and the proposed rule would establish a mandatory trapper education class, the class length, and required subject matter to be covered.

**FEE SUMMARY:** The following is a specific description of the fee or charge imposed or increased:

Section 36-412(c), Idaho Code, authorizes a fee of not more than eight dollars (\$8.00) for reimbursement of furnished materials.

**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:

No fiscal impact to the General Fund. A program fee of eight dollars (\$8) (Idaho Code Section 36-412(c)) for each individual enrolling in trapper education will recover some costs of the program. IDFG expects that the trapper education program will cost approximately fifty thousand dollars \$50,000 for the first two years in order to start up the program and meet short term demand for classes. Expenses will decrease in subsequent years. These expenses will affect the fish and game dedicated fund.

**NEGOTIATED RULEMAKING:** Pursuant to Section 67-5220(1), Idaho Code, negotiated rulemaking was conducted. The Notice of Intent to Promulgate Rules - Negotiated Rulemaking was published in the April 1, 2015 Idaho Administrative Bulletin, [Vol. 15-4, page 27](#).

**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 concerning the proposed rule, contact Brenda Beckley (208) 287-2884.

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 28, 2015.

DATED this 3rd Day of September, 2015.

W. Dallas Burkhalter  
Deputy Attorney General  
Idaho Department of Fish and Game  
600 S. Walnut  
P.O. Box 25  
Boise, Idaho 83707  
(208) 334-3715  
Fax (208) 334-4128  
[dallas.burkhalter@idfg.idaho.gov](mailto:dallas.burkhalter@idfg.idaho.gov)

**THE FOLLOWING IS THE PROPOSED TEXT OF DOCKET NO. 13-0116-1501**  
**(Only Those Sections With Amendments Are Shown.)**

**101. -- ~~149~~05. (RESERVED)**

**106. TRAPPER EDUCATION.**

**01. Mandatory Trapper Education Program.** All persons who purchased their first Idaho trapping license after July 1, 2010 must successfully complete a Department of Fish and Game trapper education course, or provide proof that such person holds the equivalent of such a certificate obtained either in Idaho or from an authorized agency or association in another state or country. All persons being certified under this program must have successfully completed at least six (6) hours of instruction in rules, species identification, trapping methods/techniques, wildlife management, ethics, responsibility, and avoiding non-target catches. Those who have taken wolf trapping education from Idaho or from an authorized agency or association in another state or country, are not exempt and must still complete the Idaho trapper education course. ( )

**02. Fees.** A fee as established by Section 36-412(c), Idaho Code, shall be charged each student enrolling in the Trapper Education Program. ( )

**03. Effective Date.** On and after July 1, 2017, no person who purchased their first Idaho trapping license after July 1, 2010 shall be issued a trapping license, unless that person presents a certificate of completion in trapping education issued by the Department or proof that such person holds the equivalent of such a certificate obtained either in Idaho or from an authorized agency or association in another state or country. ( )

**107. -- 149. (RESERVED)**

**IDAPA 13 - IDAHO DEPARTMENT OF FISH AND GAME**  
**13.01.17 - RULES GOVERNING THE USE OF BAIT AND TRAPPING**  
**FOR TAKING BIG GAME ANIMALS**

**DOCKET NO. 13-0117-1501**

**NOTICE OF RULEMAKING - PROPOSED RULE**

**AUTHORITY:** In compliance with Section 67-5221(1), Idaho Code, notice is hereby given that this agency has initiated proposed rulemaking procedures. The action is authorized pursuant to Sections 36-104(b) and 36-1101(a), 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 21, 2015.

The 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:

To align the criteria for the distance of black bear baiting sites from water, trails, and roads.

**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: NA

**NEGOTIATED RULEMAKING:** Pursuant to Section 67-5220(1), Idaho Code, negotiated rulemaking was conducted. The Notice of Intent to Promulgate Rules - Negotiated Rulemaking was published in the July 1, 2015 Idaho Administrative Bulletin, [Volume 15-7, page 39](#).

**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 concerning the proposed rule, contact Sharon Kiefer, Deputy Director (208) 334-3771.

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 28, 2015.

DATED this 3rd Day of September, 2015.

W. Dallas Burkhalter  
Deputy Attorney General  
Idaho Department of Fish and Game  
600 S. Walnut  
P.O. Box 25  
Boise, Idaho 83707  
(208) 334-3715  
Fax (208) 334-4128  
[dallas.burkhalter@idfg.idaho.gov](mailto:dallas.burkhalter@idfg.idaho.gov)



**THE FOLLOWING IS THE PROPOSED TEXT OF DOCKET NO. 13-0117-1501**  
**(Only Those Sections With Amendments Are Shown.)**

**100. USE OF BAIT FOR HUNTING.**

Bait for hunting 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, EXCEPT gray wolf may be taken incidentally to bear baiting. (4-4-13)

**01. Time.** (7-1-93)

**a.** No bait or bait container may be placed for the purpose of attracting or taking black bear prior to the opening of black bear take season EXCEPT bait may be placed one (1) week prior to the opening of bear season in Units 10, 12, 16A, 17, 19, 20, 20A, 26 and 27. (4-4-13)

**b.** All bait, bait containers and materials must be removed and all excavations refilled no later than seven (7) days after the close of each season (spring, fall, or black bear dog training); EXCEPT bait, bait containers, and materials may remain in Units 10 and 12 between the dog training season and the fall hunt. (4-4-13)

**02. Location.** (7-1-93)

**a.** No bait site may be located within two hundred (200) feet of any water (lake, pond, reservoir, year round free flowing spring and year round free flowing stream), or within two hundred (200) yards from any maintained trail or any ~~road~~ established roadway that is open to the general public for motorized traffic and capable of being traveled by full-sized automobiles. (3-30-01)( )

**b.** No bait site may be located within one-half (1/2) mile of any designated campground or picnic area, administrative site, or dwelling. (7-1-93)

**03. Types.** (7-1-93)

**a.** No person shall use any part of a domestic or wild origin game bird, big game animal, upland game animal, game fish, or protected nongame wildlife for bait or scent. (4-7-11)

**b.** The skin must be removed from any mammal parts or carcasses used as bait. (7-1-93)

**c.** No person shall use salt in any form (liquid or solid) for bait. (3-29-10)

**04. Containers.** (7-1-93)

**a.** No bait may be contained within paper, plastic, glass, metal, wood or other nonbiodegradable materials, except that a single, metal container with a maximum size of fifty-five (55) gallons may be used if securely attached at the bait site. (7-1-93)

**b.** No bait may be contained in any excavated hole greater than four (4) feet in diameter. (7-1-93)

**05. Establishment of Bait Sites.** (7-1-93)

**a.** Any structures constructed at bait sites using nails, spikes, ropes, screws, or other materials must be removed by the permit holder within seven (7) days after the close of each season; spring, fall, or black bear dog training. (3-29-10)

**b.** All bait sites must be visibly marked at the nearest tree or on the bait container using a tag supplied by the Department. (7-1-93)