



Eric Milstead  
Director

# Legislative Services Office

## Idaho State Legislature

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### MEMORANDUM

**TO:** Senators HEIDER, Brackett, Stennett and,  
Representatives GIBBS, Gestrin, Rubel

**FROM:** Katharine Gerrity - Deputy Division Manager

**DATE:** May 08, 2020

**SUBJECT:** Temporary Rule

IDAPA 13.01.04 - Rules Governing Licensing - Adoption of Temporary Rule - Docket No.  
13-0104-2001

We are forwarding this temporary rule to you for your information only. No analysis was done by LSO. This rule is posted on our web site. If you have any questions, please call Katharine Gerrity at the Legislative Services Office at (208) 334-4845. Thank you.

Attachment: Temporary Rule

Kristin Ford, Manager  
Research & Legislation

Paul Headlee, Manager  
Budget & Policy Analysis

April Renfro, Manager  
Legislative Audits

Glenn Harris, Manager  
Information Technology

# **IDAPA 13 – DEPARTMENT OF FISH AND GAME**

## **13.01.04 – RULES GOVERNING LICENSING**

### **DOCKET NO. 13-0104-2001**

#### **NOTICE OF RULEMAKING – ADOPTION OF TEMPORARY RULE**

**EFFECTIVE DATE:** This rule has been adopted by the agency and is effective April 4, 2020, at 9:30 am Mountain Daylight Time. Amendments made subsequent to the original rule adoption are effective April 9, 2020, at 8:30 am Mountain Daylight Time.

**AUTHORITY:** In compliance with Section 67-5226, Idaho Code, notice is hereby given that this agency has adopted a temporary rule. The action is authorized pursuant to Title 36, Idaho Code, including Sections 36-104 and 36-408, Idaho Code.

**DESCRIPTIVE SUMMARY:** The following is the required finding and concise statement of its supporting reasons for adopting a temporary rule.

The Governor has found that temporary rulemaking to establish limits for nonresident licenses, tags, permits, and hunting passports, as set forth herein, is appropriate for the duration of the March 25, 2020, Idaho Department of Health and Welfare (IDHW) Order to Self-Isolate in response to COVID-19 (as may be extended or superseded by comparable order of the Governor or IDHW).

This finding is consistent with the Governor’s March 25, 2020, proclamation of a state of extreme emergency related to the outbreak of COVID-19.

The amendments were added on April 9th to: (1) allow nonresidents who had already purchased a black bear tag prior to the rule adoption on April 4 to still purchase a bear bait permit, which is only available via mail and at department offices; (2) clarify that nonresidents who had a written agreement, but not specifically signed, with a licensed outfitter prior to the rule’s adoption on April 4th are still able to purchase licenses, tags, permits for the outfitted trip; and (3) specify that individuals who moved to Idaho to establish residency less than six months ago or who have not procured an Idaho driver’s license as required within 90 days of Idaho residency can still purchase a nonresident license, tag, or permit if they meet certain conditions.

**TEMPORARY RULE JUSTIFICATION:** Pursuant to Section 67-5226(1)(a) and (c), Idaho Code, the Governor has found that temporary adoption of the rule is appropriate for the protection of public health, safety, or welfare, or for otherwise conferring a benefit due to the extreme emergency presented by COVID-19.

The agency assumes that public health circumstances will support repeal of the temporary rule before a proposed rule could be reviewed by the legislature or become final, and the agency is not proceeding with concurrent proposed rulemaking.

**ASSISTANCE ON TECHNICAL QUESTIONS:** For assistance on technical questions concerning this temporary rule, contact Paul Kline at (208) 334-3771.

Dated this 10th day of April, 2020.

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Idaho Department of Fish and Game  
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THE FOLLOWING IS THE TEXT OF THE TEMPORARY RULE FOR DOCKET NO. 13-0104-2001  
(Only Those Sections With Amendments Are Shown.)

603. – ~~649~~. (RESERVED)

**650. TEMPORARY LIMIT ON NONRESIDENT TAGS, PERMITS, AND LICENSES.**

**01. Finding by the Governor.** Consistent with Section 67-5226, Idaho Code, the Governor has found that temporary rulemaking to establish limits for nonresident licenses, tags, permits, and hunting passports, as set forth herein, is appropriate for the protection of public health, safety, or welfare, or for otherwise conferring a benefit for the duration of the March 25, 2020 Idaho Department of Health and Welfare (IDHW) Order to Self-Isolate in response to COVID-19 (as may be extended or superseded by comparable order of the Governor or IDHW). (4-4-20)T

**a.** This finding is consistent with the Governor’s March 25, 2020 proclamation of a state of extreme emergency related to the outbreak of COVID-19. (4-4-20)T

**b.** The Commission adopts limits for nonresident licenses, tags, permits, and hunting passports, in conjunction with guidance for hunter, angler, and trapper social distancing and self-sufficiency (e.g., pack-in/pack-out), to support public health measures and public safety priorities. (4-4-20)T

**02. Temporary Limit on Nonresident Licenses, Permits, and Tags.** Effective immediately until such time as this rule is repealed, the following nonresident licenses, tags, permits, and hunting passports are limited to the amount sold as of 9:30 am MDT, April 4, 2020: (4-4-20)T

- a.** Nonresident annual and three (3)-year combination, fishing, and trapping licenses. (4-4-20)T
- b.** Nonresident junior annual and three (3)-year fishing licenses. (4-4-20)T
- c.** Nonresident annual and three (3)-day small game hunting licenses. (4-4-20)T
- d.** Nonresident daily (including consecutive day) fishing licenses. (4-4-20)T
- e.** Nonresident three (3)-day fishing licenses with salmon/steelhead permits. (4-4-20)T
- f.** Nonresident nongame hunting licenses. (4-4-20)T
- g.** Nonresident game tags for black bear, turkey, mountain lion, and gray wolf, including nonresident junior mentored and nonresident disabled American veteran tags for these species. (4-4-20)T
- h.** Nonresident permits for black bear baiting (unless the nonresident already possesses a valid 2020 black bear tag), hound hunting, salmon, steelhead, and two (2)-pole fishing permits. (4-9-20)T
- i.** Nonresident falconry meet permits. (4-4-20)T
- j.** Nonresident sport dog and falconry training permits. (4-4-20)T
- k.** Nonresident fishing tournament permits (suspension of sales of resident and nonresident tournament permits was implemented by Department/Commission Order 20-30). (4-4-20)T
- l.** Nonresident dog field trial permits. (4-4-20)T
- m.** Nonresident hunting passports. (4-4-20)T

**03. Exclusions.** (4-4-20)T

**a.** A nonresident who lives in Idaho and who is otherwise eligible under this Chapter to receive a resident license, resident tag, resident permit, or resident hunting passport, may obtain said resident license, resident tag, resident permit, or resident hunting passport. A nonresident who entered into a written agreement with a licensed outfitter, before the effective date and time of this temporary rule, is excluded from the limits of this Section 650, with the outfitter or outfitted client directed to contact a department regional office by phone to make arrangements for purchase. (4-9-20)T

**b.** A nonresident may make application for fall controlled hunts and may purchase a nonresident annual hunting license necessary to be eligible for such application. (4-9-20)T

**c.** A person who has moved into Idaho to establish residency, but has not yet qualified to purchase a resident license under Section 36-202(s), Idaho Code, is excluded from the limits of this Section 650, provided that the person presents: (1) an Idaho driver's license or Idaho residency documentation required for a non-driver under Subsection 13.01.04.050.01.b (which a driver who has not yet obtained an Idaho driver's license may present when the proclaimed emergency makes obtaining an Idaho driver's license impractical), of these rules, and (2) an unsworn declaration or certification by such person, under penalty of perjury in substantial compliance with Section 9-1406, Idaho Code, that such person intends to be a bona fide resident of Idaho; with such person directed to contact a department regional office by phone to make arrangements for nonresident license purchase. This rule temporarily supersedes provisions of IDAPA 13 that require "unqualified Idaho residents" to present notarized affidavits. (4-9-20)T

**651. – 699. (RESERVED)**