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**IDAPA 13
TITLE 01
CHAPTER 09**

13.01.09 – RULES GOVERNING THE TAKING OF GAME BIRDS

000. LEGAL AUTHORITY.

Sections 36-103, 36-104, 36-1101, and 36-1102, Idaho Code, authorize the Commission to adopt rules concerning the taking of game birds. (6-30-19)T

001. TITLE AND SCOPE.

These rules shall be cited as IDAPA 13.01.09, “Rules Governing the Taking of Game Birds.” These rules govern the taking of game birds. (6-30-19)T

002. WRITTEN INTERPRETATIONS.

Written interpretations of these rules and compliance documentation are available at the Department’s main office. (6-30-19)T

003. ADMINISTRATIVE APPEALS.

IDAPA 04.11.01, “Idaho Rules of Administrative Procedure of the Attorney General,” govern administrative appeals under this chapter. (6-30-19)T

004. INCORPORATION BY REFERENCE.

This chapter incorporates no documents by reference into this rule. (6-30-19)T

005. OFFICE — OFFICE HOURS — MAILING ADDRESS AND STREET ADDRESS.

The main office of the Department is open from 8 a.m. to 5 p.m., except Saturdays, Sundays and legal holidays. The mailing address is P.O. Box 25, Boise, Idaho 83707. The street address is 600 S. Walnut Street, Boise, Idaho. (6-30-19)T

006. PUBLIC RECORDS ACT COMPLIANCE.

The agency promulgates rules in accordance with the Administrative Procedure Act (Title 67, Chapter 52, Idaho Code), as provided in Idaho Code § 36-105, and they are public records. (6-30-19)T

007. – 009. (RESERVED)

010. DEFINITIONS.

01. Migratory Game Birds. Birds classified as migratory game birds in IDAPA 13.01.06, “Rules Governing Classification and Protection of Wildlife.” (6-30-19)T

02. Upland Game Birds. Birds classified as upland game birds in IDAPA 13.01.06, “Rules Governing Classification and Protection of Wildlife.” (6-30-19)T

03. Waterfowl. The combination of ducks, geese, and swans, under the migratory game bird classification in IDAPA 13.01.06, “Rules Governing Classification and Protection of Wildlife.” (6-30-19)T

011. – 099. (RESERVED)

100. SAGE AND SHARP-TAILED GROUSE TAGS, PERMITS, AND VALIDATIONS.

No person may hunt sage or sharp-tailed grouse anywhere within the state, except licensed shooting preserves, without having in possession the appropriate hunting license with validation for sage grouse and sharp-tailed grouse. (6-30-19)T

101. MIGRATORY GAME BIRD TAGS, PERMITS, AND VALIDATIONS.

01. License Validation. No person may hunt migratory game birds anywhere within the state, without having in possession the appropriate hunting license with validation for the Migratory Game Bird Harvest

Information Program and tag. (6-30-19)T

02. Sandhill Crane Tag. (6-30-19)T

a. Immediately after any sandhill crane is killed, the sandhill crane tag must be validated and securely attached to the sandhill crane. (6-30-19)T

b. To validate the tag, the hunter must cut out and completely remove two (2) triangles on the border of the tag, one (1) for the month and one (1) for the day of the kill. (6-30-19)T

c. The tag must remain attached so long as the sandhill crane is in transit or storage. (6-30-19)T

03. Youth Waterfowl Season. The youth waterfowl season is open only to licensed hunters with Migratory Bird validation who are eight (8) to seventeen (17) years of age, and the youth hunter must be accompanied in the field at all times by at least one (1) licensed hunter eighteen (18) years of age or older. (6-30-19)T

102. WILD TURKEY TAGS, STAMPS, PERMITS, AND VALIDATIONS.

No person may hunt wild turkey without having in possession the appropriate hunting license, tag, and controlled hunt permit. (6-30-19)T

01. Tags. There are three (3) types of turkey tags available: the general tag, extra tag, and special unit tag. A hunter may purchase one (1) general tag, two (2) extra tags, and three (3) special unit tags. The general tag and one (1) extra tag may be used during the spring general season; however, if one (1) or both go unused, the unused tag(s) may be used during the general fall season. A second extra tag may also be used during the general fall season. A general tag or an extra tag may be used with a controlled hunt permit in the spring and fall seasons. Special unit tags may be used in designated units during any season set by the Commission. (6-30-19)T

02. Youth General Hunts. Youth-only general hunts are limited to participation by hunters who are ten (10) to seventeen (17) years of age with a valid license. (6-30-19)T

03. Controlled Hunts. A controlled hunt permit for wild turkey is valid only for the hunt area for which the permit was drawn. (6-30-19)T

a. Eligibility: The holders of hunting licenses valid for game birds are eligible to apply for spring and fall controlled hunts subject to the following restrictions: (6-30-19)T

i. In the event a permit is issued based on erroneous information, the permit will be invalidated and the person will remain on the drawn list. (6-30-19)T

ii. Any person applying for a landowner permission hunt must have a signed permission slip from a landowner who owns more than seventy-nine (79) acres in the hunt area. The permission slip must have the landowner's name and address on it along with the landowner's signature. (6-30-19)T

iii. Any person applying for a youth-only controlled hunt must be nine (9) to seventeen (17) years of age, provided they are ten (10) to seventeen (17) years of age during the hunt for which they are applying, EXCEPT hunters sixty-five (65) years of age or older or hunters with a senior combination hunting license or a disabled combination hunting license may apply for first-come, first-served leftover youth-only controlled hunt permits. (6-30-19)T

b. Applications: Applications for spring and fall controlled hunts may be submitted electronically through the automated licensing system at any vendor location, including Department offices office, through the Internet, or via telephone, not later than March 1 for spring hunts and June 5 for fall hunts, annually. Applications must comply with the following requirements: (6-30-19)T

i. Holders of a Duplicate License (Type 501) must use their original license number to apply for a controlled hunt. Duplicate license numbers will not be accepted. (6-30-19)T

ii. Only one (1) application per person or group will be accepted. Additional application cards will result in all applicants being declared ineligible. (6-30-19)T

iii. A single payment (either cashier's check, money order, certified check, or personal check) may be submitted to cover fees for all applications. If a check or money order is insufficient to cover the fees, all applications will be voided and returned. (6-30-19)T

iv. A "group application" is defined as two (2) hunters applying for the same controlled hunt on the same application. (6-30-19)T

v. Hunting license and tag fees will NOT be refunded to unsuccessful applicants. (6-30-19)T

c. Drawing information: Single or group applications which are not drawn for the first choice hunt will automatically be entered into a second choice drawing provided the second choice hunt applied for has not been filled. (6-30-19)T

04. Tag Validation. (6-30-19)T

a. Tag and permit validation and attachment: Immediately after any wild turkey is killed, the turkey tag and permit, if a controlled hunt, must be validated and securely attached to the wild turkey. (6-30-19)T

b. To validate the tag and permit, the hunter must cut out and completely remove two (2) triangles on the border of the tag and permit, one (1) for the month and one (1) for the day of the kill. (6-30-19)T

c. The tag and permit must remain attached so long as the turkey is in transit or storage. (6-30-19)T

05. Tag Designation. (6-30-19)T

a. Any resident adult person who possesses a controlled hunt permit may designate the controlled hunt permit to his or her resident minor child or grandchild who is qualified to participate in the hunt. The designated child or grandchild shall possess the appropriate tag for the hunt. (6-30-19)T

b. Any nonresident adult person who possesses a controlled hunt permit may designate the controlled hunt permit to his or her nonresident minor child or grandchild who is qualified to participate in the hunt. The designated child or grandchild shall possess the appropriate tag for the hunt. (6-30-19)T

c. Designation of the controlled hunt permit shall be made on a form prescribed by the Department and may be submitted either in person to any Department Office or by mail to the License Supervisor at P.O. Box 25, Boise, ID 83707. (6-30-19)T

d. Any child cannot be designated more than one (1) control hunt permit per calendar year. (6-30-19)T

e. Designation of a controlled hunt permit shall be completed before the first opening hunt date for the permit. (6-30-19)T

06. Landowner Permission Tags. Landowner permission hunt tags will be sold on a first-come, first-served basis at Department offices after March 20 for spring hunts and after July 10 for fall hunts. (6-30-19)T

103. PHEASANT TAGS, PERMITS, AND VALIDATIONS.

No person may hunt pheasant anywhere within the state, except licensed shooting preserves, without having in possession the appropriate hunting license and permit. (6-30-19)T

01. WMA Upland Game Bird Permit. (6-30-19)T

a. Any person eighteen (18) years of age or older hunting for or having a pheasant in his or her

possession on Fort Boise, C.J. Strike, Montour, Payette River, Sterling, Market Lake, Mud Lake, Cartier, or Niagara Springs Wildlife Management Areas must have a valid WMA Upland Game Bird Permit in possession. (6-30-19)T

b. Permit Limit. Each WMA Upland Game Bird Permit has a limit of six (6) cocks. Multiple permits may be purchased. (6-30-19)T

c. Permit Validation. Any person harvesting a pheasant where a WMA Upland Game Bird Permit is required must immediately validate their Permit upon reducing a pheasant to possession by entering the harvest date and location in Non-Erasable ink, and removing a notch from the permit for each pheasant taken. (6-30-19)T

02. Youth Pheasant Season. The youth pheasant season is open only to hunters ten (10) to seventeen (17) years of age with a valid hunting license and hunting passport holders eight (8) to seventeen (17) years of age, and each youth hunter must be accompanied in the field at all times by at least one (1) adult eighteen (18) years of age or older, having in his or her possession a valid hunting license. (6-30-19)T

104. TAG EXCEPTION FOR COMPANION TO DISABLED HUNTER.

01. Assistance of Disabled Hunter by Designated Companion. Any disabled hunter possessing a valid disabled combination license or a disabled hunt motor vehicle permit and who possesses a valid tag may be accompanied, close enough to be within normal conversation or hearing range without shouting or the aid of electronic devices, by a designated companion who may assist the disabled hunter with taking a turkey or a sandhill crane. (6-30-19)T

02. Valid License. A companion to a disabled hunter must have a valid license when assisting a disabled hunter with taking turkey or sandhill crane. (6-30-19)T

03. Excepted From Tag or Control Hunt Permit Possession. A companion assisting a disabled hunter is excepted from tag or control hunt permit possession to take a turkey or sandhill crane wounded by a disabled hunter. All other applicable rules governing the taking of turkey and sandhill crane in this chapter shall apply to the companion assisting the disabled hunter. (6-30-19)T

04. Validation and Attachment of Tag. The companion to a disabled hunter may validate and attach the disabled hunter's tag on a turkey or sandhill crane per Subsections 100.02 and 100.03. (6-30-19)T

05. Accompanying the Disabled Hunter. The companion to a disabled hunter shall accompany the disabled hunter while hunting. Once the disabled hunter has wounded a turkey or sandhill crane, the companion does not need to be accompanied by the disabled hunter while taking a turkey or sandhill crane wounded by the disabled hunter or while tagging or retrieving a downed turkey or sandhill crane on behalf of the disabled hunter. (6-30-19)T

06. Written Statement of Designation. While taking a wounded turkey or sandhill crane to assist a disabled hunter, the companion to a disabled hunter shall possess a written statement of designation from the disabled hunter as their companion, signed by the disabled hunter including the disabled hunter's name, address, hunting license number, tag number and control hunt permit if applicable, and the dates of designation as a companion. If a companion to a disabled hunter transports a turkey or sandhill crane on behalf of a disabled hunter, a proxy statement is required per Section 36-502, Idaho Code. (6-30-19)T

07. Companion's Possession Limit. Turkey or sandhill crane killed, tagged, or retrieved by a designated companion on behalf of a disabled hunter do not count against the companion's possession limit. (6-30-19)T

08. Disabled Hunter Considered for Violation. The disabled hunter in possession of the valid tag shall be considered the hunter for violation of IDAPA 13.01.08, "Rules Governing the Taking of Big Game Animals in Idaho," Section 351, Waste of Game Meat. (6-30-19)T

105. – 199. (RESERVED)

200. IDENTIFICATION OF SPECIES IN POSSESSION AND DURING TRANSPORTATION.

Any person in possession of or transporting or shipping any game birds must comply with the following requirements: (6-30-19)T

01. Wild Turkey. The beard or leg of wild turkey must be left naturally attached to the carcass. (6-30-19)T

02. All Other Game Birds and Eurasian-Collared Doves. One (1) fully-feathered wing or the head must be retained on all other dressed game birds to permit identification as to species and sex while being transported between the place where taken and the personal abode of the possessor OR between the place where taken and a commercial processing or storage facility. (6-30-19)T

201. – 299. (RESERVED)

300. UPLAND GAME BIRD METHODS OF TAKE.

01. Upland Game Birds. No person shall take upland game birds: (6-30-19)T

a. With a trap, snare, net, crossbow, or firearm. (6-30-19)T

i. EXCEPT a shotgun using shells not exceeding three and one-half (3-1/2) inches maximum length, slingshot, or hand-held or thrown missile; (6-30-19)T

ii. or, EXCEPT, for taking forest grouse only, a crossbow may be used by a person who possesses a Disabled Persons Archery Hunting Permit or a Special Weapon Reasonable Modification Hunting Permit authorizing use of a crossbow, or by a person hunting in an area where crossbow is a lawful method of take for big game. (6-30-19)T

b. From any watercraft. (6-30-19)T

c. By the use or aid of any electronic call. (6-30-19)T

d. By the aid of baiting. Bait is defined as any substance placed to attract upland game birds. (6-30-19)T

e. When hunting on Wildlife Management Areas where pheasants are stocked without wearing at least thirty-six (36) square inches of visible hunter orange above the waist. (6-30-19)T

02. Wild Turkey. In addition to the methods listed above, wild turkey may not be taken: (6-30-19)T

a. With lead shot exceeding BB size. (6-30-19)T

b. With steel shot exceeding T size. (6-30-19)T

c. By the use of dogs, except during fall hunts. (6-30-19)T

301. MIGRATORY GAME BIRD AND AMERICAN CROW METHODS OF TAKE.

As provided by Section 36-1102, Idaho Code, taking of migratory birds is subject to the provisions of the federal migratory bird treaty act and federal regulations (found at 50 CFR Part 20). (6-30-19)T

01. Waterfowl. No person may take waterfowl, or coot while in possession of shot other than nontoxic shot federally approved for waterfowl hunting. No person may take waterfowl with shot larger than two tenths (.20) inches in diameter (size T). (6-30-19)T

02. Mourning Doves, Common Snipe, and Sandhill Cranes. No person may take mourning doves, common snipe, or Sandhill Cranes while in possession of shot larger than two tenths (.20) inches in diameter (size T). (6-30-19)T

03. American Crow. No person may take American crow: with trap, snare, net, rifle, pistol or a shotgun using shells exceeding three and one-half (3-1/2) inches maximum length. (6-30-19)T

302. – 399. (RESERVED)

400. AREAS CLOSED TO HUNTING OF GAME BIRDS.

01. General. Hunting, killing, or molesting of any game bird is prohibited in the following areas: (6-30-19)T

a. That area of Craters of the Moon National Monument in Blaine and Butte Counties prior to the 2000 expansion of the Monument (which excludes the Craters of the Moon National Preserve). (6-30-19)T

b. Hagerman Fossil Beds National Monument in Twin Falls County, EXCEPT that portion within an area fifty (50) feet in elevation above the high water level of the Snake River (the upslope area is marked by yellow fiberglass markers, and hunting is permitted downslope to the river). (6-30-19)T

c. Harriman State Park Wildlife Refuge in Fremont County. (6-30-19)T

d. Nez Perce National Historical Park in Clearwater, Idaho, and Nez Perce Counties. (6-30-19)T

e. That portion of Ada County within Veterans Memorial Park and the area between State Highway 21, Warm Springs Avenue and the Boise City limits. (6-30-19)T

f. Yellowstone National Park in Fremont County. (6-30-19)T

g. Fort Boise Wildlife Management Area (WMA) in Canyon County from September 15 through the end of the waterfowl hunting season in the area enclosed by the following boundary: Beginning at the bridge across Sand Hollow Creek on Old Fort Boise Road approximately one hundred (100) yards west of the WMA headquarters, then north along the east bank of Sand Hollow Creek to its confluence with the Snake River, then north and northeast downstream along the east bank of the Snake River to the WMA boundary fence, then south and southeast along the WMA boundary fence to Old Fort Boise Road, then west on Old Fort Boise Road to the point of beginning. (6-30-19)T

h. Roswell Marsh Wildlife Habitat Area in Canyon County on Sundays, Mondays, Tuesdays and Wednesdays from September 15 through the end of the waterfowl hunting season in the area south of Highway 18 and west of Pebble Lane (Roswell Marsh segment). (6-30-19)T

i. Mann's Lake in Nez Perce County and extending three hundred (300) yards beyond the Bureau of Reclamation property that encompasses the lake. (6-30-19)T

j. On any of those portions of federal refuges, State game preserves, State wildlife management areas, bird preserves, bird refuges, and bird sanctuaries for which bird hunting closures have been declared by legislative or Commission action EXCEPT as otherwise expressly stated below in Section 410 under Game Preserves Open to Hunting of Game Birds. (6-30-19)T

02. Migratory Game Birds. In addition to the areas listed above, hunting, killing, or molesting of any migratory game bird EXCEPT mourning dove is prohibited in the following areas. Areas CLOSED to hunting of migratory game birds: (6-30-19)T

a. Fort Hall Indian Reservation in Bingham, Bannock, and Power Counties within three hundred (300) yards each way of the Fort Hall Bluffs from Bigbend Boat Launch to the west boundary of the Fort Hall Indian Reservation, and within one hundred (100) yards of any improved roadway or inhabited dwelling any place within the reservation boundary. (6-30-19)T

b. Hagerman Wildlife Management Area (WMA) in Gooding County in the area enclosed by the following boundary: Beginning at a point two hundred (200) yards west of the point at which U.S. Highway 30

crosses the south bank of Gridley Island, then northwest along a line two hundred (200) yards southwest of and parallel to U.S. Highway 30 to a point two hundred (200) yards west of the junction of U.S. Highway 30 and the WMA entrance, then west and north and east along a line two hundred (200) yards outside of the WMA boundary which is marked by a fence, to the point at which the fence meets U.S. Highway 30, then east and south along a line five hundred (500) yards outside of the WMA boundary to the Snake River, then downstream along the north bank of the Snake River and then along the south bank of Gridley Island to the point where U.S. Highway 30 crosses the south bank of Gridley Island, then two hundred (200) yards west of U.S. Highway 30 to the point of beginning. Exception: Department sponsored waterfowl hunts. (6-30-19)T

c. Hubbard Reservoir in Ada County including the shoreline area within two hundred (200) yards of the existing water line. (6-30-19)T

d. Mormon Reservoir in Camas County including the shoreline area within two hundred (200) yards of the ordinary high water line. (6-30-19)T

e. Spokane River in Kootenai County from the Post Falls Dam to Lake Coeur d'Alene at the orange pilings, within two hundred (200) yards of the ordinary high water line two thousand one hundred twenty-eight (2,128) feet above sea level. (6-30-19)T

f. Thompson Lake in Kootenai County in the area enclosed by the following center-of-roadway boundary: Beginning at the junction of State Highway 97 and Thompson Lake Road 317 north of the town of Harrison, then along Thompson Lake Road 317 to the junction of Blue Lake Road 318 east of Thompson Lake, then along Blue Lake Road 318 to the junction of Anderson Lake Road 319 at Springston, then along Anderson Lake Road 319 to the Trail of the Coeur d'Alenes bicycle path, then west along the bicycle path to the junction of State Highway 97 west of Harrison, then along State Highway 97 to the point of beginning. (6-30-19)T

03. Geese. Areas CLOSED to the hunting of geese. In addition to the areas listed in Section 301 and Subsection 301.01 above, the hunting, killing, or molesting of any species of geese is prohibited in the following areas: (6-30-19)T

a. Canyon County in the area enclosed by the following roadway boundary and within one hundred fifty (150) feet of the exterior side of said boundary (except that the closure shall extend to one hundred (100) yards from the exterior side of said boundary along that section commencing at the junction of Lake Shore Drive and Rim Road, then south on Rim Road to west Lewis Lane, then east on west Lewis Lane to Lake Shore Drive, then along Lake Shore Drive to Emerald Road): Beginning approximately three fourths (3/4) of a mile south of the City of Nampa at the junction of State Highway 45 (12th Avenue Road) and Greenhurst Road, then west following Greenhurst Road to its junction with Middleton Road, then north following Middleton Road to its junction with Lake Lowell Avenue, then west following Lake Lowell Avenue to its junction with Lake Avenue, then north following Lake Avenue to its junction with West Roosevelt Avenue, then west following West Roosevelt Avenue to its junction with Indiana Avenue, then north following Indiana Avenue to its junction with State Highway 55 (Karcher Road), then west following State Highway 55 to its junction with Riverside Road, then south following Riverside Road to the Deer Flat National Wildlife Refuge boundary, then west along boundary fence below lower embankment as posted to Lake Shore Drive, then in a southeast direction following Lake Shore Drive to its junction with Marsing Road, then east and south on Lake Shore Drive to Rim Drive, then south on Rim Drive to West Lewis Lane, then east on West Lewis Lane to Lake Shore Drive, then southeast on Lake Shore Drive to State Highway 45, then north on State Highway 45 to its junction with Greenhurst Road, the point of beginning. (6-30-19)T

b. Hagerman Valley in Gooding and Twin Falls Counties in the area enclosed by the following boundary: Beginning at the Gridley Island Bridge on the Snake River, then south and east along the south bank to a point perpendicular to mile marker 187.5, then on a direct line east to the southern tip of Ritter Island (in the Snake River), then continuing east to the intersection of 3200 South Road and 1300 East Road, then north on the 1300 East Road to the 1200 East Road, then northwest and north on the 1200 East Road to the 3000 South Road, then west on the 3000 South Road to a point (which is five hundred (500) yards east of the intersection of the 3000 South Road and the Hagerman National Fish Hatchery Road) five hundred (500) yards east of the Hagerman Wildlife Management Area (WMA) boundary, then north and west five hundred (500) yards outside the Hagerman WMA boundary to U.S. Highway 30, then west and south two hundred (200) yards outside the Hagerman WMA boundary to the 2900 South Road, then west on the 2900 South Road to the 900 East Road, then due south to a point two hundred (200) yards

north of the Snake River, then west and north two hundred (200) yards outside the high water line on the east bank of the Snake River to Lower Salmon Dam, then west across the Snake River, then south, southwest and east two hundred (200) yards outside the high water line on the west bank of the Snake River (including the Idaho Power Upper Salmon Dam diversion canal) to the Gridley Bridge on U.S. Highway 30, the point of beginning. (6-30-19)T

c. Minidoka and Cassia Counties in the area enclosed by the following boundary: Within two hundred (200) yards of the high water line of the Snake River from Milner Dam upstream to Meridian Road (north side of the Snake River) and 650 East Road (south side of the Snake River), approximately six and one-half (6 1/2) miles east of the City of Burley. (6-30-19)T

401. GAME PRESERVES OPEN TO THE HUNTING OF MIGRATORY GAME BIRDS.
The David Thompson Preserve in Bonner County is open to the hunting of migratory game birds. (6-30-19)T

402. – 449. (RESERVED)

450. WOUNDING – RETRIEVING.
No person shall wound or kill any game bird without making a reasonable effort to retrieve it and reduce it to possession. Every game bird wounded by hunting and reduced to possession shall be killed immediately and become a part of the daily bag limit. (6-30-19)T

451. – 499. (RESERVED)

500. OFFICIAL SHOOTING HOURS.
No person shall take game birds outside of official shooting hours. (6-30-19)T

01. Migratory Game Birds and Wild Turkey. Official shooting hours for migratory game birds and wild turkey are from one-half (1/2) hour before sunrise until sunset. (6-30-19)T

02. Upland Game Birds and American Crow. Official shooting hours for upland game birds and American crow are from one-half (1/2) hour before sunrise to one-half (1/2) hour after sunset. In locations requiring possession of a WMA Upland Game Bird permit, the Commission may designate alternate official shooting hours by proclamation. (6-30-19)T

501. – 599. (RESERVED)

600. SEASONS, BAG, AND POSSESSION LIMITS, AND MANAGEMENT UNITS.
The Commission sets seasons, bag limits, and possession limits for game birds by proclamation, as published in a brochure available at Department offices and license vendors. Management Unit Descriptions for wild turkey are contained in IDAPA 13.01.08.600, “Rules Governing the Taking of Big Game Animals.” (6-30-19)T

601. – 999. (RESERVED)

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